

## Minutes of the 3<sup>rd</sup> Meeting of the Eastern District Council

Date : 26 April 2016 (Tuesday)  
Time : 2:30 pm  
Venue : Eastern District Council Conference Room

<u>Present</u>	<u>Time of Arrival</u> <u>(pm)</u>	<u>Time of Departure</u> <u>(pm)</u>
Mr TING Kong-ho, Eddie	2:30	end of meeting
Mr WONG Chi-chung, Dominic	2:30	end of meeting
Mr WONG Chun-sing, Patrick	2:30	end of meeting
Mr WONG Kwok-hing, BBS, MH	2:30	5:00
Mr KU Kwai-yiu	2:30	end of meeting
Mr HO Ngai-kam, Stanley	2:30	end of meeting
Ms LI Chun-chau	2:30	end of meeting
Mr LEE Chun-keung	2:30	end of meeting
Mr LAM Sum-lim	2:30	end of meeting
Mr LAM Kei-tung, George	2:30	end of meeting
Ms LAM Chui-lin, Alice, MH	2:30	end of meeting
Mr SHIU Ka-fai	2:30	end of meeting
Mr HUNG Lin-cham	2:30	end of meeting
Mr CHUI Chi-kin	2:30	end of meeting
Mr CHEUNG Kwok-cheong, Howard	2:30	end of meeting
Mr LEUNG Siu-sun, Patrick	2:30	end of meeting
Mr LEUNG Kwok-hung, David	2:30	end of meeting
Mr HUI Lam-hing	2:30	end of meeting
Mr HUI Ching-on	2:32	end of meeting
Mr KWOK Wai-keung, Aron	3:20	5:10
Mr MAK Tak-ching	2:30	end of meeting
Mr WONG Kin-pan, MH, JP (Chairman)	2:30	end of meeting
Mr WONG Kin-hing	2:30	end of meeting
Mr YEUNG Sze-chun	2:30	end of meeting
Mr CHIU Ka-yin, Andrew	2:30	end of meeting
Mr CHIU Chi-keung (Vice-chairman)	2:30	end of meeting
Mr LAU Hing-yeung	2:30	end of meeting
Mr CHENG Chi-sing	2:30	end of meeting
Mr CHENG Tat-hung	2:47	end of meeting
Mr LAI Chi-keong, Joseph	2:30	end of meeting
Mr NGAN Chun-lim, MH	2:30	end of meeting
Mr LO Wing-kwan, Frankie, MH	2:35	end of meeting
Mr KUNG Pak-cheung, MH	2:30	end of meeting

### Absent with Apologies

Ms LEUNG Wing-man, Bonnie  
Ms CHOY So-yuk, BBS, JP

**In Regular Attendance (Government Representatives)**

Ms TENG Yu-yan, Anne, JP	District Officer (Eastern), Eastern District Office
Ms AU Tsz-kwan, Fiona	Assistant District Officer (Eastern) 1, Eastern District Office
Mr LAI Ho-chun, Samuel	Assistant District Officer (Eastern) 2, Eastern District Office
Mr Graham MITCHELMORE	District Commander (Eastern District), Hong Kong Police Force
Mr KU Siu-fai	Police Community Relations Officer (Eastern District), Hong Kong Police Force
Mr TSE Chick-lam	Chief Manager/Management (Kowloon West and Hong Kong), Housing Department
Mr WONG Yuet-chung	Senior Housing Manager/Kowloon West and Hong Kong 3, Housing Department
Mr CHIU Hak-pui, Christopher	Chief Transport Officer/Hong Kong, Transport Department
Mr LAM Kang-fuk	District Environmental Hygiene Superintendent (Eastern), Food and Environmental Hygiene Department
Mr LIU Wai-shing, Simon	Chief Leisure Manager (Hong Kong East), Leisure and Cultural Services Department
Ms LOK Mee-mee, Mimi	District Leisure Manager (Eastern), Leisure and Cultural Services Department
Mr LAU Wai-lun, Eddie	Senior Liaison Officer (1), Eastern District Office
Ms WONG Sze-man, Queenie	Senior Liaison Officer (2), Eastern District Office
Ms KONG Kei-kei, Hayley	Senior Executive Officer (District Management), Eastern District Office

**In Attendance by Invitation (Representatives from the Government and Organisations)**

Miss TSE Siu-wa, Janice, JP	Director of Home Affairs
Miss CHEN King-sun	Assistant Principal Immigration Officer (Removal Assessment and Litigation), Immigration Department
Mr WONG Yuk-tung	Chief Immigration Officer (Removal Assessment), Immigration Department

**Secretary**

Ms LEE Shuk-han, Phoebe	Acting Senior Executive Officer (District Council), Eastern District Council
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**Opening Remarks**

The Chairman welcomed all Councillors and government representatives, in particular Miss Janice TSE, JP, Director of Home Affairs to the meeting. He also welcomed Ms Queenie WONG, the new Senior Liaison Officer to the meeting.

