

Notes of the Twentieth Meeting of the Eastern District Council

The Twentieth Meeting of the Eastern District Council (EDC) was held on 8 September 2011 and the major items discussed were summarized as follows:

I. Director of Buildings to meet Eastern District Council Members

2. The views expressed by the Councillors were summarized as follows :
 - (a) A number of Councillors held the following opinions towards the arrangement for the removal of illegal structures (hereinafter known as encroachment) :
 - (i) the Removal Order for the encroachments must be executed within the assigned time limit, but the targeted buildings often had numerous encroachments to be removed at the same time, which would cause great inconvenience to the building management and the daily life of the residents, therefore could the building discharge the Order in separate batches of encroachment;
 - (ii) regarding the second category building of the clearance action including the Operation Building Bright which was about to take place, if the owner did not take initiative to discharge the Removal Order, the Department would arrange for contractors to remove the encroachments and would subsidize 80 percent of the cost needed and dun the owner for the remaining 20 percent. Would such arrangement make the owners deliberately left it to the government to arrange for removal of the encroachments;
 - (iii) the encroachments had affected structures such as fire escape etc and those encroachments which did not pose immediate danger were often delayed for years and not yet handled. It was hoped that the Department would enhance enforcement and reflect to the authorities if it was still short of manpower after so many years;
 - (iv) if there was a need for removal of the encroachment, those grass roots living therein might not have financial ability to move, was there any measures to help them to get their dwellings;

- (v) how to ascertain those encroachments which needed removal and the priority of the removal, did it depend on the complaint case received or did the Department already have a list of dangerous encroachments;
 - (vi) how many encroachments were there in the Eastern District, was there any survey or statistic for that and how would they be handled;
 - (vii) was the present “visual inspection” for checking the safety of a building outdated, should instrument be used to aid the detection;
- (b) A number of Councillors held the following opinions towards the carrying out of unauthorized building works (hereinafter known as “partitioned flat”) inside the private buildings :
- (i) the existence of “partitioned flat” everywhere in the Eastern District was common, how would the Department handle this situation, did it happen because the Department was short of manpower. Councillors also expressed that safety of the building structure was very important and did not hope that the incident of building collapse in Ma Tau Wai would happen again;
 - (ii) the Department when handling a complaint of “partitioned flat” often could not gain entry into the said unit for investigation and as such failed to handle the problem caused by the illegal connection of water and electricity, what solution did the Department have for this;
 - (iii) the tenant, without the agreement of the owner, carried out illegal alteration again to the “partitioned flat”, where should the owner go to for complaint and how to handle the situation;
 - (iv) what would the Department consider the present situation of altering the “partitioned flat” of a factory building to a domestic dwelling to be serious or not, it was hoped that publicity could be enhanced such as emphasizing that the factory building was not suitable for living;
 - (v) the population policy had caused a great influx of immigrants into the territory which in turn caused the problem of “partitioned flat”, and what was worse, the number of flats built by the government was far below the increased population and there even appeared the situation

where two citizens rented and lived in the same “partitioned cubicle” at different time periods.

- (c) A number of Councillors held the following opinions towards the supervision system on minor works :
 - (i) was there any simple means by which citizens would know how to contact the contractor and the category of the minor works;
 - (ii) it was proposed to enhance publicity so that the citizen and the contractor knew the details of the minor works project;
 - (iii) the compulsory window test scheme requested authorized persons and registered structural engineers to take up the test and the fee was high, therefore it was proposed to change to just any qualified persons.

II. Director of Social Welfare to meet Eastern District Council Members

- 3. The views expressed by the Councillors were summarized as follows :
 - (a) A number of Councillors held the following opinions towards the policy of welfare allowance for the seniors :
 - (i) there were many seniors who went to spend their old age in the vicinity of the Pearl River Delta and some of them even did not have a fixed abode in the territory, which made them hard to meet the provision for receiving the old age allowance for the whole year (commonly known as the “fruit payment”) by residing in Hong Kong for not less than 60 days within the year of payment. In recent years they could not improve their living either due to the appreciation of Renminbi. It was hoped that the Department could consider how to help them;
 - (ii) it was already proposed many years ago to relax the time limit of residing in Hong Kong for the beneficiary of the old age allowance, being one more choice provided for the seniors to make arrangement for their old age. To the Councillors’ understanding, the seniors were very happy to return to Hong Kong for one day in a year so as to

confirm their eligibility for receiving the allowance continuously;

(iii) if the senior went to the Mainland for more than one and a half days in a week, then they would not meet the provision of residing in Hong Kong for receiving the old age allowance. Should the provision of leaving Hong Kong not exceeding 56 days be relaxed, so that the senior could make arrangement freely for their old age;

(iv) requested that the limit for leaving Hong Kong for the senior receiving old age allowance be waived, and also considered that the means test should not be set for the senior aged from 65 to 69 who hoped to receive normal old age allowance, so as to respect the efforts they had contributed to Hong Kong in the past.

