

(Translation)

**Minutes of the 21st Meeting of the
6th Term Kwun Tong District Council (Full Council)**

Date: 7 March 2023 (Tuesday)

Time: 9:30 a.m. – 12:10 p.m.

Venue: Conference Room, Kwun Tong District Office,
Unit 05-07, 20/F, Millennium City 6, 392 Kwun Tong Road,
Kwun Tong, Kowloon

<u>Present</u>	<u>Arrival Time</u>	<u>Leaving Time</u>
Mr OR Chong-shing Wilson, MH (Chairman)	9:30 a.m.	12:10 p.m.
Mr LUI Tung-hai, MH (Vice-chairman)	9:30 a.m.	12:10 p.m.
Mr CHEUNG Pui-kong	9:30 a.m.	12:10 p.m.
Ms FU Pik-chun, MH	9:30 a.m.	12:10 p.m.
Mr HSU Yau-wai	9:30 a.m.	12:10 p.m.
Mr KAN Ming-tung, MH	9:30 a.m.	12:10 p.m.
Ms LAI Po-kwai	9:30 a.m.	11:39 a.m.
Mr LAM Wai	9:30 a.m.	12:10 p.m.
Mr LEUNG Tang-fung	9:30 a.m.	12:10 p.m.
Dr NGAN Man-yu	9:30 a.m.	12:10 p.m.
Mr PANG Chi-sang	9:41 a.m.	12:10 p.m.
Mr SO Koon-chung Kevin	9:30 a.m.	12:10 p.m.
Mr TAM Siu-cheuk	9:30 a.m.	12:10 p.m.
Ms TSE Suk-chun	9:30 a.m.	12:10 p.m.
Mrs POON YAM Wai-chun Winnie, BBS, MH	9:30 a.m.	12:10 p.m.

In attendance

Mr LAM Siu-hong, Andy, JP	District Officer (Kwun Tong)
Mr LAM Fuk-leong, Jack	Assistant District Officer (Kwun Tong) ²
Ms CHIN Tsang-lo, Jennifer	District Commander (Kwun Tong), Hong Kong Police Force
Ms TSE Tsui-yan	District Commander (Sau Mau Ping), Hong Kong Police Force
Ms WONG So-fan	Police Community Relations Officer, Kwun Tong District, Hong Kong Police Force
Mr TAM Man-hoi, Jack	Police Community Relations Officer, Sau Mau Ping District, Hong Kong Police Force

Mr LEUNG Chi-foon	Chief Engineer/East 2, Civil Engineering and Development Department
Mr LIU Kin-wai, Rick	Chief Transport Officer/Kowloon 2, Transport Department
Mr CHEUK Cheung-kei, Cheuky	Senior Property Service Manager/Kowloon East, Housing Department
Mr PAU Chung-on	District Environmental Hygiene Superintendent (Kwun Tong), Food and Environmental Hygiene Department
Ms OR Ying-ying	Chief Health Inspector (Kwun Tong)1, Food and Environmental Hygiene Department
Mr LEUNG Po-wah, Taddy	District Social Welfare Officer (Kwun Tong), Social Welfare Department
Ms CHEUNG Wai-ying, Olivia	Chief Leisure Manager (Kowloon), Leisure and Cultural Services Department
Mr LUI Chi-chung	District Leisure Manager (Kwun Tong), Leisure and Cultural Services Department
Ms SIU Sau-king, Michelle	Deputy District Leisure Manager (District Support) Kwun Tong, Leisure and Cultural Services Department
Miss IP Wai-ming, Phoebe	Senior Liaison Officer (1), Kwun Tong District Office
Ms WONG Yuet-ngo, Joey	Senior Liaison Officer (2), Kwun Tong District Office
Mr CHAN Hoi-ming, Peter	Senior Liaison Officer (3), Kwun Tong District Office
Miss CHOW Tak-sum, Amy	Senior Executive Officer (District Management), Kwun Tong District Office
Miss HUI Po-yu, Bowie	Executive Officer I (District Council), Kwun Tong District Office

Secretary

Mr CHOW Lap-kan, Douglas	Senior Executive Officer (District Council), Kwun Tong District Office
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Attendance by Invitation