**I. Confirmation of Minutes of the Second Eastern District Council Meeting**

2. The minutes were confirmed without amendment.

**II. Director of Home Affairs to Meet Eastern District Council Members**

3. The Chairman welcomed Miss Janice TSE, JP, Director of Home Affairs to the meeting of the Eastern District Council (EDC).

4. Miss Janice TSE, JP, Director of Home Affairs, briefed Councillors on the major work of the Home Affairs Department (HAD) as follows:

- (a) The Government implemented the “District-led Actions Scheme” (DAS) in all 18 districts this year to further take forward the concept of “addressing district issues at the local level and capitalising on local opportunities”. For Eastern District, the Eastern District Management Committee had endorsed the implementation of the DAS in two phases. In the first phase, the Eastern District Office (EDO) and the relevant departments would step up anti-mosquito work as well as publicity and education efforts in the district.

- (b) The Signature Project Scheme in Eastern District – “Eastern District Cultural Square” had been endorsed by the Public Works Subcommittee of the Legislative Council (LegCo) on 20 April and would be submitted to the Finance Committee (FC) of the LegCo for approval. Subject to the funding approval of the FC, the Scheme was expected to commence in late 2016 for completion by the end of 2018.

(Post-meeting note: Funding for the “Eastern District Cultural Square” project was approved by the FC of the LegCo on 13 May 2016.)

- (c) The HAD would continue to promote community involvement activities. To further strengthen the support for District Councils (DCs) in promoting arts and cultural activities in the districts, the Government had provided an additional funding of \$2.4 million for the promotion of arts and cultural activities in Eastern District.

5. 29 Councillors expressed their views and raised questions as follows:

- (a) Mr Eddie TING said that he had strived for an additional swimming pool in Eastern District for years. With the transfer of Victoria Park Swimming Pool to Wan Chai District this year, he hoped that the Government would consider the needs of local residents, relax the planning standards and expedite the proposal for constructing an additional swimming pool in the district.

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- (b) Mr Dominic WONG welcomed the DAS which focused on dealing with the mosquito problem in the district. He indicated that private buildings and tenement buildings which did not have an owners' corporation (OC) might not have the resources to tackle the mosquito problem. With the approach of the rainy season, he suggested the Government consider launching a territory-wide anti-mosquito campaign and strengthening the relevant work, so as to prevent the spread of dengue fever and Zika virus.
- (c) Mr Patrick WONG was concerned about the management of buildings which did not have an OC or any residents' organisation, nor engage any property management company (commonly known as "three nil" buildings). He said that some owners faced problems such as high maintenance costs and bid-rigging when carrying out building maintenance works. He hoped that the HAD could strengthen the support to such owners.
- (d) Mr Stanley HO said that residents of Heng Fa Chuen had been subject to noise nuisance for many years. He hoped that the Government could carry out noise barrier retrofit works there as soon as possible so as to reduce the noise impact on nearby residents. In addition, he reflected that with the LegCo Election approaching, there were more unauthorised publicity materials in the district. He urged the relevant departments to step up enforcement actions.
- (e) Mr David LEUNG reflected that the problems of illegal parking and shop front extensions (SFEs), etc. in the district had room for improvement. Moreover, he stated that minority flat owners were not duly protected as some OC chairmen had failed to comply with the Building Management Ordinance (BMO) and the relevant guidelines. He suggested the Government consider amending the BMO for strengthened regulation in order to safeguard the interests of property owners.
- (f) Mr Patrick LEUNG hoped that the HAD could enhance the co-ordination among the relevant departments so as to assist OCs in resolving disputes over matters such as removal of unauthorised signboards. Furthermore, he called for the allocation of additional resources to improve the existing community hall facilities so that local residents, particularly the elderly, could be provided with better services. He also hoped that the Area Committees could organise more district activities and suggested that additional resources be provided to the Area Committees.
- (g) Mr Howard CHEUNG said that the District Office staff seldom provided legal advice when handling enquiries about estate maintenance. He hoped that the representatives of the HAD and the District Building Management Liaison Team would be more proactive in offering assistance. He also suggested strengthening technical support for building maintenance works, such as providing information on consultancy fees and costs of maintenance items for owners' reference to prevent bid-rigging. In addition, he hoped that the HAD could allocate more resources to the Joint Offices for Investigation of Water Seepage Complaints to deal with the water seepage problem in the district.
- (h) Mr CHUI Chi-kin suggested the Government consider redeveloping Yue Wan Estate into a large-scale public housing estate to increase public housing

