

## **Progress Report of the 12th Meeting of the Kowloon City District Council**

### **Purpose**

This paper aims to report on the major issues discussed at the 12th meeting of the Kowloon City District Council (KCDC) on 22 September 2005.

### **Concern over the Designation of Demonstration Areas During the World Trade Organisation Conference**

2. Members expressed concern over a press report that the Government had planned to designate a vacant site on the Hung Hom Waterfront as demonstration area during the Sixth Ministerial Conference (MC6) of the World Trade Organisation (WTO). They worried that fierce protests by demonstrators would eventually lead to violence. Not only would nearby residents bear the full brunt, but the Hung Hom Cross Harbour Tunnel would be affected as well. In this connection, Members urged the Government to consult the KCDC when considering the location of the demonstration area. The Hong Kong Police Force (HKPF) said in response that although meetings of the Inter-parliamentary Union (IPU) would take place at the Harbour Plaza Hotel during the MC6, demonstrators would still prefer to stage protests in Wan Chai, as the number of participants attending the General Meeting there far exceeded that at the IPU meetings. Since the HKPF so far had not received any applications from individuals or organisations for holding public demonstrations or processions in the vicinity of the Harbour Plaza Hotel, they had yet to confirm the type and number of organisations that intended to stage demonstrations in Hung Hom and had not implemented any deployment plans for the time being.

### **2005-06 Work Plan of the Hospital Authority – Central Kowloon Hospital Cluster**

3. The Hospital Authority (HA) briefed Members on the challenges faced by the Central Kowloon Hospital Cluster and the major measures to be adopted in future. They were: (1) prevention against the Severe Acute Respiratory Syndrome (SARS), avian flu and other contagious diseases; (2) reducing public demand for in-patient service through the promotion of out-patient and community care; (3) enhancing upstream work such as the promotion of a healthy community and disease prevention; (4) making effective use of the savings achieved through the Enhanced Productivity Programme. Members generally praised the work of the HA, especially the cataract

surgery service heavily relied upon by the public, as well as the tai chi and aerobics classes aimed to improve people's health through prevention. In addition, Members made recommendations to the HA on the effective monitoring of the use of antibiotics, the introduction of a Standard Drug Formulary and co-operation with Mainland hospitals.

#### **Requesting the Government to Reduce Income Tax**

4. A member suggested that when the Government's fiscal position improved as a result of the Hong Kong's economic upturn, the Government should reduce income tax to ease the financial pressure on the middle-class and address their grievances.

#### **Improving Government Procedures for Issuing Orders to Avoid Unjust Prosecution of Property Owners**

5. Members reflected residents' frustrations that they were required by Government departments to carry out immediate improvement works to their properties without prior notice, without granting them any grace period. In this connection, Members urged the departments concerned to review the existing procedures for issuing notices and take a lenient approach by giving property owners reasonable time to carry out improvement works after receiving the notices.

6. In response, the Buildings Department (BD) explained that before carrying out building maintenance works or operations to remove illegal structures, they would first send advisory letters to the owners or occupants of the building or flat concerned to urge them to carry out the works required. Only if they did not comply with the requirements would the BD serve an order on them. The BD would confirm the owner's address with the Land Registry (LR) before issuing the order. On the date of issuance, BD officers would post the order in a conspicuous place of the building or flat concerned and send the order by registered post to the owner's address as registered with the LR. In addition, a copy of the order would also be sent by ordinary post to the flat concerned to notify the occupants. If the owner failed to comply with the order within the time limit, the BD would notify him in writing that they would initiate prosecution under the Buildings Ordinance and refer the case to the Legal Section for follow-up action. Officers of that section would then ensure that the order was properly served before issuing summons.

7. The Electrical and Mechanical Services Department (EMSD) told the

meeting that if their officers found during inspections problems with the electrical installations of a particular building, they would first told the owner on the spot what improvement works should be carried out, and formally notify them in writing later. The EMSD would only resort to prosecution under the Electricity Ordinance and its subsidiary legislation if the owner repeatedly ignored their advice.

8. The Food and Environmental Hygiene Department (FEHD) remarked that if nuisance was found to exist in a property, they would, according to the property ownership as registered with the LR, serve a Nuisance Notice on the people or the owners' corporation concerned to require them to reduce or eliminate the nuisance within a specified time limit. The FEHD would usually serve the Nuisance Notice on them by registered post, but would consider delivering the Notice by hand or posting the Notice in a conspicuous place around the area where the nuisance existed if the Notice could not be served properly due to incorrect address or whatever reasons. To avoid unjust prosecution, the FEHD would, before bringing prosecutions, confirm with the Hongkong Post to ensure that the people or owners' corporation concerned had properly received the Notice.

