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**Minutes of the 8th Meeting of the**

**Food, Environment, Hygiene & Works Committee (2014-2015)**

**Central and Western District Council**

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| **Date** | : | **28th May 2015** |
| **Time** | : | **2:30 pm** |
| **Venue** | : | **Conference Room**  **14/F, Harbour Building**  **38 Pier Road, Central, Hong Kong** |

Present:

Chairman

Mr LEE Chi-hang, Sidney\*

Vice-chairman

Dr Malcolm LAM (2:35 pm – end of the meeting)

Members

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| Mr CHAN Chit-kwai, BBS, JP | (beginning of the meeting – 5:33 pm) |
| Mr CHAN Choi-hi, MH\* |  |
| Mr CHAN Ho-lim, Joseph | (beginning of the meeting – 4:43 pm) |
| Mr CHAN Hok-fung, MH\* |  |
| Ms CHENG Lai-king | (2:34 pm – end of the meeting) |
| Mr CHEUNG Yick-hung, Jackie | (2:50 pm – 3:23 pm) |
| Mr HUI Chi-fung | (beginning of the meeting – 2:40 pm) |
| Mr IP Kwok-him, GBS, JP | (4:07 pm – 4:42 pm) |
| Mr KAM Nai-wai, MH\* |  |
| Miss LO Yee-hang | (3:31 pm – end of the meeting) |
| Ms SIU Ka-yi\* |  |
| Mr MAN Chi-wah, MH\* |  |
| Mr NG Siu-keung, Thomas, MH, JP | (2:34 pm – 5:26 pm) |
| Mr WONG Kin-shing\* |  |
| Mr YIP Wing-shing, BBS, MH, JP\* |  |

Co-opted Members

Miss LAU Wai-yan, Vienna (beginning of the meeting – 4:43 pm)

Mr LI Po-ming (2:47 pm – 4:31 pm)

Mr LUI Hung-pan (2:34 pm – end of the meeting)

Ms NG Hoi-yan, Bonnie\*

Mr YEUNG Hok-ming\*

Mr YEUNG Ho-kei (2:41 pm – end of the meeting)

Remarks: \* Members who attended the whole meeting

( ) Time of attendance of Members

Guests

Item 4

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| Mr NG Siu-man, Simon | Development Bureau | Assistant Secretary (Tree Management) 1 |

Item 5

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| Mr TANG Wai-ho, Ronald | Electrical and Mechanical Services Department | Senior Electrical and Mechanical Engineer |
| Ms WONG Kam-ling, Candy | Buildings Department | Building Surveyor/A3-SD |
| Mr CHEUNG Ka-wai | Fire Services Department | Senior Divisional Officer (Dangerous Goods) |
| Mr WONG Heung-wing | Fire Services Department | Divisional Officer (Dangerous Goods) (Atg) |
| Mr HO Ka-chun | Fire Services Department | Assistant Divisional Officer (Dangerous Goods) |
| Mr WONG Man-fai | Labour Department | Senior Divisional Occupational Safety Officer (2) (Operations Division) (Hong Kong and Islands Region) |
| Mr WONG Ho-kuen | Labour Department | Divisional Occupational Safety Officer (Operations Division) (Hong Kong and Islands – 3 District Office) |

Item 6

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| Mr AU Wing-hung | Home Affairs Department | Chief Officer (Licensing Authority) |
| Mr KO Man-sum | Home Affairs Department | Senior Divisional Officer (Licensing Authority) |
| Ms WONG Kam-ling, Candy | Buildings Department | Building Surveyor/A3-SD |
| Mr TONG Chung-wai | Fire Services Department | Divisional Officer (Hong Kong Central) |
| Mr TANG Chun-keung | Fire Services Department | Station Officer, Sheung Wan Fire Station |
| Mrs MAK LEUNG Suet-mui, Cherry | Lands Department | Senior Estate Surveyor/West (District Lands Office, Hong Kong West and South) |

Item 7

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| Ms WONG Kam-ling, Candy | Buildings Department | Building Surveyor/A3-SD |
| Mr KO Pui-yung, Richard | Labour Department | Senior Divisional Occupational Safety Officer (1) (Operations Division) (Hong Kong and Islands Region) |
| Mr LAW Wing-chiu | Labour Department | Divisional Occupational Safety Officer (Operations Division) (Building and Engineering Construction (Hong Kong and Islands) 3) |

Item 8

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| Mr CHING Chi-yan, Billy | Hong Kong Police Force | Police Community Relations Officer (Western District) |
| Mr FAN Ka-yin | Hong Kong Police Force | Neighbourhood Police Co-ordinator, Police Community Relations Office (Western District) |
| Mr LAW See-hon, Sean | Environmental Protection Department | Senior Environmental Protection Officer (Regional South) 1 |
| Mr LIU Chi-wai | Food and Environmental Hygiene Department | District Environmental Hygiene Superintendent (Central/Western) |

Item 9

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| Ms WONG Kam-ling, Candy | Buildings Department | Building Surveyor/A3-SD |
| Mr AU Chun-ho, Wilfred | Urban Renewal Authority | Assistant General Manager, Planning and Design |
| Ms YUN Sin-wa, Sarah | Urban Renewal Authority | Senior Manager, Community Development |

In Attendance

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| Miss CHOW Ho-kiu, Cheryl, JP | Central and Western District Office | District Officer |
| Miss LAM Bing-bing, Erica | Central and Western District Office | Assistant District Officer |
| Mr CHAN Shing-fung | Central and Western District Office | Senior Executive Officer (District Council) (Atg) |
| Miss YU Yan-yan, Rosanna | Central and Western District Office | Senior Executive Officer (District Management) |
| Ms WONG Kam-ling, Candy | Buildings Department | Building Surveyor/A3-SD |
| Mrs MAK LEUNG Suet-mui, Cherry | Lands Department | Senior Estate Surveyor/West (District Lands Office, Hong Kong West and South) |
| Mr TSANG Chi-bun | Hong Kong Police Force | Assistant Police Community Relations Officer (Central District) |
| Mr KWOK Tsz-ping | Hong Kong Police Force | Neighbourhood Police Co-ordinator, Police Community Relations Office (Central District) |
| Mr CHING Chi-yan, Billy | Hong Kong Police Force | Police Community Relations Officer (Western District) |
| Mr FAN Ka-yin | Hong Kong Police Force | Neighbourhood Police Co-ordinator, Police Community Relations Office (Western District) |
| Mr LIU Chi-wai | Food and Environmental Hygiene Department | District Environmental Hygiene Superintendent (Central/Western) |
| Mr WONG Kim-ching, Philip | Leisure and Cultural Services Department | Assistant District Leisure Manager (Central and Western) (Atg) |
| Mr WONG Siu-wah, Pierre | Civil Engineering and Development Department | Senior Engineer 11 (Hong Kong Island Division 1) |
| Mr LAW See-hon, Sean | Environmental Protection Department | Senior Environmental Protection Officer (Regional South) 1 |

Secretary

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| Miss YIP Kit-wai, Angel | Central and Western District Office | Executive Officer (District Council) 3 |