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supply. He opined that the HAD should enhance its support to OCs, especially offering assistance on legal issues. He also urged more stringent statutory regulation of OCs.

- (i) Mr HUNG Lin-cham said that problems like traffic congestion and dilapidated road surfaces were common along private streets in old areas such as Fort Street with issue of lack of management owing to fragmented ownership. He called for enhanced co-ordination by the HAD to help resolve the street management problems. He also hoped that the Government would consider the resumption of private streets for its management in the long run.
- (j) Mr SHIU Ka-fai praised the work of the District Officer (Eastern). He said that he had strived for the building of escalators in Braemar Hill area for years and looked forward to the Government's expedited implementation of the proposal so as to facilitate pedestrian access. He further stated that residents near Kiangsu-Chekiang College on Braemar Hill had complained from time to time about the danger caused by the illegal parking of private vehicles on the pavement. While the Police had stepped up enforcement efforts, he hoped the HAD could co-ordinate the relevant departments to install railings.
- (k) Mr LAM Sum-lim suggested tackling the problems of illegal parking or street hygiene in the district under the DAS. In addition, he opined that the District Office staff had seldom provided legal advice on building maintenance and suggested further strengthening of such support to owners and OCs. He was also concerned about the lack of transparency of the MTR Corporation Limited and bus companies which often fended off requests for district improvement works by making use of reasons such as inadequate pedestrian flow. He further enquired about the planning standard for providing a library in the district; whether there would be any adjustment to the standard; and whether a reading room could be provided if the planning standard for a library would not be met.
- (l) Mr HUI Lam-hing hoped that a dedicated department could be assigned to deal with the unauthorised display of publicity materials in the district which would become increasingly rampant as the LegCo Election drew near. Moreover, he called for the provision of a barrier-free access for residents around Holy Cross Path. He also pointed that some OCs had recently increased the management fees substantially and urged the HAD to formulate guidelines to protect minority flat owners.
- (m) Mr MAK Tak-ching pointed out that improvement works on fire service installations under the Fire Safety (Buildings) Ordinance could not be carried out in some single or old buildings due to their structural or spatial constraints. Some owners had been fined for not complying with the Fire Safety Directions. He hoped that the Fire Services Department would adopt a more flexible approach to such improvement works or accept alternative equipment upgrading proposals. Moreover, he requested the Government to consider building an elderly centre and a library at the car park near the Eastern Law Courts Building as early as possible to meet the needs of the local community.

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- (n) Mr WONG Kin-hing said that Government departments would consult through District Offices on district-related policies or measures at present. He suggested the Government consider adopting a flexible approach for such consultation. Consideration could be given to consulting organisations or Councillors of more than one constituency for specific cases such as where the site in question was situated in a large constituency or in a small constituency bordered by more than one constituency.
- (o) Mr YEUNG Sze-chun suggested the Government increase the manpower to provide support for building maintenance works. For example, the Government could consider establishing a dedicated department to provide professional advice from lawyers and surveyors to owners. Given the social costs involved, he enquired whether the Government would consider intervening in the maintenance and management of private buildings. As regards SFEs, he called for a review on the hawkler licensing regime. He also hoped that the Area Committees could play a greater role and officials would attend meetings involving discussion on major district issues so as to listen to the views of local representatives. He also wished to attract more students to join the Commission on Youth.
- (p) Mr Andrew CHIU said that the HAD had launched the Free Mediation Service Pilot Scheme for Building Management in collaboration with two professional institutions, under which accredited mediators would help resolve building management disputes. He said that most of these disputes could be resolved through mediation. Making reference to the experience in other places, he proposed establishing a mediation committee under each District Office to assist in resolving disputes. He also hoped that the HAD would consider including in the Standing Orders that jury service could be a ground for being absent from DC meetings and granting paternity leave to Councillors.
- (q) Mr Frankie LO said that the building management courses organised by the HAD from time to time helped deepen OCs' knowledge on building management and the BMO. He added that clearer guidelines on owners' letters of authorisation and the increase of management fees by OCs could be drawn up when amending the BMO. He suggested the HAD distribute copies of the amended BMO to all registered OCs for their reference after effecting amendments.
- (r) Mr NGAN Chun-lim looked forward to the early implementation of the Signature Project Scheme and the provision of an additional library in Eastern District. He hoped that more resources could be allocated to enhance community facilities. He also proposed strengthening the training of management staff of Aldrich Bay Community Hall for effective use of the recently upgraded audio equipment. Moreover, with the transfer of Victoria Park to Wan Chai District, more large-scale events of Eastern District would be held in Aldrich Bay Park. He suggested improving the park facilities such as enhancing lighting in the pavilions.
- (s) Mr Joseph LAI said that non-civil service contract (NCSC) staff hired by district offices was subject to a different pay adjustment mechanism from civil servants. For instance, salary increment would not be granted. He hoped