Ms CHAN Wing-shiu, May, JP	Commissioner for Labour	Item II
Miss FUNG Lai-hing, Karen	Senior Labour Officer (Employment Services) (Operation), Labour Department	
Mr Mike KWAN	General Manager, Planning and Design, Urban Renewal Authority	Item III

Ms LI Yee-ting	Senior Manager, Planning and Design, Urban Renewal Authority
Mr Ernest CHENG	General Manager, Property and Land, Urban Renewal Authority
Mr Elden CHUNG	General Manager, Works and Contracts, Urban Renewal Authority
Mr Ken WONG	Senior Manager, Works and Contracts, Urban Renewal Authority
Ms Loretta FONG	General Manager, Community Development, Urban Renewal Authority
Ms Esther LAI	Senior Manager, Community Development, Urban Renewal Authority
Dr CHENG Kin-wui	Principal Environmental Protection Officer (Regional East), Item V Environmental Protection Department

Absent

Mr CHAN Yiu-hung Jimmy, MH

The Chairman welcomed all the Members and government representatives to the 21st meeting of the Full Council (“FC”) under the 6th Term Kwun Tong District Council (“KTDC”).

Item I — Confirmation of Minutes of Last Meeting

2. Members raised no other comments. The minutes of the 20th meeting were confirmed.

Item II — Meeting with the Commissioner for Labour

3. The Chairman welcomed the Commissioner for Labour (“C for L”) and Senior Labour Officer (Employment Services) (Operation), Labour Department (“LD”) to the meeting to meet with Members.

4. C for L gave a brief presentation on the employment situation in Hong Kong in recent years. She explained the services provided by LD and the department’s key tasks on major labour issues, including the review of the “continuous contract” requirement under the Employment Ordinance; the study on enhancing the review mechanism of the statutory minimum wage rate; and the implementation of abolishing the use of the accrued benefits derived from employers' mandatory

contributions under the Mandatory Provident Fund (“MPF”) System to offset severance payments and long service payments (“the offsetting arrangement”), etc.

5. Members raised views and enquiries as follows:

5.1 Mr TAM Siu-cheuk (i) said that LD had initiated 67 prosecutions against relevant companies or persons involved in the fatal industrial accident at the Anderson Road construction site, and hoped that LD’s handling of the industrial accident would not be “loud thunder with little rain”. He emphasised that the industrial accident had caused fatalities, and if the penalties for the prosecutions were rather light eventually, he believed that it would fall short of public expectations. He hoped that C for L would pay attention to the matter as the industrial accident was a labour rights issue that the public was quite concerned about. He pointed out that there had been quite a number of similar industrial accidents in recent years, and he knew a volunteer whose husband also died in an industrial accident at a construction site. He hoped that the prosecutions could eventually do justice for the deceased; (ii) said that he had attended meetings in the Mainland recently, and some Mainland companies revealed that they had difficulties in recruiting talents from the industrial sector in the Mainland, and therefore hoped to attract Hong Kong university students to work in the Greater Bay Area. He was aware that LD had a job search website for the public to search for job vacancies, and therefore enquired if the Greater Bay Area Youth Employment Scheme had a similar website for Hong Kong university graduates to learn about the employment situation in the Greater Bay Area.

5.2 Mr KAN Ming-tung (i) said that as a union representative, he often visited construction sites to carry out work on occupational safety. He was also a registered safety officer and hoped to assist in occupational safety work. He was very concerned about the issue of industrial accidents as fatal accidents had occurred time and again recently, where construction site workers lost their lives during accidents, and a passer-by was hit and killed by falling objects while a worker dismantled decoration materials. In this connection, he asked C for L if there were measures to improve the above situation, and would like to know the causes behind the many industrial accidents; and (ii) pointed out that apart from difficulties in recruiting young people in the Mainland, many sectors in Hong Kong were also facing issues of employment mismatch and difficulties in recruitment. In particular, sectors such as the coach driver sector were facing manpower shortage after the reopening of borders. He therefore enquired whether LD had introduced measures and communicated with relevant sectors to improve the above employment problems. He was also concerned whether LD had conducted any investigation into the situation and explored the reasons therein.