Absent with Apologies

Mr CHEUNG Kwok-kwan, JP

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| **Opening Remarks** | | | | | | | |
| The Chairman welcomed Members and representatives from government departments to the 8th meeting of the Food, Environment, Hygiene & Works Committee (FEHWC) (2014-15). The Chairman welcomed Mr TSANG Chi-bun, Assistant Police Community Relations Officer (Central District) of the Hong Kong Police Force (HKPF), who attended the meeting on behalf of Mr CHUNG Kin-yeung, Winky; Mr KWOK Tsz-ping, Neighbourhood Police Co-ordinator of the Police Community Relations Office (Central District) of the HKPF, who attended the meeting on behalf of Mr LAI Fai-keung; Mr Philip WONG, Assistant District Leisure Manager (Central and Western) of the Leisure and Cultural Services Department (LCSD), who attended the meeting on behalf of Mr CHOI Yiu-kwok, Kent; Miss Erica LAM, Assistant District Officer of the Central and Western District Office (C&WDO), who succeeded Mr CHAN Yun-man, Winston; and Mr CHAN Shing-fung, Senior Executive Officer (District Council) (Atg) of the C&WDO, who attended the meeting on behalf of Ms WONG Ming-wai, Cynthia. | | | | | | | |
| **Item 1: Adoption of the Agenda**  (2:30 pm) | | | | | | | |
| 1. As there were no comments from Members, the agenda was adopted. | | | | | | | |
| **Item 2: Confirmation of the Minutes of the 7th FEHWC Meeting on 26 March 2015**  (2:31 pm) | | | | | | | |
| 1. The Chairman said that proposed amendments to the minutes had been received from Members before the meeting for Members’ consideration. 2. There being no comments on the minutes of the 7th FEHWC meeting and the proposed amendments, the Chairman declared the minutes and the amendments confirmed. | | | | | | | |
| **Item 3: Reports of the Chairman and Working Groups**  (2:31 – 2:32 pm)   1. The Chairman said that the Secretariat had passed the following information papers to Members for perusal by circulation:  |  |  |  | | --- | --- | --- | | No. | Document Title | Circulation Date | | 26/2015 | Food and Environmental and Hygiene Department  Central and Western District Minor Work Progress Report (Until the end of March 2015) | 14 April 2015 | | 27/2015 | Food and Environmental Hygiene Department Anti-mosquito Campaign 2015 (Phase II) in Central and Western District | 20 April 2015 | | 36/2015 | [Actions Taken against the Obstruction Casued by Waste Recycling Shops](http://www.districtcouncils.gov.hk/central/doc/2012_2015/en/committee_meetings_doc/FEHWC/9522/20150526_FEHWC_Paper_36_2015.pdf) | 26 May 2015 | | | | | | | | |
| 1. The Chairman said that the document “Actions Taken against the Obstruction Caused by Waste Recycling Shops” was regularly discussed at the District Management Committee. In addition, Members of the FEHWC had never raised any opinions about the document. He therefore suggested deleting the circulation of the document starting from the next FEHWC meeting. Members could submit papers on the item for discussion if necessary. The FEHWC unanimously passed the Chairman’s suggestion. 2. The working group reports were forwarded to Members along with the first batch of papers on 12 May. Members were asked to note the contents of the papers. 3. The Chairman reported that the Food and Environmental Hygiene Department (FEHD) would conduct anti-mosquito operations at Smithfield Market, Shek Tong Tsui Market, Sheung Wan Market and Sai Ying Pun Market in the Central and Western (C&W) District at 10:30 am on 29 May 2015. Moreover, the C&WDO would conduct the Anti-mosquito Campaign 2015 also in the four markets at 10:30 am on 26 June 2015. Members were welcome to participate in the activity. | | | | | | | |
| **Item 4: Concern over the Work of the Tree Management Office**  **(C&W FEHWC Paper No. 28/2015)**  (2:32 pm – 3:24 pm) | | | | | | | |
| 1. Mr CHAN Choi-hi opined that the replies from various departments to the follow-up action on the risk assessment of trees in the C&W District were too brief. He requested the Water Supplies Department, the Housing Department, the C&WDO and the Civil Engineering and Development Department to submit data on the number of trees and information about the risk mitigation measures. | | | | | | | |
| 1. Mr Simon NG, Assistant Secretary (Tree Management) 1 of the Development Bureau, said that the departments conducted the tree risk assessments (TRA) of trees under their maintenance and took the necessary risk mitigation measures according to the guidelines laid down by the Tree Management Office (TMO) of the Development Bureau. In addition, he said that the TMO consolidated the information provided by various departments and prepared the replies to Members in a standard format. | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Mr CHAN Chit-kwai referred to the TMO’s reply that the TMO had audited 120 tree assessment forms completed by the tree management departments for trees in the C&W District. He enquired about the number of trees involved. He also enquired about the number of trees in the C&W District maintained by the Agriculture, Fisheries and Conservation Department (AFCD) and the scope of the TRA conducted by the AFCD on 30 April. Moreover, he asked where the 10 trees in the district to be further examined by the Drainage Services Department (DSD) were located. | | | |
|  | | | | Mr CHAN Choi-hi hoped that the departments could disclose more information. He also asked the TMO to explain the mechanism of the random checks of the TRA efforts of all tree management departments and the categories of potential risks of the 340 referred cases. He suggested the TMO standardise the random checks of TRA work carried out by tree management departments to address the public concern. | | | |
|  | | | | Ms CHENG Lai-king asked if the AFCD would again assess the health of trees subsequent to the TRA on 30 April. She also asked if the owners’ corporations of buildings would arrange routine inspection of trees. She did not wish to see tree collapse cases anymore and urged the TMO to strengthen tree management efforts so as to achieve the objective of “people, trees, harmony”. | | | |
|  | | | | Mr Joseph CHAN remarked that trees were precious social resources. If the departments concerned could identify tree problems early and carry out the required maintenance, the life spans of trees could be optimised. The public safety would otherwise be put at risk. As tree maintenance was of paramount importance, he asked the TMO to step up the work to achieve the objective of “people, trees, harmony”. He pointed out that the Government had not put in strenuous efforts in maintaining trees, as evidenced by the lack of routine inspection of trees with problems. He did not see why tree experts could not identify the tree problems as he had reported trees with potential danger to the Government every week. He considered that there was a need to review the effectiveness of tree inspection. He also said that the time taken by departments for handling tree problems was too long. For example, a tree on Tregunter Path had collapsed in the previous week and fell on the gate and security booth of a private housing estate nearby. As a matter of fact, the department concerned had inspected the tree and found that it was in potential danger before the incident. Moreover, he had found a tree which was about to collapse on the slope of Canossa Hospital and informed the department concerned to follow up. Finally, it took the department three weeks to arrange for staff members to handle the case. He said that the department would have to be responsible for any accidents that might happen during the three weeks. He quoted another case happened at the weekend before. A tree collapsed on the hiking trail at Old Peak Road. Hikers had to move the tree by themselves and the Highways Department (HyD) helped to remove the tree later. As could be seen from all the cases, the departments had not taken adequate action on inspecting trees and following up cases raised by the public or Members. He suggested setting up a centralised management mechanism to handle all matters related to inspection and follow-up action of trees. | | | |
|  | | | | Ms SIU Ka-yi also gave a few examples in her constituency. An old and valuable tree (OVT) on 144 Caine Road was cut down because of sudden disease. She enquired if unhealthy trees were cut down because the TMO did not attend to the trees in a timely fashion. Moreover, she said that the school principal of C&W District St Anthony’s School approached her out of the worry that some trees on Hospital Road near the school would fall. The principal had called 1823 before asking her for help but did not receive a reply after waiting for several days. She doubted if emergency cases about unhealthy trees could be handled by 1823. Finally she contacted the HyD to handle the case and therefore held that the TMO’s hotline handled by 1823 was not an effective solution to tree problems. She then enquired about the number of tree experts in each department. | | | |
|  | | | | Mr YEUNG Hok-ming said that according to the TMO’s replies at the current meeting and the previous special DC meeting, there should be only one standard in tree management. However, he found in the annex that different departments had adopted different standards in TRA and that only the DSD gave a relatively detailed reply. He then asked the DSD the differences between the two categories of zones and if other departments would follow the DSD’s practice of classifying risks into two categories. He pointed out that some Members had requested the TMO to improve the methods for inspecting trees at the previous special meeting. He asked the TMO what improvement measures it had in place. Moreover, he enquired if the C&WDO would discuss with the owners’ corporations of buildings the trees on private land. He hoped that the Government could offer more assistance about tree management to the owners’ corporations of private housing estates. | | | |