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that the HAD would consider converting these NCSC staff to civil servants. He also hoped that the Chai Wan Sub-office would provide more services, such as administration of declaration/oath.

- (t) Mr CHENG Tat-hung was concerned that the HAD had not provided sufficient support on building management and maintenance. On the other hand, given the high costs of District Minor Works projects, he considered that the public be invited to express their views on such works so as to tap their creativity.
- (u) Mr CHENG Chi-sing was concerned about the issue of ageing population and lack of care-and-attention homes for the elderly (C&A homes) in the district. He hoped that a C&A home could be set up in the district to meet the needs of the elderly.
- (v) Mr KU Kwai-yiu opined that the support provided by the HAD to minority owners of private buildings was insufficient. He added that minority owners of Tenants Purchase Scheme flats in Chai Wan were not familiar with their own rights. He hoped that staff of district office in the area could be arranged to provide them with the relevant information, or organise briefings in Tsui Wan Estate and Fung Wah Estate to enhance their knowledge.
- (w) Ms LI Chun-chau stated that the objective of forming OCs was to enhance estate management. Nonetheless, various issues related to OCs were observed. Some OCs considered that there was inadequate support provided to them; some experienced difficulties in securing support of 5% of the minority owners; some had excessive power making it difficult for minority owners to express dissatisfaction. She hoped that while enhancing support to OCs, the HAD should also strengthen their regulation.
- (x) Mr LEE Chun-keung was concerned about the problems associated with major maintenance works, in particular bid-rigging. He pointed out that the HAD's further co-ordination of relevant departments such as the Buildings Department and the Urban Renewal Authority (URA) to provide professional advice to building owners could play a facilitating role in the maintenance works. Furthermore, he hoped that the HAD could assist the Food and Environmental Hygiene Department (FEHD) and the Hong Kong Police Force (HKPF) in tackling SFEs effectively. He also praised the work of the District Officer (Eastern).
- (y) Mr George LAM hoped that the HAD would consider amending the legislation to provide remuneration to OC members so as to encourage more professionals to actively participate in the work of OCs, thereby enhancing building management and facilitating maintenance works.
- (z) Mr LAU Hing-yeung said that to support the Government's direction of enhancing youth development, he hoped that the Youth Square would provide more incentives to the Eastern District Youth Programme Committee, district organisations and schools, etc., so as to encourage them to make use of the Youth Square for organising youth activities.

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- (aa) Mr KUNG Pak-cheung was concerned about the issue of letters of authorisation. He pointed out that some people with ulterior motives might make use of the authorisation letters to affect the resolution of OCs. He proposed that the HAD should strengthen the regulation of letters of authorisation.
- (bb) Mr Aron KWOK considered that the HAD had not provided sufficient support to OCs which might not have necessary knowledge about maintenance works and property management. On the other hand, due to staff turnover, Liaison Officers (LOs) engaged in building management duties might not have enough experience to tackle complex problems. He opined that advanced courses on building management could be organised. On tourism promotion, he proposed that there could be more efforts in promoting local characteristics in the district. In addition, he hoped that the functions of the Area Committees could be strengthened for more effective tackling of district problems.
- (cc) The Chairman said that the funding allocated by the Government to DCs for implementing projects had remained unchanged for years. As the population of 18 districts differed greatly with a higher population in Yuen Long, Kwun Tong, Sha Tin and Eastern District, he hoped that the Government could consider adjusting the resources allocated to DCs having regard to the population in the district.