5.3 Mr HSU Yau-wai (i) said initiating prosecutions in relation to the fatal tower crane accident at the Anderson Road construction site were follow-up actions. He suggested that LD should consider conducting more comprehensive and thorough inspections to identify potential risks at construction sites, instead of initiating prosecutions after accidents occurred; (ii) enquired about the importation of workers for residential care homes (RCHs) for the elderly and for persons with disabilities. He said that quite a number of members of the public had reflected that their relatives and friends in the Mainland had enquired about the details of participating in the importation scheme, and asked LD to provide relevant information; and (iii) said that he had received feedback from members of the public working in RCHs that some RCHs had dismissed local staff and recruited staff from Mainland RCHs to work in Hong Kong instead. He asked whether LD was aware of such situation.

5.4 Ms TSE Suk-chun expressed concern over the rights of labourers aged over 65. She pointed out that Hong Kong's population had been ageing, and many labourers who had reached the age of 65 or above were still in employment, while employers were no longer required to make MPF contributions for these labourers, and it was also more difficult to take out employees' compensation insurance for them. Some employers thus took advantage of the legal loopholes and treated these labourers as hourly or daily-paid employees. She was worried that if an accident occurs, these labourers would not be protected.

5.5 Dr NGAN Man-yu (i) acknowledged LD's active efforts in promoting labour policies; (ii) mentioned that LD had set up the Kwun Tong Job Centre at Lei Yue Mun Road and the Construction Industry Recruitment Centre at Kwun Tong Road in Kwun Tong District. However, despite the driving force of Energizing Kowloon East, LD had yet to propose specific arrangements for employment within Kwun Tong. Therefore, he suggested C for L consider utilising the Kwun Tong Job Centre to provide job matching services within the district. He said candidly that Kwun Tong was one of the relatively poor districts in Hong Kong. If residents were able to be employed within the district, the results of Energizing Kowloon East could truly help Kwun Tong residents. He therefore hoped that LD could make good use of the Kwun Tong Job Centre.

6. C for L responded to Members' views and enquiries as follows:

6.1 Issues about industrial accidents: (i) LD understood that the accidents caused great trauma and irreversible impact to families, and had been handling each industrial

accident seriously by conducting investigations with a rigorous and serious attitude; (ii) the number of prosecutions in relation to the fatal tower crane accident at the Anderson Road construction site reflected that LD reviewed every detail seriously, and would prosecute any company or person responsible for the accident in accordance with occupational safety and health (“OSH”) legislation. The Government attached great importance to and understood that the public was concerned about the investigation progress of the industrial accident. Currently, some departments were still conducting investigations and prosecutions related to the industrial accident. LD hoped to make an announcement as soon as possible after relevant departments completed their work; (iii) LD would not focus on conducting inspections only after the accident, as post-accident inspections were only part of LD's enforcement duties. LD would continue to deploy manpower and resources to conduct more blitz operations. Besides, C for L also hoped to provide more education and training in the future to raise the awareness on OSH among stakeholders such as workers, employers and contractors. She stressed that the best way to prevent industrial accidents was for each stakeholder to do his or her part. Therefore, LD would conduct more in-depth and detailed education programs, such as working with the Occupational Safety and Health Council and other organisations, to raise public awareness on OSH.

- 6.2 Greater Bay Area Youth Employment Scheme: C for L thanked Members for their suggestions. She said that as the scheme would be regularised, LD would set up a dedicated website for it. Job vacancies offered by enterprises would be uploaded to the website, facilitating young people in Hong Kong to browse and apply for jobs.
- 6.3 Difficulties related to manpower shortages in different sectors: LD was concerned about the situation. She visited labour and employer organisations and groups shortly after she was appointed as C for L. People from different sectors reflected the problem of manpower shortage to her, and some workers expressed difficulties in seeking jobs. As mentioned by Dr Ngan, enhancing job matching services was one of LD's important responsibilities. She thanked Dr Ngan for his views and said that LD had provided employment services in its job centres in different districts, and would continue to assist job seekers to find jobs within their districts. Recruitment days would be held at the Kwun Tong Job Centre from time to time to provide more employment opportunities within the district for Kwun Tong residents. Where necessary, LD would make good use of District Councils (“DC”)’ connections in districts to enhance the flow of employment information.
- 6.4 Special scheme to import care workers for RCHs: the Social Welfare Department (SWD) was responsible for implementing the scheme. SWD had listened to the

views of various parties regarding the scheme, and was finalising the implementation and operational details. Members may wish to pay attention to SWD's announcement of the details of the scheme.

6.5 Welfare of labourers aged 65 or above: LD would monitor the situation and strengthen its work on this aspect in a timely manner.