|  | | | | Miss Vienna LAU remarked that many large trees in the C&W District were very close to residential buildings. She had received complaints from residents that some tree branches had stretched into their units and residents were worried that the branches would hit their windows in tropical cyclone seasons. She had called 1823 for help, but the case was not handled until four months later and the action taken was trimming the leaves only. She suggested the departments concerned should check if the tree structure would cause any nuisance to nearby residents, apart from checking the health condition of trees. | | | |
|  | | | | Mr CHAN Hok-fung said it was beyond the public’s ability to judge the health of the stonewall trees on Forbes Street. The previous inspection of those trees by the department concerned was done in December 2014. He asked if inspection could be stepped up before the rainy season and tropical cyclone season. Moreover, he suggested enhancing the dissemination of information to enable the public to know of the health condition of trees. He then pointed out that two trees on Pokfield Road and Caine Road respectively were cut down by the TMO recently, but the C&WDC was informed only right before the action. He suggested the TMO inform the C&WDC once any tree problems were identified so that Members could alert the public to the situation. | | | |
|  | | | | Mr YIP Wing-shing stated that the conditions of trees would change during tropical cyclone seasons and rainy season. He referred to the trees at the bus stop on Pok Fu Lam Road near Academic Terrace. He remarked that many trees were in poor condition and the trees on a short section of road were under the management of different departments. Since there were too many departments responsible for tree management, the public did not know which tree was under the purview of which department. If any problems came up, the departments would shift the responsibility onto each other. He held that the departments should properly manage the trees and should not take remedial measures only after accidents. In addition, he reminded the departments to see to it that the roots of trees could support the crowns. | | | |
|  | | | | Mr Jackie CHEUNG said he had identified 10 spots with high risks in his constituency after inspection and had forwarded the black spots to the TMO for follow-up. He enquired of the result of the inspection. As those trees were either stonewall trees or tall trees, the result would be disastrous in case of accidents. He asked the TMO to explain besides visual inspection, what means they would use to check the safety of trees. | | | |
|  | | | | Dr Malcolm LAM shared Mr CHAN Hok-fung’s views that some departments notified DC Members of the falling of trees only right before the action. He suggested the TMO set up a regular reporting mechanism and upload the results of tree inspection onto the website. | | | |
| 1. Mr Simon NG responded as follows: | | | | | | | |
|  | | | | The TMO would carry out audit checks of the TRA reports of tree management departments randomly. | | | |
|  | | | | The AFCD was responsible for managing trees in country parks. He would ask the DSD about the location of the 10 trees in the written reply and would provide the information to Members for reference after the meeting. | | | |
|  | | | | In response to Ms CHENG Lai-king’s enquiry, he said that the TMO required tree management departments to carry out TRA in high risk zones at least once a year and to perform the necessary routine maintenance and inspection work. | | | |
|  | | | | 1823 hotline was an effective platform to help coordinate the replies of different departments. He suggested Members call 1823 for help if they found any trees with problems. Staff members of 1823 would forward the cases with imminent danger to the HKPF or the Fire Services Department (FSD) for follow-up. | | | |
|  | | | | The TMO devised the TRA methods after making reference to international guidelines. To assess the health and structure of trees, trained personnel would conduct visual inspection of the crowns, trunks, branches and roots of trees, and the environment of trees in a systematic manner with tools such as hammers and binoculars. He pointed out that TRA could only lower the risk of tree collapse. The occurrence of serious incidents in Hong Kong was not higher than that in developed countries. | | | |
|  | | | | The HyD had actually arranged removal of the tree on Tregunter Path before its collapse, but the action was delayed because of difficulties in applying for road closure due to traffic problems at the Mid-levels. However, departments would apply for road closure immediately in case of emergencies to remove trees with imminent danger. | | | |
|  | | | | The OVT on Caine Road was infected with Brown Root Rot disease and was structurally unsafe. The tree was removed to control the spread of the disease to other trees and for the sake of public safety. He pointed out that as decided by the C&WDC earlier, only removal of trees with diameter at breast height measured over 500 mm would have to be reported in advance. Due to the large number of tree removal cases, it was impossible for the TMO to report every case to the C&WDC. | | | |
|  | | | | The TMO would hold talks on tree management for owners of private properties and staff of building management agencies. It would also write to owners’ corporations and private property management agents, reminding them to take care of the trees within their areas. Information about maintenance of trees on private properties was available on the TMO’s website for the public’s reference. | | | |
|  | | | | The roots of trees usually grew within one metre below the soil level. Trees could grow healthily as long as there was sufficient space. Pruning was an appropriate way to handle overhanging branches. The public could refer to the guidelines on tree pruning available on the TMO’s website. | | | |
|  | | | | There was information about the daily maintenance of stonewall trees and OVTs on the websites of the TMO and the LCSD. The stonewall trees on Forbes Street was under the maintenance of the MTR Corporation Limited and would soon be taken over by the Architectural Services Department. The MTR Corporation Limited had been employing experts to observe the condition of the trees. The Architectural Services Department would later continue to take care of the trees according to the Government’s guidelines. The LCSD and HyD would help to enlarge tree pits to make the environment conducive to growth. | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Mr Jackie CHEUNG said that even one case of tree collapse was too many and was therefore baffled by Mr Simon NG’s remark that the number of tree collapse in Hong Kong was not as high as those in developed countries. He strongly condemned Mr Simon NG for his response and urged the TMO to take pragmatic approach to tree management. He pointed out that since the tree collapse in 2008 in Stanley that caused the death of a female student from the University of Hong Kong, there had been 10 cases of tree collapse causing deaths or injuries. He disapproved of the TMO for being too passive in performing its duties and suggested it setting up a routine tree inspection mechanism and assessing the risk levels of trees according to their health condition. | | | |
|  | | | | Mr Joseph CHAN pointed out that the TMO on the one hand said tree experts would decide if there were trees with imminent danger, but on the other hand it suggested the public call 1823 if they found any trees with imminent danger. He doubted if the responsibility to judge if trees were in imminent danger should rest with experts or the public. He held that the TMO should be responsible for judging if trees had the potential risk of collapse. The TMO should give enhanced support to or treat problematic trees without imminent danger; should immediately remove trees with imminent danger and report the case to the C&WDC; should report cases of trees without imminent danger but had to be removed to the C&WDC before the removal. In the case of the tree on Tregunter Path, the HyD judged that that it should be removed but did not pose any imminent danger to the public, and therefore had arranged removal several weeks later. Unfortunately the tree collapsed and crushed on the security booth before the removal. As could be seen in the case, the TMO was unable to handle trees with imminent danger. As Members had given examples of similar cases, he wished that the TMO could proactively review the present system and policy directions and pay heed to public opinion. | | | |
|  | | | | Mr CHAN Choi-hi lost confidence in the TMO’s work and requested that Mr CHAN Mo-po, Paul, Secretary for Development, be invited to the next meeting. He stated that the present system was deficient. He asked the TMO if it could guarantee that there would not be any tree collapse within a year and criticised the TMO for shifting the responsibility onto the tree management departments. | | | |
|  | | | | Mr YIP Wing-shing could not agree to Mr Simon NG’s remark that tree collapse in Hong Kong was not severe compared to developed countries. While he appreciated that the TMO was facing difficulties in its work, he held that even one single accident could not be tolerated. At the previous informal DC meeting, Members had agreed to write to the Secretary for Development, requesting him to follow up cases of tree collapse. He suggested writing to the Secretary for Development again and requested a review of the tree management guidelines. | | | |