(b) A number of Councillors held the following opinions towards the elderly care service :

(i) at present, the places of the elderly home could not meet the demand and could not satisfy the need of the aging population. It was hoped that priority consideration be given to help those seniors who had not been arranged to live in the elderly home;

(ii) currently the life of citizens was prolonged and thus the number of chronic patients also increased accordingly, but the elderly care service was seriously insufficient, although the Department indicated that resources had been added, the supply still could not meet the demand;

(iii) the average life expectancy of Hong Kong people was long and thus their retirement periods were long and many of them were professionals. It was hoped that the Department could increase resources to add arena or performance arena for the seniors or hold interest classes such as chess arts etc in a way to arrange for them to continue to provide service for the community and make contribution to society, so as not to loiter in the gardens to waste time;

(iv) the Department would buy hostel places of category A1 from the private elderly homes, what were the specification and choice criteria of A1;

- (v) Hong Kong was becoming an aged society, would the Department consolidate the updated population census to understand the distribution of seniors in each district, so as to apportion resources more reasonably and improve the elderly care service within the district;
 - (vi) the male seniors would usually spend their leisure time in the garden etc whereas the female seniors would be more willing to take part in volunteering work and the ratio for that was about 1 to 6, how to promote the male seniors to integrate into society;
 - (vii) in comparison with monetary assistance, the retiree were more concerned about the medical protection. It was hoped that the Department would study the need of the seniors and see that if it was more necessary to implement free medical protection for the whole population.
- (c) A number of Councillors held the following opinions towards the service of mental health :
- (i) the Centre for Psychotropic Substance Abusers was increased from four to eleven, how were they distributed, would the distribution be adjusted according to such factors as the class and grouping etc of the users. Would it include the provision of medical service for dangerous drug smokers and soft drug abusers, and did it employ special medical personnels;
 - (ii) although the resources of the mental health service was increased, the citizens still considered the waiting time to be too long thus reflecting that the service was insufficient;
 - (iii) the street sleepers within the district mostly had mental health problem but the manpower of psychiatric social workers was insufficient so that the problem of street sleepers could not yet be solved. It was suggested that resources be added.
- (d) A number of Councillors held the following opinions towards the family and child welfare service :
- (i) highly agreed to extending the community nanny service (i.e.

neighbourhood support child care scheme) to the 18 districts and considered that it would be much better if the service time could be extended appropriately and it was also proposed to strengthen the publicity, including posting related information in the ward office to assist the promotion of the service;

(ii) the child care service provided was very important in helping the women to take care of the family and it was hoped that the Department could consider to provide “one-stop-shop” service to integrate moral training for the cohesion of the family core value.

(e) Councillors made the following enquiries :

(i) how did the youngster get to know the 3000 posts the Department would provide for them;

(ii) now that inflation was very serious, how could the Department help the vulnerable group, would it form community body by encouragement and increasing support, such as enhancing food support within short period, assisting the citizens to resist inflation by means of group buying or cooperation society.

III. Director of Drainage Services to meet Eastern District Council Members

(EDC Paper No. 60/11)

4. The views expressed by the Councillors were summarized as follows :

(a) A numbers of Councillors held the following opinions towards sewage treatment and matters relating to its facilities :

(i) in 2002 the government reduced the sewage charge and the trade effluent surcharge and now that inflation in Hong Kong was serious, would the government consider how to lessen the burden of the citizens and the industrial and trade sector;

(ii) special odour was emitted in the Chai Wan Sewage Treatment Works in the recent half year, it was hoped that the Department could pay special attention to this;

- (iii) manholes at the roadside often emitted objectionable odour, was it due to outdated design, otherwise the Department should consider how to handle the odour emitted by the manhole or the oil filter tank, so as not to affect the pedestrians.
- (b) A number of Councillors held the following opinions towards the matters relating to the drainage system :
 - (i) the flooding at the roundabout of Chai Wan during rainy season was serious, the main source was from the catchment area in the three locations, i.e., Lin Shing Road, Fung Wah Estate and Hing Wah Estate. Many years ago an incident of casualties resulting from landslide happened in Fei Tsui Road. It was hoped that the Department could take protective measures in advance to improve the work on drainage of storm water;
 - (ii) it was hoped that more catchment areas could be added so as to drain storm water during rainy season;
 - (iii) how to handle the problem of marsh gas in the underground drainage system so as to protect the safety of people including the working staff;
 - (iv) if blockage problem occurred in the flood drain at the hill side, how would the Department and the Highways Department handle the problem respectively.
- (c) A number of Councillors held the following opinions towards the water quality of typhoon shelters:
 - (i) regarding the water quality of Aldrich Bay Typhoon Shelter, although the Department expressed that the two sources of pollution were known, nevertheless, the water quality could only be thoroughly improved by connecting the rain water drain to the outer sea;
 - (ii) the Causeway Bay Typhoon Shelter on the one hand was undergoing the improvement works on sewage catchment for the Central-Wan Chai Bypass project, and on the other hand sewage was discharging at times owing to the misconnection of sewage drain with the rain water drain,

how would the Department handle this related problem.