6. Miss Janice TSE, JP, Director of Home Affairs responded to Councillors' views and enquiries as follows:

- (a) Building management was a matter of particular concern of the Councillors. The HAD had endeavoured to introduce measures to assist OCs and owners in discharging their building management duties properly. The building management problems arising from buildings with OCs and "three nil" buildings – those without OCs or property management companies might not be the same. Specifically, to ensure effective building management, it was important to raise owners' awareness on building management. The HAD would continue its efforts to enhance owners' awareness of the importance of proper building management and promote their active participation through publicity and public education.
- (b) As regards support for building maintenance works, the URA would soon launch the Building Rehabilitation Facilitating Services Pilot Scheme (Building Rehabilitation (Pilot Scheme) (Pilot Scheme) to provide technical assistance for OCs of private residential buildings, including provision of guidelines and arranging professionals to provide independent advice, etc., to minimise their potential exposure to tender rigging when carrying out maintenance works for their buildings. In addition, the HAD would strengthen publicity and education, and provide information on the procedures regarding building maintenance to OCs and owners in order to protect owners' interest.

(Post-meeting note: The URA launched the Pilot Scheme on 10 May 2016.)

- (c) To equip LOs with the professional knowledge for discharging their building



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management duties more effectively, the HAD would strengthen the training for LOs responsible for building management duties so that they could offer support to owners and OCs on building management matters. Nevertheless, LOs were not legal professionals and should not render legal advice to OCs and owners.

- (d) The HAD would continue to co-ordinate the relevant departments to follow up and address the problems of traffic congestion, illegal parking and SFEs in the district. The Government had amended the legislation to introduce a fixed penalty system as an additional enforcement tool against SFEs. The FEHD and the HKPF would be empowered to issue Fixed Penalty Notices on top of summonses to offenders.
- (e) The HAD would continue to work closely with DCs and consider bidding for resources to enhance work at the district level when necessary.

7. The Chairman thanked Miss Janice TSE, JP, Director of Home Affairs, for attending the meeting, and invited her to take note of Councillors' views.

### **III. Strongly Requesting the Authorities to Adopt Effective Methods to Solve the Problem of “Bogus Refugees”** (EDC Paper No. 29/16)

8. The Chairman welcomed Miss CHEN King-sun, Assistant Principal Immigration Officer (Removal Assessment and Litigation) and Mr WONG Yuk-tung, Chief Immigration Officer (Removal Assessment) of the Immigration Department (ImmD), and Mr Graham MITCHELMORE, District Commander (Eastern District) and Mr KU Siu-fai, Police Community Relations Officer (Eastern District) of the HKPF to the meeting. Mr HUNG Lin-cham introduced EDC Paper No. 29/16.

9. Councillors noted the consolidated reply of the Security Bureau and the ImmD.

10. Miss CHEN King-sun of the ImmD and Mr Graham MITCHELMORE of the HKPF briefed Councillors on the Government's review of the strategy of handling non-refoulement claims, as well as the enforcement efforts to intercept illegal immigrants (IIs) and the number of non-ethnic Chinese IIs arrested since 2013 for committing crimes respectively.

11. 17 Councillors expressed their views and raised questions as follows:

- (a) Mr Frankie LO agreed to the setting up of closed camps which allowed effective monitoring of the situation of “bogus refugees”, and helped prevent non-refoulement claimants from committing crimes or disrupting social order during their stay in Hong Kong before the ImmD implemented new measures.
- (b) Mr Andrew CHIU was concerned about the disturbances caused by the problem of “bogus refugees” to the society. He agreed that measures should be implemented to deal with the problem. As pointed out by the Court of First Instance of the High Court, “it seems more needs to be done to weed out promptly the unmeritorious and unworthy claims. [T]his is becoming a

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serious problem for the courts and the legal system in general, as well as for the community, and there is the added risk that the system in place is being abused not only by unmeritorious claimants but possibly by claimants with a more sinister purpose in mind.” He hoped that the relevant departments could implement the measures as soon as possible, but the setting up of closed camps was disputable.