|  | | | | The Chairman shared Members’ views that the TMO should be more proactive in various aspects. No one was held responsible for any cases of tree collapse. He then asked the TMO how binoculars were used to monitor the health of trees. He doubted how the TMO could make improvements given that Mr Simon NG insisted on the effectiveness of 1823 while many Members had already pointed out that 1823 was inefficient in handling cases related to trees. The Council appreciated frontline staff members’ hard work, but the prime concern was to reduce the occurrence of accidents. He proposed that the TMO should be more proactive and should strengthen the mechanism of tree management. The Chairman requested the TMO to provide information on the frequency of tree inspection conducted by all departments and the factors in determining the frequency of inspection after the meeting. | | | |
| 1. Mr Simon NG said that the TMO would arrange for immediate follow-up once there were reports from the public on trees with imminent danger. He explained that binoculars were used to observe the condition of crowns and branches of trees which were located in a high position or were far away. | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Mr Joseph CHAN said that the TMO could not rely on the public who did not have the required professional knowledge to judge the risk levels of trees. | | | |
|  | | | | Mr CHAN Choi-hi enquired if the TMO could provide to the FEHWC after the meeting information on the number, location and condition of trees under the management of the nine departments. | | | |
| 1. Mr Simon NG replied that the condition of trees would change frequently, especially after storm and rain. The public could call 1823 for help if they found any problematic trees and then the TMO would follow up. In response to Mr CHAN Choi-hi’s enquiry, he would forward the request to the departments concerned and provide the data on the number of TRA cases completed by the departments. 2. The Chairman proposed writing to the Secretary for Development and attaching a copy of the draft minutes of this item to the letter. | | | | | | | |
| **Item 5:** | | | **Concern over the Safety of Vehicle Repair Garages in Urban Area lest These Garages should become “City Bombs”**  **(C&W FEHWC Paper No. 29/2015)** | | | | |
| (3:24 pm – 3:49 pm) | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Mr CHAN Hok-fung said that there was no way for the public to know about the regulation of the operation of vehicle repair garages. The regulation of garages was not centralised under a single department. Instead, different departments such as the Electrical and Mechanical Services Department (EMSD) and the FSD were responsible for different areas of regulation. The general public had no way to know if the garages on the ground floor of their building had engaged in the repair of liquefied petroleum gas (LPG) vehicles. He proposed that licences about dangerous goods (DG) should be issued to garages and that garages should be required to put up the notices showing the amount of DG allowed so that the public could check if there were any irregularities. He pointed out there were many garages located on the ground floor of private buildings and that the management was not satisfactory. He proposed a centralised mechanism to handle the regulation of garages. | | | |
|  | | | | Mr CHAN Choi-hi considered that the written replies suggested a lack of coordination among different departments in the regulation of garages. He proposed that a single department be entrusted with the duty to provide a one-stop service. He also proposed setting up a licensing mechanism under which garages were required to display their licences at the entrance for the public to learn about their operation. Although the explosion in a garage in Wong Tai Sin was still under investigation, it was preliminarily suspected that the accident was caused by smoking. He asked how to determine if smoking was within the permissible area inside the garage. | | | |
|  | | | | The Chairman shared Mr CHAN Hok-fung’s views that the Government had better take the lead to coordinate the inspection, licensing and handling of garages. Apart from garages, there were many establishments that were facing the same risk, especially LPG distributors and food establishments with storage of flammable gas and substance. | | | |
| 1. Mr Ronald TANG, Senior Electrical and Mechanical Engineer of the EMSD, said that the EMSD was in the process of issuing certificates of competent persons. The certificate should be exhibited in the garage to show that it was qualified to repair LPG vehicles. | | | | | | | |
| 1. Mr CHEUNG Ka-wai, Senior Divisional Officer (Dangerous Goods) of the FSD, said that the department had started territory-wide inspections of garages since the next day of the occurrence of explosion in a garage in Wong Tai Sin. He pointed out that operating a garage did not require a licence from the FSD. A DG licence issued by the FSD would be required if storing DG in excess of the exempt quantity of any particular DG. When the FSD received any reports of fire hazards or over-storage of DG, the FSD would conduct inspection and take enforcement action as necessary. The public could make use of the fire hazard reporting hotline 2723 8787 to report any fire hazards including over-storage of DG. If over-storage of DG was found, the FSD would make an immediate seizure. He then reported on the progress of the territory-wide inspection of garages. As at 27 May, the FSD had inspected 1 375 garages. Four cases involving over-storage of flammable liquids (thinner and electrolyte) and compressed gases, and 11 cases of over-storage of rubber tyres were found. Among the 91 garages in the C&W District, the FSD had inspected 40 and one was found to have stored rubber tyres in excess of the exempt quantity. If repair of LPG vehicles was carried out in garages and if the garages were located on the ground floor of residential buildings, the FSD would refer the cases to the EMSD, the Labour Department (LD) or the Buildings Department (BD) for follow-up as appropriate. The persons-in-charge of garages could call the Dangerous Goods Division of the FSD to learn more about the statutory exempt quantities of different DG. | | | | | | | |
| 1. The Chairman enquired if there was any mechanism of regular inspection of garages. | | | | | | | |
| 1. Mr CHEUNG Ka-wai replied that there was not any mechanism of regular inspection of garages prior to the garage explosion in Wong Tai Sin. The FSD was in the process of inspecting all garages in Hong Kong. It would analyse the results and data to facilitate follow-up action. | | | | | | | |
| 1. Mr WONG Man-fai, Senior Divisional Occupational Safety Officer (2) (Operations Division) (Hong Kong and Islands Region) of the LD, said the LD was responsible for administering the occupational safety and health (OSH) legislation to ensure the safety and health of employees at work. The LD had inspected garages in respect of the OSH of garage workers. Because of the garage explosion in the previous month, the LD had stepped up inspection and enforcement and was conducting a territory-wide special inspection. Owners and workers of garages were reminded to abide by OSH legislation and to ensure that the operation of garages would not pose a risk to public safety. If public safety was put at risk, the LD would refer the case to the departments concerned. It would continue to enhance publicity activities targeting the OSH of vehicle repair industry, including production and distribution of posters and publications on safety in order to raise the awareness of the industry on OSH. The LD would also hold talks on OSH legislation to raise the safety awareness of the industry. | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Mr CHAN Hok-fung pointed out that the problem lay in the lack of a department to centralise the licensing of garages. He disapproved of the departments concerned for failing to learn from the garage explosion in Wong Tai Sin to review the current mechanism. He suggested that garages should be required to make the public know their stock of DG so that the public could keep an eye on them. He also suggested writing to the departments concerned in the name of the FEHWC, urging them to address the problem seriously. | | | |
|  | | | | Mr KAM Nai-wai agreed that the Government should introduce a garage licensing mechanism to enable a one-stop service. | | | |
|  | | | | Mr CHAN Chit-kwai referred to the FSD’s remark that the public was advised to report to the LD any cases of welding works carried out in garages. He thought that the departments concerned should enhance regulation of the operation of garages and the storage of DG, but should not rely on the public. | | | |
|  | | | | Dr Malcolm LAM enquired if the departments had regularly inspected garages and proposed that a regular inspection measures should be implemented at once. | | | |
| 1. Mr Ronald TANG added that subsequent to the explosion in Wong Tai Sin, the EMSD had arranged a territory-wide inspection of garages. Out of the around 2 700 garages in Hong Kong, 1 600 had been inspected to date and the whole operation was expected to finish in late June. On 27 May 2015, a garage in the C&W District was found to have stored excessive LPG cylinders. The EMSD had investigated the case and urged the garage to make improvements. | | | | | | | |