### **Seeking Ways to Eliminate the Nuisance Caused by the Mentally Ill**

9. Members reflected that a few mentally ill people living in On Man Estate had been causing a nuisance to nearby residents. Although the cases had been referred to the Social Welfare Department (SWD), HKPF, Housing Department and hospitals for follow-up action, the Government could not compulsorily send the mentally ill to mental hospitals out of consideration for human rights, while efforts made by families of the mentally ill or social workers alone to persuade them to take medications regularly to control their conditions were simply not enough. To address the problem, Members suggested that the Government make legislative amendments to empower relevant Government departments to compulsorily hospitalise mentally ill people who posed a threat to their neighbourhoods for treatment.

10. The SWD said in response that the authorities could compulsorily hospitalise mentally ill people if there were sufficient reasons to believe that their behaviour could endanger the lives of others. To safeguard the rights of the mentally ill, however, the magistrate would order compulsory hospitalisation only with the consent of the social workers concerned, families of the mentally ill, their attending doctors and one other doctor. Most often, the mentally ill disturbed their neighbours by accumulating rubbish in their flats (also known as the bin flats) or producing too much noise. The Government currently had a mechanism in place to co-ordinate the

efforts of the departments concerned to tackle the problems caused by the mentally ill. In dealing with these cases, the authorities, with the assistance of the families of the mentally ill, would first try to dissuade the mentally ill people concerned from causing a nuisance to their neighbours. While Members hoped that there would be a cure-all for the problem, the compulsory hospitalisation of the mentally ill might backfire and create its own problems. In this respect, the SWD and the departments concerned would adopt various measures to control the conditions of the mentally ill so that they would lead normal lives again and no longer be a burden to their families and neighbours. The public were urged to exercise patience in this issue.

### **Enlarging the Functions of the District Councils**

11. Members agreed that it was essential to raise the status of the District Councils (DCs) before expanding their terms of reference. Government departments should duly respect the DCs and actively participate in DC meetings to help resolve district problems. In addition, Members suggested that the Government transfer the functions of the two former Municipal Councils to the DCs and enable more DC Members to serve on various government advisory bodies.

12. Members held divergent views about whether appointed seats in DCs should be retained. While many Members demanded that all DC Members be directly elected in future, others held opposite views, arguing that since many members of various advisory bodies were appointed by the Government, it was only appropriate, reasonable and legal for the Government to continue to appoint suitable members to the DCs. Moreover, the appointment system would enable professionals and talents from the business sector to participate in the DCs and complement the elected DC Members.

13. The Constitutional Affairs Bureau (CAB) pointed out the Constitutional Development Task Force (the Task Force) suggested in its Fourth Report that the participation of DC Members in Legislative Council elections and the Election Committee be enhanced. To this end, proposals on the methods for selecting the Chief Executive and for forming the Legislative Council put forward in the Fifth Report of the Task Force aimed to broaden the electorate base and enhance the representativeness and participation of the public. As regards the functions and composition of the DCs and other related issues, a working group set up jointly by the CAB and the Home Affairs Department (HAD) would conduct a review by the end of this year. The DCs would be duly consulted during the review.

### **Reviewing the Arrangements for Free Rice Distribution**

14. Members expressed concern over a fatal incident involving an elderly person caused by free rice distribution. They agreed that traditional customs should be preserved, but improvements to the arrangements for free rice distribution had to be made. Improvement measures put forward by Members are summarised as follows:

- The organisers should consider seeking assistance from other organisations (such as the SWD and Offices of District Council Members) in mobilising volunteers to maintain order at the scene;
- Centres for the elderly should note down the personal particulars of those elderly people who wanted to receive a packet of free rice, and arrange to have the rice delivered to their homes by volunteers;
- The traditional ceremony and free rice distribution should be held in separate places, and spacious venues (e.g. schools) were particularly suitable for the latter;
- Rice should be distributed in the traditional form of a small packet without the accompanying red-packet worth as much as HK\$100 so as to avoid attracting people other than those wanting to receive a rice packet only to queue and scramble for the presents; and
- To discourage the elderly from obtaining rice packets from different districts, organisers planning to hold Yu Lan celebrations should distribute free rice on the same day and only allow residents who had previously registered with them to collect their rice packets in their respective districts.

15. In the light of Members' proposals, the HAD would review the arrangements for free rice distribution in conjunction with the HKPF, the SWD and the Leisure and Cultural Services Department. It was hoped that they would come up with a package of safety improvement measures for free rice distribution in a few months' time for organisers to follow in accordance with the special features of the venue, the availability of manpower and the scale of the activity. The HAD would continue to listen to the views expressed by various sectors, maintain close ties with the organisers and proactively examine all feasible improvement measures.

Kowloon City District Office  
November 2005