IV. Objection to the SAR Government for depriving a citizen of his inherent right to vote Urge for looking at the citizen's wish seriously, and immediately withdrawing the replacement mechanism of the Legislative Council

(EDC Paper No. 74/11)

5. The views expressed by the Councillors were summarized as follows :
- (a) A Councillor stated that when he attended the open forum on replacement mechanism on 1st September, he met the protestors rushing in the venue and considered that such impact action should be reviewed.
 - (b) A Councillor agreed that when there was a loophole in the policy, measures should be taken to plug the loophole. Since the government had proposed a number of options for public consultation, each sector should express its opinions. He expressed his support for the implementation of the replacement mechanism and considered that a Legislative Councillor stood for election again after he had abandoned his service for the citizen was a conduct of wasting public fund.
 - (c) A Councillor pointed out that “maintain the status quo” might be taken as the fifth improvement option and it also gained the support of some professional sectors. He pointed out that whilst the government was still considering the influence of the third option, she then consulted the citizen. He stated that apart from voluntary resignation, citizen would also request those incompetent Legislative Councillors to leave service, therefore he considered that it should be decided by the citizen whether the person who stood for the by-election after he had resigned was suitable or not to take up the post of a Councillor again and this did not involve the waste of public fund either.
 - (d) A Councillor considered that since a Legislative Councillor was elected by the citizen, he/she should perform his/her duty and served the citizen during his/her term of office. And on this occasion some Legislative Councillors stood for the by-election again after resignation and moreover spent public fund and such conduct was contrary to the expectation of the citizen. She

reflected that the citizen she came into contact all considered that the loophole of the present mechanism should be plugged and the arrangement for consultation for that purpose was a way of democracy.

- (e) A Councillor pointed out that when a citizen made a vote, he expected that the Legislative Councillor would provide service until the end of his term of office. Therefore, she opined that an incumbent Councillor tendering resignation was an irresponsible conduct to the voters, and this not only delayed the implementation of the policy but also wasted a great amount of public fund to arrange for the by-election.
- (f) A Councillor considered that the right of voting and the right of being voted must not be deprived of, the replacement mechanism had deprived a citizen of his by-election right, not to discuss the civic right. He considered that the safeguard of a citizen's right must be insisted.
- (g) A Councillor considered that a Legislative Councillor was a person whom the voters accorded the right to speak for them under the election mechanism, and the voters never requested the Councillor to resign after having been elected and to stand for the by-election again. He agreed that it was a must to maintain the freedom of speech but it should not go beyond the proper limits. He considered that the government had the responsibility to plug unreasonable loophole, so as to safeguard the reasonable expectation of the voters.
- (h) A Councillor considered that it didn't matter whether one supported or opposed the replacement mechanism, so long as it would not deviate from the ultimate target of general election and referendum and also expressed his disagreement to the expression of wish by non-peaceful means.
- (i) A Councillor opined that the options proposed by the replacement mechanism might not be perfect, therefore it needed wider discussion. She pointed out that Hong Kong had freedom of speech and allowed different means of expression, the society should respect the basic rights of electing and being elected, and should also respect personal rights, and should not abuse violence and should speak one's mind in a democratic, free and peaceful way and the government should listen more in order to understand the public opinion.

(j) A Councillor made the following declaration :

“Referendum is the direction and ultimate target of the society. With regard to the replacement mechanism, the participation right and the voting right are the basic civic rights of a citizen, if there is any reasonable vacancy within the term of office, it still needs the citizen to make the election by voting, this is the concrete meaning of realizing the spirit of democracy.”

(k) A Councillor made the following verbal declaration :

“I strongly condemn the consultation of the replacement mechanism which gives no choice for the citizen and I object to the replacement mechanism.”

6. Upon discussion, the following motion was carried by a vote of 28 to 7 and zero abstention :

“The Eastern District Council agreed that the public opinion generally did not agree to the conduct of the Legislative Councillors who immediately stood for the by-election after they had resigned. Such act not only affected the operation of the Legislative Council but also wasted public fund. This Council supported the government to arrange for and conduct public consultation with regard to filling the vacant seats of the Legislative Council and after listening to public opinion, should make an optimal option as soon as possible so as to plug the loophole.”

Eastern District Council Secretariat
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