| 1. Mr CHEUNG Ka-wai added that if the garage was issued a DG licence, the licence had to be displayed in a conspicuous location inside the DG store. He explained that the statutory exempted quantities were two oxygen cylinders, two acetylene cylinders, 20 litres of thinner and 20 litres of electrolyte. If members of the public found any garages with storage of over one 20-litre drum of thinner or electrolyte, they were advised to report the fire risk to the complaint hotline at 2723 8787. | | | | | | | |
| 1. Mr WONG Man-fai said that the LD had regularly inspected garages and reminded the persons-in-charge not to harm public safety in their operation. If any irregularities were found, the LD would forward the case to the departments concerned for follow-up. | | | | | | | |
| 1. Mr CHAN Choi-hi asked about the accurate number of garages in Hong Kong as the information provided by the EMSD and the FSD was different. | | | | | | | |
| 1. Mr Ronald TANG replied that there were around 2 700 garages in Hong Kong according to the department’s record. | | | | | | | |
| 1. Mr CHEUNG Ka-wai said that the FSD conducted inspection of garages based on the information provided by the EMSD. Moreover, he said the FSD had produced a poster titled “There are many types of Compressed Gases Understand your Legal Liability” on which a QR code linking to a pamphlet on DG was provided. The public could learn about the statutory exempted quantity of all DG by mobile phone applications. | | | | | | | |
| 1. The Chairman said that the FSD could send the posters to Members through the C&WDC Secretariat for display in their ward offices. | | | | | | | |
| 1. Mr CHEUNG Ka-wai said that the poster had been uploaded onto the FSD’s website and could be linked to the pamphlet on DG. He would provide the information to the Secretariat after the meeting.   [Post-meeting note: the Secretariat forwarded the information of the poster provided by the FSD to Members on 1 June 2015.] | | | | | | | |
| **Item 6:** | | | **Concern over Subdivision of Flat Units in Tenement Buildings in C&W District into Separate Units Commonly Known as “Space Capsules” for Letting Purpose**  **(C&W FEHWC Paper No. 30/2015)** | | | | |
| (3:49 pm – 4:28 pm) | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows:   (a) Mr CHAN Hok-fung said according to the Home Affairs Department (HAD)’s reply, it had taken around 40 enforcement actions. He did not see why it still did not take any prosecution action.  (b) Mr CHAN Choi-hi said that there was the appearance of “coffin capsules” in addition to “space capsules”. Obstruction of fire escapes was involved in both cases. He asked how the situation could be monitored. | | | | | | | |
| 1. Mr AU Wing-hung, Chief Officer (Licensing Authority) of the HAD, said that the Office of the Licensing Authority (OLA) had successfully initiated over 100 prosecutions against unlicensed guesthouses in 2014. A consultation paper was also released in 2014 to review the Hotel and Guesthouse Accommodation Ordinance and the result had been reported to the Panel on Home Affairs of the Legislative Council in March 2015. Suggestions included empowering the Licensing Authority to apply to the court for a search warrant to gather evidence and increasing the penalties. | | | | | | | |
| 1. In response to Mr CHAN Hok-fung’s enquiry, Mr KO Man-sum, Senior Divisional Officer (Licensing Authority) of the HAD, said that the premises in question were located in two buildings at 129-130 and 133-134 Connaught Road West. Since 2013, the OLA had received five complaints against the premises at 129-130 Connaught Road West and had conducted 19 inspections accordingly. The OLA was able to gain access to the premises twice, but the persons-in-charge explained that the units were leased on a monthly basis. The OLA officers had posed as customers and called the premises concerned and were also informed that the units were leased on a monthly basis. The OLA had received two complaints against the premises in Lee Wang Building at 133-134 Connaught Road West since 2014. It had conducted 24 inspections and many covert operations and was also informed that the units were leased on a monthly basis. Thus the OLA still had to gather evidence and forward the cases to the BD for follow-up. | | | | | | | |
| 1. Ms Candy WONG, Building Surveyor/A3-SD of the BD, said it was found after investigation that some units were combined and small rooms were constructed inside the combined units. Such alterations did not cause structural danger, adversely affect the means of escape, nor create any environmental nuisance of the buildings. According to the current enforcement policy, such alterations were not actionable unauthorised building works (UBWs) and hence, no further action would be taken by the BD. | | | | | | | |
| 1. Mr TONG Chung-wai, Divisional Officer (Hong Kong Central) of the FSD, said the FSD had inspected the two buildings in respect of complaints about article obstruction, lack of maintenance of fire service equipment and failure of properly closing smoke doors. The department had taken action against those complaints accordingly. It had forwarded cases about lack of smoke doors and the matter related to sub-divided units (SDUs) to the BD for follow-up, and had issued Fire Hazard Abatement Notices about the lack of maintenance of fire service equipment to the responsible person. From May 2014 to February 2015, the FSD had conducted 17 inspections in the two buildings and was satisfied with the condition of the fire service equipment. | | | | | | | |
| 1. The Chairman asked the BD if there were any UBWs in the units concerned. | | | | | | | |
| 1. Ms Candy WONG replied that some units were combined and then sub-divided into smaller rooms or cubicles used as sleeping accommodation. Although some rooms did not meet the requirements on ventilation and lighting, they did not belong to the actionable category. The BD therefore would not take any enforcement action. | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Ms CHENG Lai-king asked whether tenants were aware that the accommodation was illegal and whether the BD would take any action. | | | |
|  | | | | Mr CHAN Choi-hi clarified that there was no legislation to regulate SDUs. He opined that although the alterations did not pose any risk to the structure, the building plan of the units was already different from the original one and the BD should therefore take action. He asked how effective was the fire orders issued by the FSD to repair fire service equipment. | | | |
|  | | | | Mr CHAN Hok-fung remarked that the units should be governed by the Bedspace Apartments Ordinance. He asked why no action had been taken and urged the departments to address the issue seriously to plug the loopholes that might otherwise emerge. | | | |
|  | | | | The Chairman disapproved of the BD for failing to exercise due diligence to take enforcement action having known that there were UBWs in the units, the result of which might be the increase in SDUs. Moreover, he asked the FSD with the increase in the number of tenants because of the SDUs, whether the discharge value of the building would be affected, fire risks would be increased and the building would meet the requirements of the Fire Services Ordinance. He also asked if the FSD would close the building to urge a decrease in the number of tenants if it did not meet the requirements of the Fire Services Ordinance. | | | |
| 1. In response to Mr CHAN Hok-fung’s enquiry, Mr KO Man-sum said that the OLA had inspected Lee Wang Building at 133-134 Connaught Road West on 29 December 2014 and found that there were over 12 bedspaces on every floor from the first to seventh floor, but there were no lodgers. He explained that the OLA had to gather sufficient evidence before initiating prosecution. He could not provide further details because criminal investigation was involved. | | | | | | | |
| 1. Ms Candy WONG said that the BD focussed its efforts on UBWs on the exterior of buildings or UBWs inside buildings constituting hazards to life or property. Since the alterations to the buildings did not create any structural safety, the BD would not take enforcement action for the time being. | | | | | | | |
| 1. Mr TONG Chung-wai replied that the discharge value mentioned by the Chairman was within the purview of the BD. He then clarified that the FSD was not empowered to close any units. In response to Mr CHAN Choi-hi’s enquiry, he said that the FSD would regularly inspect the fire service equipment in different types of buildings and would randomly check the Certificates of Fire Service Installations and Equipment of buildings. Upon receipt of complaints about obstruction of means of escape, the FSD would follow up in 24 hours. The FSD had received two complaints about the two buildings about obstruction of means of escape. After follow-up, the articles obstructing the means of escape were removed. | | | | | | | |
| 1. Ms Candy WONG pointed out that as some rooms were combined and small rooms were constructed inside the combined units, the number of tenants would increase. However, there was no direct impact on the means of escape. | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | | | Mr LI Po-ming opined that the operator of “space capsules” had exploited the loopholes so that all departments did not have a solution to the issue of SDUs. He proposed that the HAD should ensure the premises had complied with the relevant regulations before issuing licences to them. | |
|  | | | | | | Mr YEUNG Ho-kei did not see why the HAD was unable to accumulate the required evidence to prosecute the operator of “space capsules” after having conducted so many inspections. He urged the HAD to review the investigation method. | |