- (c) Mr MAK Tak-ching was of the view that when dealing with the problem, caution should be taken to prevent the ethnic minorities who lived and who had been born and raised in Hong Kong, particularly South Asians, from being misunderstood. He further pointed out that from the past experience of Vietnamese refugees, the setting up of closed camps might not be able to curb the influx of “bogus refugees” effectively. He called for a thorough understanding of the problem for devising a holistic solution. The proposed setting up of close camps should be carefully considered.
- (d) Mr Aron KWOK said that the number of crimes committed by non-refoulement claimants had doubled, while the number of applications pending processing and the Government’s expenditure on handling the relevant applications had been on the rise. There was hence a need to address and tackle these problems. As regards information dissemination, he said that particular care should be taken for South Asians who had been born and raised locally when combating the problem of “bogus refugees”.
- (e) Mr LAM Sum-lim indicated that the media and the public were very concerned about the problem. Although the HKPF would step up its enforcement actions, illegal immigration could not be stemmed if non-refoulement claimants were allowed to enter Hong Kong freely. He also agreed that the setting up of closed camps would facilitate the monitoring of the situation and would have a positive effect on dealing with the problem.
- (f) Mr Howard CHEUNG enquired about pre-arrival control arrangement to intercept IIs at source, including the way to define immigrants as high-risk individuals, the means for intelligence gathering, and whether agreements would be made with the relevant countries. Besides, he enquired about the nature of crimes committed by non-ethnic Chinese people.
- (g) Mr LEE Chun-keung said that only a small number of the claims handled by the ImmD had been substantiated, and most of them had been rejected. The existing assistance offered to the claimants in Hong Kong would increase the number of such applications. According to the 2015 figures provided by the HKPF, the number of non-ethnic Chinese IIs arrested for committing crimes had increased to over 1 000. He urged the Government to set up closed camps to solve the problem of “bogus refugees”.
- (h) Mr Patrick WONG pointed out that the imposition of a cap on the publicly-funded legal assistance might delay the overall screening process or the handling of individual non-refoulement process. He opined that administrative measures could be taken to expedite the process of handling the claims, and suggested that training of relevant staff could be enhanced to

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facilitate the screening of cases. He also disagreed with the setting up of closed camps. He considered that the Government should adopt measures to reduce the number of unreasonable claims or expedite the processing time.

- (i) Mr Dominic WONG supported detaining the persons in a certain location for easy management. The Government could also centralise resources to handle the claimants pending screening. Since the problem of “bogus refugees” was different from that of Vietnamese refugees in the past, he added that the Government could carefully consider the naming of the relevant facilities.
- (j) Mr Eddie TING said that the Government should identify the factors causing the influx, and tackle the problem in a targeted manner. He suggested consideration could be given to cancelling the provision of financial subsidy or issuance of immigration recognisance forms to “bogus refugees”, so as to prevent them from engaging in unlawful employment. He also considered that the setting up of closed camps would help tackle the problem.
- (k) Mr CHENG Tat-hung pointed out that the existing screening procedures were time-consuming, including providing duty lawyers at least 49 days to obtain instruction from claimants for filling in the claim forms and arranging screening interviews in an average time of 13 weeks. He suggested improving and expediting the screening procedures for non-refoulement claims. He said that the Government could also step up publicity work among the relevant organisations in the countries concerned to prevent “bogus refugees” from coming to Hong Kong.
- (l) Mr HUI Lam-hing said that the provision of food, housing and transport subsidies by the Government, etc helped attract “bogus refugees” to Hong Kong. He pointed out that the setting up of closed camps involved use of land resources, etc and the measure might not be effective in tackling the problem. He suggested the ImmD expedite the repatriation of unsuccessful claimants and shorten the screening time.
- (m) Mr CHUI Chi-kin said that “bogus refugees” were not allowed to work during their stay in Hong Kong and thus needed certain support pending screening. Instead of considering the setting up of closed camps which needed time and involved land resources, he considered it more effective to deal with the problem by implementing measures to expedite the screening procedures.
- (n) Ms LI Chun-chau agreed that the problem of “bogus refugees” existed and must be addressed. She said that the review and introduction of legislative proposals would take time. She considered that administrative measures should be introduced as soon as possible and relevant review and legislative work should be expedited.
- (o) Ms Alice LAM said that the problem of “bogus refugees” should be tackled. Building closed camp was however a waste of public money as the land could be used for public housing development. She considered that the manpower of the ImmD should be increased to speed up the processing of non-refoulement claims.

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- (p) Mr HUNG Lin-cham said that “bogus refugees” gave rise to problems of unlawful employment and concerns on public order, and caused disturbances to the society. The Government’s proposed measures of interception at source, stepping up the publicity and improving the screening procedures to eradicate the problem would need to be further explored. He hoped that the Government would actively consider the setting up of closed camps as this could effectively discourage “bogus refugees” from coming to Hong Kong and reduce the crimes committed by them during their stay.
- (q) The Chairman pointed out that there had been 10 922 applications pending screening in 2015, as compared to only 68 applications per month in 2013. The Police’s record also showed that the number of relevant crimes including drugs, battery and theft had increased. In the financial year 2015-16, the revised estimate for expenditure in handling non-refoulement claims was about \$745 million. He considered that the Government should implement effective measures to eradicate the problem.