7. Members raised follow-up views and enquiries as follows:

7.1 Mr LAM Wai (i) pointed out that the engineering company involved in the fatal tower crane accident at the Anderson Road construction site had multiple poor records in the past. He understood that LD would follow up after the accident. Yet, despite the repeated poor records of the company involved, LD did not impose a heavier penalty to raise the public and the company's safety awareness. He hoped that LD would set penalties with deterrent effect, otherwise it would be unfair to the deceased in the accidents and their families; (ii) said he received feedback from the public and help requests from mainland care workers, saying that some RCHs for the elderly asked local care workers to resign on the grounds that Mainland care workers had been arranged by the Government, and then went on to hiring care workers from the Mainland. At the same time, some Mainland care workers hired by local RCHs, who had paid tens of thousands of agency fees, were dismissed for reasons not yet known after coming to Hong Kong for less than a week. In view of the labour shortage situation, he wished to know how LD would handle the above employment disputes, and whether LD had received similar complaints. He was worried that allowing RCHs to import workers would deal a blow to the local labour market; and (iii) would like to know the standards of LD for handling applications for imported workers for RCHs. He quoted information from RCHs for the elderly that the Government would provide certain quotas for RCHs to hire care workers from the Mainland on their own. He opined that the public was not familiar with the relevant standards and hoped that LD would explain the relevant arrangements.

7.2 Mr Kevin SO (i) enquired about the abolition of the offsetting arrangement. He said that employees had been waiting for the arrangement for a long time. It was unexpected that it would take several years after the Legislative Council ("LegCo") passed the bill before the arrangement could be officially implemented. He stated that in recent years, the Government had been promoting the use of online platforms to follow up and handle public enquiries, such as the eMPF platform mentioned by C for L. He directly said that the biggest drawback of all online service platforms was that users could not even log in to the website, e.g. the online system of the Immigration

Department. Therefore, he hoped LD would manage the eMPF platform properly to avoid situations where employers were unable to access the platform when needed. He stressed that the Government should improve online platforms and other tools that could bring convenience to the public to avoid public discontent; (ii) wished to know if LD would implement the offsetting arrangement in phases. If the arrangement would be fully implemented only in 2025, he was worried that some employers might exploit their employees to avoid the abolition of the offsetting arrangement. Thus, he hoped that the Government would consider implementing the arrangement in phases, e.g. to pilot the arrangement within the Government or in government-funded organisations, and then implementing it in the business sector after the online system was fully ready; and (iii) pointed out that when the current term of DC expires, he would like to abolish the offsetting arrangement for his assistant, but the Home Affairs Department (“HAD”) might not agree to such an approach. He opined that DCs could serve as an example by taking the lead to abolish the offsetting agreement.

8. C for L responded to Members’ views and enquiries as follows:

8.1 Issues about industrial accidents: LD was highly concerned about protecting the OSH of employees. Thus, the department had introduced a bill to increase the penalties for OSH offences, so to enhance the deterrent effect of OSH legislation and further protect labour rights. LD hoped the bill would pass LegCo's vetting procedures smoothly, so as to further enhance the alertness of all stakeholders through establishing penalties with significant deterrent effect.

8.2 Matters about importing care workers for RCHs: (i) regarding the cases mentioned by Members involving RCHs asking local care workers to resign and imported care workers being dismissed, Members may refer the cases to LD for follow-up. The Labour Relations Division of LD could provide conciliation service, and labour inspectors would also visit the RCHs concerned to carry out on-site investigations; and (ii) employers should not replace local staff with imported workers. If layoffs were necessary, employers should first lay off imported workers. If local or imported workers had been unreasonably dismissed, she urged these affected workers to report the case to LD for follow-up.

8.3 Abolition of the offsetting arrangement: LegCo passed the legislation in June 2022 to abolish the offsetting arrangement. The Government had undertaken to implement the abolition no later than 2025, with no plan to implement it in phases. The abolition involved hundreds of thousands of employers and millions of employees, and the Government was currently pressing ahead with the publicity work. As for the eMPF

platform, the current target of the Mandatory Provident Fund Schemes Authority (“MPFA”) remained to have the platform to come into full operation by end-2025. Relevant departments and MPFA were proactively following up and monitoring the progress of the eMPF platform.