|  | | | | | | Mr YEUNG Hok-ming did not agree to the BD’s reply that it did not take prosecution action because the partitions were made of light-weight materials which did not cause imminent danger. He asked the BD how to determine if the materials were light-weight or heavy-weight. He pointed out that public safety had been seriously jeopardised as a result of the increase in tenants of the whole building because of “space capsules”, quite the contrary to the BD’s reply that there was no imminent danger. As “space capsules” were UBWs which had contravened the Buildings Ordinance, he asked why the BD did not issue orders to rectify the situation. | |
|  | | | | | | Ms CHENG Lai-king requested the BD to issue orders to the operator of “space capsules” to reinstate the building. She suggested putting forward the proposal to the Director of Buildings. | |
|  | | | | | | Mr CHAN Hok-fung stated that there were loopholes in the legislation. He shared Mr YEUNG Hok-ming’s view and asked how the BD would determine if the partitions of “space capsules” were made of light-weight or heavy-weight materials. He asked if the HAD could report the loopholes to the Legislative Council for introduction of legislative amendments. He said that “space capsules” had caused awful nuisance to nearby residents in areas such as the use of lifts, hygiene and security. | |
|  | | | | | | The Chairman concurred with Mr CHAN Hok-fung. He remarked that the HAD being bound by the legislation could not take prosecution action and the BD was ineffective in its prosecution action by refusing to issue orders to the operator. | |
| 1. Mr AU Wing-hung stated that the matter was under criminal investigation and therefore he could not disclose the details. In response to Mr LI Po-ming’s remark, he clarified that applicants of licences were not allowed to operate guesthouses or bedspace apartments or the OLA would take enforcement action. Since the OLA had not gathered sufficient evidence to prove that unlicensed bedspace apartments were involved in the operation of “space capsules”, the OLA could not initiate prosecution pursuant to the Bedspace Apartments Ordinance but it would continue to proactively follow up the case. | | | | | | | |
| 1. In response to Mr LI Po-ming’s remark, Mr KO Man-sum said that the maximum penalties for operating unlicensed guesthouses and bedspace apartments were fines of $200,000 and $100,000 respectively and imprisonment for two years. In response to Mr YEUNG Ho-kei’s remark, he said that the OLA had conducted 24 inspections at 133-134 Connaught Road West and was able to gain access to the premises only on 29 December 2014. It was found that there were 12 bedspaces on each floor from the first to the seventh floor, but there were no lodgers. The OLA would continue to follow up the case. He explained that under the relevant legislation, a bedspace apartment licence was required for any flats in which there were 12 or more bedspaces for one person used or intended to be used as sleeping accommodation under rental agreements. | | | | | | | |
| 1. The Chairman opined that the HAD was too ineffective in gaining access to the premises in the total 24 inspections. He proposed that the department should amend the legislation. | | | | | | | |
| 1. Ms Candy WONG added that the BD staff had entered the premises for inspection. They tapped on the partitions to check the material and confirmed that the alterations would not cause structural danger. She did not have the information on the number of occupants of the building but she confirmed that the evacuation of occupants in case of fire would not be affected because of the alterations. | | | | | | | |
| 1. The Chairman concluded that the FEHWC would write to the Director of Buildings to express Members’ opinion and would write to the Director of Home Affairs to convey Members’ concern that the OLA was not conferred sufficient power to enforce the law for the Director’s review. | | | | | | | |
| **Item 7:** | | | **Concern over the Industrial Safety for Workers of the Building Repair Works Implemented in C&W District**  **(C&W FEHWC Paper No. 31/2015)** | | | | |
| (4:28 pm – 4:42 pm) | | | | | | | |
| 1. Mr Joseph CHAN referred to the LD’s reply which said that it would conduct surprise area patrols, with focus on work-at-height activities at external walls. It also said that contractors were not required to notify the LD of the works in question according to the legislation. He asked the LD if the public was adequately safeguarded under the present practice and if the pavements and carriageways near the works area had to be closed for the sake of public safety. He then asked whether the BD would follow up the irregularity and check if the projecting signboard was illegal although the scaffolding of the building had been removed. | | | | | | | |
| 1. Mr Richard KO, Senior Divisional Occupational Safety Officer (1) (Operations Division) (Hong Kong and Islands Region) of the LD, replied that the LD would safeguard the safety and health of employees at work pursuant to the Occupational Safety and Health Ordinance and the Factories and Industrial Undertakings Ordinance. During inspection, the department would pay attention to and remind stakeholders to pay attention to the impact of the works on public safety. He pointed out that under the current legislation, contractors were not required to notify the LD of any construction works to be completed within a period of less than six months or with less than 10 workmen employed at work. He then replied that the LD was not empowered to close the pavements or carriageways near the works area. | | | | | | | |
| 1. Ms Candy WONG stated that subsequent to the receipt of a report on the improper erection of scaffolding at the exterior of the concerned building on 21 April, the BD arranged for its consultant to inspect the building on 22 April and found that the scaffolding had been removed. Generally speaking, the BD would take enforcement action against scaffolding which was found to have jeopardised public safety or have caused serious obstruction. She would forward the enquiry about the legality of the projecting signboard to the subject officer who would reply to Mr Joseph CHAN directly after the meeting. | | | | | | | |
| 1. Mr Joseph CHAN said that he found scaffolding erected on a projecting signboard again in the morning on that day. The signboard was located above the footbridge on MacDonnell Road and Garden Road leading to the Hong Kong Zoological and Botanical Gardens. Since the area was frequented by many pedestrians, he suggested the BD conduct a site inspection. He then asked about the HKPF’s comment on the works and which department was responsible for work-at-height operations. | | | | | | | |
| 1. Ms Candy WONG replied that she would forward Mr Joseph CHAN’s report about the scaffolding to the subject officer for follow-up and investigation. | | | | | | | |
| 1. The Chairman asked if the works contractor had to notify the BD of the newly erected scaffolding and had to apply for a relevant licence. | | | | | | | |
| 1. Ms Candy WONG replied that contractors did not need to notify the LD of the erection of such temporary scaffolding. She said the contractors only had to prepare a “certificate of scaffolding” and the certificate was under the purview of the LD. | | | | | | | |
| 1. Mr TSANG Chi-bun, Assistant Police Community Relations Officer (Central District) of the HKPF, said that lifting of large articles was involved in the works in question. It would be good for contractors to take the initiative to inform the HKPF of such operation, although not required by law, so that the HKPF could consider if road closure or enclosure of works area was necessary. | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Mr YEUNG Hok-ming considered it a loophole that it was not required by law to report work at height such as lifting operation, erection and removal of scaffolding and cleaning of external walls to the departments concerned. He proposed that the BD should make reference to the LD’s requirement of the “certificate of scaffolding” in the regulation of work at height. He said that as there were many lifting operations in the district, the department had better amend the legislation to plug the loophole. | | | |
|  | | | | Mr Joseph CHAN shared Mr YEUNG Hok-ming’s view that the departments concerned simply followed their respective guidelines. The lack of regulation on lifting operations and erection and removal of scaffolding had led to the accident indirectly. He proposed that the departments concerned should study legislative amendments after the meeting to enhance public safety. | | | |
| 1. Mr Richard KO explained that contractors were not required by law to apply to the LD for a “certificate of scaffolding” when erecting or removing scaffolding. He clarified that the so-called “certificate of scaffolding” was actually a report to show that the erected scaffolding had been inspected by a competent person and was in safe working order. He would give a written reply after the meeting to Members’ request for legislative amendments to require contractors to inform the LD of all lifting operations and scaffolding works which would affect public safety. | | | | | | | |
| 1. The Chairman agreed to the LD’s proposal of giving a written reply on whether the LD would amend the legislation to require contractors to inform the LD of all lifting operations and scaffolding works which would affect public safety. | | | | | | | |
| **Item 8:** | **Concern over the Nuisance Caused by Bars and Food Premises in Kennedy Town**  **(C&W FEHWC Paper No. 32/2015)** | | | | | | |
| (4:42 pm – 5:32 pm) | | | | | | | |