12. Miss CHEN King-sun of the ImmD and Mr Graham MITCHELMORE of the HKPF responded to Councillors’ views and enquiries as follows:

### ImmD

- (a) Under the unified screening mechanism, Hong Kong was obliged to assess the torture risk involved (torture risk) pursuant to the Convention Against Torture. Furthermore, non-refoulement claims on grounds including risk of torture or cruel, inhuman or degrading treatment or punishment under Article 3 of Section 8 of the Hong Kong Bill of Rights Ordinance (Cap. 383, Laws of Hong Kong) (BOR 3 risk) and/or risk of persecution with reference to the non-refoulement principle under Article 33 of the 1951 Convention relating to the Status of Refugees (persecution risk) should also be screened following the rulings of Hong Kong courts. In screening non-refoulement claims, the ImmD could not remove the claimants to another country where they would face such risks unless their claims were determined to be unsubstantiated under procedures which met high standards of fairness.
- (b) The ImmD would assess each non-refoulement claim on all applicable grounds, including torture risk, BOR 3 risk and persecution risk, in one go, so as to prevent claimants from lodging sequential claims on different grounds to protract their presence in Hong Kong.
- (c) Apart from ensuring that the screening procedures could meet with the high standards of fairness required by law, the Government had immediately strengthened its screening to combat delaying tactics, enhance efficiency and expedite the screening procedures. In addition, the ImmD would also provide training for staff responsible for handling the cases.
- (d) The ImmD’s power to detain IIs was subject to the Immigration Ordinance and the detention was governed by law. If the ImmD could not complete the removal procedures to remove an II within a reasonable time, the ImmD could not continue to detain him. The Government would study proposals to empower the ImmD to detain more claimants that would conform to legal and

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operational requirements so as to deter them from coming to Hong Kong and delaying the removal/screening procedures.

### HKPF

- (e) The types of crimes for which non-ethnic Chinese IIs had been arrested in Eastern District between 2013 and 25 April 2016 as provided by the HKPF were tabulated as follows:

Types of crimes for which non-ethnic Chinese IIs had been arrested	Number of cases			
	2013	2014	2015	2016 <sup>1</sup>
Shop theft/Theft/Theft by finding	1	4	6	4
Being in possession of or using a forged document of identity for Visa purposes/Using an identity card which relates to another person/Using a forged identity card	2	3	7	1
Dealing with property known or believed to represent proceeds of indictable offence				1
Fighting in public		2		
Going equipped for stealing		1		
Indecent assault			1	
Passing counterfeit notes or coins		1		
Possession of dangerous drug	1	1	4	
Trafficking in dangerous drug	1	1	1	
Aiding and abetting illegal immigration			1	
Serious assault	2			
Criminal damage	1			

<sup>1</sup>As at 25 April

No particular black spot for crime was identified in the district.

13. The Chairman asked the ImmD to give a supplementary response after the meeting. He thanked the representatives of the ImmD and the HKPF for attending the meeting, and requested them to take note of Councillors' views.

(Post-meeting note: The ImmD supplemented after the meeting that the Government is conducting a comprehensive review of the strategy of handling non-refoulement claims covering the four major areas of pre-arrival control, screening procedures, detention as well as removal and enforcement. Councillors' views were noted and would be taken into account in the review.)

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### **IV. 2016 Eastern District Dragon Boat Race**

(EDC Paper No. 30/16)

14. The Secretary introduced EDC Paper No. 30/16.
15. After discussion, Councillors endorsed forming an EDC team to participate in the Eastern District Dragon Boat Race this year. Mr HUI Lam-hing and Mr George LAM would be responsible for co-ordinating relevant matters.