| 1. The Vice-chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | | Mr CHAN Hok-fung said that upon commissioning of the West Island Line connecting Kennedy Town, many bars and food premises sprang up in the district and had caused much nuisance to local residents. Although the C&WDO had conducted consultations about the licensing of bars and he had raised objections to licence applications with residents at the Liquor Licensing Board (LLB), the LLB would still issue the licence to the bar subject to some conditions to be regulated by government departments. Many foreign patrons would drink and chat outside the food premises on Davis Street and Forbes Street in the small hours. He asked the departments concerned to proactively handle such cases and step up inspection. Moreover, he pointed out that many food premises sold alcohol without a liquor licence on the pretext that there was a party and the alcohol was taken by patrons to the food premises. The departments concerned therefore could not take enforcement action. He proposed that the HKPF should step up enforcement and conduct undercover raids. Moreover, only a licence from the BD for minor works was needed if condensers of air-conditioners were to be installed in food premises. The condensers would usually be placed underneath or opposite to the windows of residential units. The hot air and noise emitted from the condensers had caused nuisance to residents. According to the FEHD’s policy, it would take enforcement action only when the hot air emitted from condensers had raised the room temperature of the complainant by two degrees Celsius. Moreover, the method adopted by the Environmental Protection Department (EPD) to measure noise level could not solve the problem effectively. He also pointed out that the water curtain type fume extraction system required by the FEHD to be installed in food premises was ineffective in solving the problem of cooking fume nuisance. As different departments were involved in the issue with no one to take the lead, he urged the departments to co-operate to ensure a normal living environment for residents. | | |
|  | | | | | Mr CHAN Chit-kwai did not object to the operation of food premises in the district but opined that the departments concerned should amend the legislation, improve town planning and enhance the regulation of food premises which were granted liquor licences. He suggested writing to the Chief Secretary for Administration in the name of the FEHWC to urge a co-ordinated approach to address the problem. | | |
|  | | | | | Ms CHENG Lai-king compared the present Kennedy Town problem to Soho in 1994 or Lan Kwai Fong 20 years before. She said that some residents above bars even sold their flats to avoid the problems of noise pollution and hot air nuisance. She asked which measures the departments had in place to help upstairs residents and whether the C&WDO could take the lead to study solutions to the problems. | | |
|  | | | | | Mr YEUNG Hok-ming there were more and more barbecue grill restaurants in the district. He had received complaints from residents against the cooking fumes emitted from those restaurants. He then complained to the EPD, but the EPD said that the restaurant had abided by the law by installing a water curtain type fume extraction system. The EPD even requested him to prove that the fumes came from that restaurant. He said that the FEHD and the EPD should progress with the times and enhance regulation of new-style restaurants. He then lodged a complaint about portable air-conditioners placed by food premises on Third Street. After inspection by the FEHD, the air-conditioners would be put in the street again. | | |
|  | | | | | Mr YIP Wing-shing supported the promotion of local community economy but did not want to see that residents suffering from the nuisance caused by bars and food premises. He said that a bar would soon be opened at Woo Hop Street in Sai Wan. The majority of local residents were opposed to the application during consultation. He remarked that all departments concerned should co-operate to work out a solution because such food premises and bars had hired consultants to help them obtain the licence. | | |
|  | | | | | Mr LUI Hung-pan received many complaints from residents that parties were held in commercial buildings in Sheung Wan during weekends. As a result, much refuse was found accumulated outside the buildings in the morning of the next day. Moreover, he said that a stone lion was placed on the section of pavement between the end of Wing Lok Street and Des Voeux Road West, which had occupied over half of the pavement. He urged the departments to step up inspection and asked if there was any permanent solution to the problem. | | |
|  | | | | | Mr CHAN Choi-hi said many departments were involved in the problem and therefore suggested a coordinated approach to address the problem. He pointed out that there were some associations for food premises in Lan Kwai Fong and asked if the FEHD could help invite the industry operators in Kennedy Town to meet residents for exchange of views. | | |
|  | | | | | Mr CHAN Hok-fung remarked that owners’ corporations of buildings had many disputes with food premises, especially in matters related to the condenser and exhaust facilities. Although the facilities had met the FEHD’s requirements, the FEHD had not considered the actual impact on residents. He proposed that the FEHD should consider the impact of the food premises on residents in addition to the compliance with the legislation in the licensing mechanism. In addition, he said that the applications for outside seating accommodation (OSA) had increased recently. The FEHWC had decided in the year before that it would not support applications for OSA in the public area of the C&W District. He opined that the FEHD did not need to conduct consultations. | | |
|  | | | | | The Chairman added that the FEHWC in the current term had discussed twice whether applications for OSA in public area should be approved and finally decided that the applications would not be supported. He considered that if the FEHD continued to consult residents, the applicant and residents nearby would misunderstand that the C&WDC would support the applications. He urged the FEHD to inform the applicants upon receipt of such applications of the current-term C&WDC’s objection. Whether the C&WDC of the next term would support the application was subject to discussion. He agreed that many liquor licensed premises were unable to prevent their patrons from drinking in the street. The problem was particularly serious in the areas of High Street, Kennedy Town and Central after 11 pm when the liquor licensed premises were closed. He suggested that the HKPF and FEHD step up inspection and dissuade the persons-in-charge of liquor licensed premises from breaching the licensing conditions, and that the non-compliance record should have a direct influence on the renewal of licence. He pointed out that since the liquor licence for food premises and bars was not separated, some food premises could apply to the LLB for a licence and claim that their main business was the provision of food, but it came out that the actual operation was alcohol first, food second. He hoped that the departments could contain the area of liquor licensed premises within Soho. | | |
| 1. Mr Billy CHING, Police Community Relations Officer (Western District) of the HKPF, said that the HKPF had always paid attention to the situation of liquor licensed premises. Whenever there were new liquor licensed premises, the HKPF would consult Members of the C&WDC and then convey their views to the LLB. Apart from inspection upon receipt of complaints from the public, the HKPF would also regularly inspect the district. Since January 2015, the HKPF had conducted 144 inspections and had issued summons to four liquor licensed premises which had breached the liquor licensing conditions. | | | | | | | |
| 1. Mr LIU Chi-wai, District Environmental Hygiene Superintendent (Central/Western) of the FEHD, said that the FEHD had laid down licensing requirements in granting licences to food premises and bars. Food premises were required to install grease filters and ensure that the exhaust from food premises or bars and their kitchens was arranged to pass through a grease filter properly and discharged into the open air. The FEHD would inspect food premises or bars to ensure compliance with requirements. For example, the department would see to it that the system was in normal working order and properly maintained, the grease filters were regularly cleansed and the exhaust had not become a nuisance. The FEHD would consider complaints and views about exhaust of heat and air, if any, in the course of handling licence applications, and would request the food premises to improve the extraction and exhaust facilities. The problem of odour of cooking fumes had to be handled by other departments because air quality was involved. He would arrange for inspection and follow-up of the portable air-conditioners and the case at Wing Lok Street. In response to Mr CHAN Choi-hi’s suggestion of inviting the industry for communication, he said that FEHD staff could carry out hygiene publicity during inspection of food premises and request them to be more rigorous in food safety and environmental hygiene. | | | | | | | |