### **V. 2016 Eastern District Cultural Festival**

(EDC Paper No. 31/16)

16. The Secretary introduced EDC Paper No. 31/16.
17. 5 Councillors expressed their views and raised questions as follows:
  - (a) Mr KU Kwai-yiu supported organising the Cultural Festival and suggested the provision of activities for ethnic minorities to participate and showcase their abilities.
  - (b) Mr Andrew CHIU supported to have some cultural activities for ethnic minorities to participate. He also suggested seeking assistance from the Eastern District School Liaison Committee in contacting the relevant schools to encourage participation of ethnic minority students.
  - (c) Mr MAK Tak-ching said that the funding could be used for organising activities to promote the historical values and local cultural characteristics of Eastern District.
  - (d) Mr Dominic WONG supported activities that promoted the preservation of food culture, such as the local street snack culture of Hong Kong.
  - (e) The Vice-chairman said that cultural activities covering martial arts, social dance, calligraphy, Cantonese opera, Gaojia opera, Chiu Chow opera, etc., held in Eastern District in the past had been highly successful. He welcomed Councillors to express their views to the organising committee of the Cultural Festival, and invited Councillors' active participation in the Eastern District Cultural Festival.
18. After discussion, Councillors endorsed the organisation of the 2016 Eastern District Cultural Festival and the establishment of an organising committee directly under the EDC to undertake the preparation work.

### **VI. Eastern District Office 2016/17 Work Plan**

(EDC Paper No. 32/16)

19. The District Officer (Eastern) introduced EDC Paper No. 32/16 and highlighted various measures that addressed the concerns raised by Councillors on the above-mentioned

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items.

20. Councillors noted the Work Plan for this year.

### **VII. Discussion of the 2016-17 Budget**

21. The Chairman said that the 2016-17 Budget announced on 24 February had been sent to Councillors.

22. Mr Andrew CHIU indicated that the political party to which he belonged supported the Budget, which came close to the situation in Hong Kong.

23. The Chairman said that the Secretariat would relay the Councillor's views on the Budget to the Financial Secretary's Office.

### **VIII. Information Items**

#### Chairman's Report on the Discussion Items of the Regular Meeting

24. The Chairman reported that the items for March and April 2016 had been set out in detail in the report of the Chairman/Vice-chairman. The regular meeting in May 2016 would be held on 19 May. Councillors could send their enquiries or views to the Chairman or Vice-chairman for relaying at the regular meeting in May.

### **IX. Discussion of the Appropriation of the Eastern District Council Funds for 2016/2017**

(EDC Paper No. 33/16)

25. The Secretary introduced EDC Paper No. 33/16.

26. After discussion, Councillors endorsed the proposal for the appropriation of funds for this year.

### **X. Report on the Third Meeting of District Facilities Management Committee**

(EDC Paper No. 34/16)

27. Councillors noted the above report and endorsed the funding application of item VI in EDC Paper No. 34/16.

### **XI. Report on the Second Meeting of Culture, Leisure, Community Building and Services Committee**

(EDC Paper No. 35/16)

28. Councillors noted the above report.

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**XII. Report on the Third Meeting of Traffic and Transport Committee**  
(EDC Paper No. 36/16)

29. Councillors noted the above report.

**XIII. Report on the Third Meeting of Food, Environment and Hygiene Committee**  
(EDC Paper No. 37/16)

30. Councillors noted the above report.

**XIV. Report on the Third Meeting of Planning, Works and Housing Committee**  
(EDC Paper No. 38/16)

31. Councillors noted the above report.

**XV. Report on the Second Meeting of Task Group on Festival Celebrations**  
(EDC Paper No. 39/16)

32. Councillors noted the above report.

**XVI. Report on the 214th Meeting of the Eastern District Management Committee**  
(EDC Paper No. 40/16)

33. Councillors noted the above report.

**XVII. Any Other Business**

(A) Group Photo-taking for EDC Councillors

34. The Chairman informed Councillors that their group photos would be taken on 27 May at Aldrich Bay Community Hall for the publicity of the EDC.

(B) Arrangements for Duty Councillors to Attend DC-funded Activities

35. The Secretary said that according to the Guidelines on the Eastern District Community Involvement Project Subsidy Scheme, the EDC would send representatives to attend activities which had been granted an allocation of \$10,000 or above to monitor their implementation. In the past, activities organised by district organisations had been attended by members of the Vetting Committee. In view of the large number of activities, it was now proposed that the activities should be attended by Eastern District Councillors in rotation. If the concerned Councillor was unable to attend an activity, he/she could arrange another Councillor to attend on his/her behalf.

36. Councillors endorsed the above arrangements for duty Councillors to attend DC-funded activities.



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**XVIII. Date of the Next Meeting**

37. The meeting ended at 5:30 pm. The 4<sup>th</sup> EDC meeting would be held at 2:30 pm on 5 July 2016 (Tuesday).

Eastern District Council Secretariat  
June 2016