| 1. Mr Sean LAW, Senior Environmental Protection Officer (Regional South) 1 of the EPD, said that there were two categories of noise and the method to measure the noise levels would differ accordingly. The first category was structural-borne noise. For example, vibration from wall-mounted air-conditioners might cause noise to be transmitted through the building structure to residents upstairs. In measuring the noise level of this category, the EPD would close the doors and windows of the complainant to isolate the effect of any airborne noise. Since this kind of noise was a greater nuisance, it was required by law that the level of such noise should be 10 decibels less than the acceptable noise level. The second category of noise was airborne noise. The EPD would measure the outdoor noise level according to the guidelines stated in the technical memorandum. If any of the noise had exceeded the accepted level, the EPD would issue a Noise Abatement Notice. In response to Mr YEUNG Hok ming’s complaint about barbecue grill restaurants, he confirmed that it was the EPD’s responsibility to identify the odour source. He would follow up the case with Mr YEUNG Hok ming after the meeting. In respect of noise generated from bars, the EPD had always revealed the situation to the LLB and was preparing some practical guidelines to be disseminated to bars through the LLB. The EPD and the HKPF had also referred certain complaint cases to the LLB so that it could impose licensing conditions on the premises concerned. For example, the EPD had reported a case about the use of swings and dancing inside a liquor licensed establishment to the LLB. The LLB subsequently imposed restrictions against those activities on the establishment.   [Post-meeting note: The EPD learned from Mr YEUNG Hok-ming that the case in question happened in 2013 and then followed up the case accordingly. It had written to Mr YEUNG and the Secretariat to give an account of it.] | | | | | | | |
| 1. The Vice-chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | | | | Mr CHAN Chit-kwai said that the nuisance became more serious with the operation of the West Island Line. He pointed out that the problem would only persist if the departments were unable to work out a permanent solution. He therefore suggested handling the problem from the aspects of legislation and planning. |
|  | | | | | | | Mr CHAN Hok-fung said that the swing mentioned by the EPD was still there and the noise pollution still persisted. He disapproved of the EPD which was often not helpful in solving the problem but praised the HKPF for handling most of the cases, especially the Western Police District’s participation in the LLB. None of the cases referred by him to the EPD had been successfully solved. For example, the problem of cooking fumes from the food premises on Davis Street was still unsolved. He also opined that the FEHD should pay closer attention to residents’ views. For example, the impact of the air outlets of air-conditioners on residents might differ if they were placed in a different position. He also said that residents could hardly lodge complaints against food premises before operation. |
|  | | | | | | | Ms SIU Ka-yi relayed complaints from residents that some bars and food premises at Upper Station Street in Sheung Wan placed seating accommodation at roadside. She reported the case to the Central Police District, but the police officers allowed the food premises over an hour to remove the seating accommodation. She opined that the HKPF was too lenient and wished that the HKPF could take action as soon as possible by shortening the time allowed. She drew the HKPF’s attention to its practice which was confusing to the public. The HKPF raised objections to licence applications but the LLB approved the applications subject to certain licensing conditions. As a result, residents misunderstood that the HKPF supported the licence applications. |
| 1. Mr Billy CHING replied that he would forward Ms SIU Ka-yi’s views to the subject officers. He also said that the HKPF would take immediate enforcement action once bars and food premises were found to have breached the legislation. He would convey individual cases to the officers of the police district concerned. | | | | | | | |
| 1. Mr TSANG Chi-bun, Assistant Police Community Relations Officer (Central District) of the HKPF, stated that the HKPF would take enforcement action once irregularities were identified and allow an appropriate period of time for the persons-in-charge of food premises to clear the road. He would forward the case to the division concerned anyway. | | | | | | | |
| 1. Mr LIU Chi-wai said that the FEHD had requested the food premises in previous cases to change the direction of exhaust vents if the exhaust gas was found to be a nuisance. He noted Members’ comments on food premises’ application for OSA and remarked that there were established handling and consultation procedures to process applications for OSA. | | | | | | | |
| 1. Mr Sean LAW stated that the EPD’s enforcement action would be more effective if the LLB could be more stringent in approving liquor licences. | | | | | | | |
| **Item 9:** | **Re: Concern over Building Damages Found in the Redevelopment Items under the Staunton Street/Wing Lee Street Project (H19)**  **(C&W FEHWC Paper No. 33/2015)** | | | | | | | |
| (5:32 pm – 5:42 pm) | | | | | | | |
| 1. The Chairman invited Members to express their views and raise questions. The main points of Members’ comments were as follows: | | | | | | | |
|  | | | | Mr MAN Chi-wah said that the development project had commenced for over 10 years, but the acquisition rate was around 50%. The BD found that seven buildings were in poor condition and therefore issued repair orders to the owners, but those owners did not comply with the orders. He asked when the BD would take further action. He said that the BD had helped owners carry out the repairs first and then recover the cost from owners later. He asked under what circumstances the BD would consider such arrangement. He pointed out that Site A which covered the Wing Lee Street area and Bridges Market Site was not within the scope of development of the Urban Renewal Authority (URA), but there were also some dilapidated buildings or UBWs in the site. He enquired how the BD would follow up the development of the site. | | | |
|  | | Ms CHENG Lai-king said that project H19 was a standing item of the Concern Group on Urban Renewal Projects in the Central and Western District. She asked how the BD would follow up the repair works of buildings which were not within the URA’s acquisition project and how it would handle properties which were vacant but were not put for sale. | | | | | |
|  | | Ms SIU Ka-yi asked the URA and the BD whether the seven buildings in site B which were categorised as poor were in imminent danger; if yes, how the authorities were going to handle them. | | | | | |
| 1. Ms Candy WONG, Building Surveyor/A3-SD of the BD, replied that the BD had issued repair orders to the owners of the seven buildings and had also issued warning letters to the owners to require them to carry out the repair works as soon as possible. The department would also proactively communicate with the owners to understand the difficulties in the repair works in order to help them comply with the orders. If the owners still refuse to comply with the orders, the BD would consider appointing consultants and contractors to carry out the repair works and recover the cost from the owners later. The BD had sent staff members to inspect Site A recently and found that buildings therein were in fair condition. There were designated staff to take care of and regularly inspect H19 site to closely monitor the condition of buildings. If the buildings were found to be in imminent danger, the BD would consider commissioning contractors to carry out emergency works. She did not have information of UBWs on hand and could provide the information to Members after the meeting. | | | | | | | |
| 1. The Chairman requested the BD to provide information about the UBWs and the safety condition after the meeting. | | | | | | | |
| 1. In response to Mr MAN Chi-wah’s enquiry, Mr Wilfred AU, Assistant General Manager, Planning and Design of the URA, said that some buildings which had been acquired by the URA were adjacent to private buildings. The URA could not demolish buildings which had been acquired because the structure of the adjacent private buildings would be affected. To ensure public safety, it would hire consultants to inspect acquired buildings pending demolition regularly and whenever necessary. Once dangerous and loose parts were found, the URA would arrange for immediate removal. | | | | | | | |
| **Item 10:** | **Bad Smell Problems with the Drains in Belcher Bay**  **(C&W FEHWC Paper No. 34/2015)** | | | | | | |
| (5:42 pm – 5:43 pm) | | | | | | | |
| 1. The Chairman asked Members to note the contents of the paper. | | | | | | | |
| 1. The Chairman said that the item was regularly discussed at the District Management Committee. In addition, Members of the FEHWC had never raised any opinions about the item. He therefore suggested deleting the circulation of the paper starting from the next FEHWC meeting. Members could submit papers on the item for discussion if necessary. The FEHWC unanimously passed the Chairman’s suggestion. | | | | | | | |
| **Item 11:** | **Action Checklist of the Matters Arising from the 7th Meeting of FEHWC**  **(C&W FEHWC Paper No. 35/2015)** | | | | | | |
| (5:43 pm to 5:44 pm) | | | | | | | |
| 1. The Chairman asked Members to note the contents of the paper. | | | | | | | |
| **Item 12:** | **Any Other Business** | | | | | | | |
| (5:44 pm) | | | | | | | |
| 1. There was no other business. | | | | | | | |
| |  |  | | --- | --- | | **IItem 13:** | **Date of the Next Meeting** |   (5:44 pm) | | | | | | | |
| 1. The Chairman announced that the 9th FEHWC meeting would be held on **16 July 2015**, and the paper submission deadline for government departments was **24 June 2015**, while the deadline for Members was **30 June 2015**. The Chairman thanked Members, government representatives and guests for attending the meeting and declared that the meeting was adjourned at 5:44 pm. | | | | | | | |

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| The minutes were confirmed on 16 July 2015 | |
| Chairman: | Mr Sidney LEE |
| Secretary: | Miss Angel YIP |

Central and Western District Council Secretariat

June 2015