- 8.4 Manpower shortage situation: the Labour and Welfare Bureau was actively preparing to commence a new round of manpower projection to help the Government formulate appropriate strategies to address the overall manpower demand. Employers who were genuinely unable to recruit required staff locally could apply to import workers at technician level or below through the Supplementary Labour Scheme (“SLS”) administered by LD. For the purpose of upholding employment priority for local workers, SLS required employers to launch a four-week local recruitment exercise. After assessing various factors, such as the views of relevant departments/organisations on the local manpower supply situation for the relevant position, and inviting members of the Labour Advisory Board to give views, LD would decide whether to approve or refuse the application for importing labour.

9. The Chairman thanked C for L again for attending the present meeting to listen to Members’ views. He believed that LD would spare no efforts to work on different labour issues to strive to promote employment for labourers in Hong Kong.

Item III — Progress Report on Kwun Tong Town Centre Redevelopment
(KTDC Paper No. 6/2023)

10. The Chairman welcomed the team of the Urban Renewal Authority (“URA”) to the meeting for giving a presentation on the latest development of the Kwun Tong Town Centre Redevelopment to KTDC.

11. The representatives of URA presented the paper.

12. Members raised views and enquiries as follows:

- 12.1 Mr TAM Siu-cheuk (i) said he understood the project had to be re-tendered due to Hong Kong’s economic situation. He hoped that URA would continue to handle the relevant sites in a flexible manner; (ii) suggested URA pay attention to the short term uses of the sites. He said that since the site beneath the flyover at Kowloon Bay was outsourced by the Energizing Kowloon East Office, there had been difficulties in renting the venue, and activities suspected of contravening the national security law

had been held. He suggested URA make reference to relevant experiences and carry out better gate-keeping when organising activities, so as to avoid making the same mistakes; (iii) suggested that when URA releases the sites for application for use, district advisory bodies (such as the District Office, DC and area committees) should be given the right to use the sites, which would facilitate the promotion of events. He believed that the sites were suitable for hosting large-scale district events, and district advisory bodies such as the District Office, DC and area committees could all play an important role in organising these events. He hoped that URA would carefully select organisations when outsourcing the management of the venue, so as to avoid difficulties in supervision.

- 12.2 Dr NGAN Man-yu (i) enquired the detailed timeline for the redevelopment project under the “vertical city” approach, including the closure of roads at Yue Man Square and the completion date of the project. He said that when the planning concept of “floating planning parameters” was introduced earlier, it had caused delays in the completion date of the redevelopment project at Kwun Tong Town Centre Development Area 4 and 5. It was therefore necessary to know the expected delays of the project; (ii) said he was aware that URA had changed the planning approach again from “floating planning parameters” to “vertical city”. He enquired if the project was once again unsuccessfully tendered, would URA change the planning of the sites again until there was a satisfactory tender result before redevelopment could commence. In the meantime, the sites could only be left idle or used for temporary purposes; (iii) noted that URA stressed that the sites belonged to the Government, and thus enquired whether the income generated from the temporary uses of the sites, including venue rental and commercial activities, belonged to the Government or URA, and whether URA would pay rental fee to the Government for using the venue.
- 12.3 Mr KAN Ming-tung (i) expressed his disappointment towards the unsuccessful tendering, and hoped that URA would do its best to continue taking the project forward; (ii) asked URA how they would allow the public to make full use of the sites in the coming years. He was of the view that URA’s suggestion of providing temporary sports facilities at the sites was appropriate, as the cost would be relatively low and the public could use the venue to develop a habit of exercising, which could benefit their physical and mental health; (iii) hoped URA would complete the widening of Kwun Tong Road earlier. Although the road widening works involved relocating the pedestrian footbridge at Tsun Yip Lane inwards and related underground pipe works, he hoped that URA would maintain discussions with the Government on this issue and complete the relevant works as soon as possible; (iv) stated that URA had mentioned that after closing the roads at Yue Man Square, minibuses could turn right into Hip Wo

Street when leaving the minibus terminus, which would allow several red minibus routes to pass through the roundabout at Kwun Tong Road to travel to the Lam Tin, Yau Tong and Lei Yue Mun area, thereby reducing the journey time of these routes. However, as roads at Yue Man Square were yet to be closed, minibuses leaving the minibus terminus could not turn right into Hip Wo Street for the time being. He hoped URA could discuss with the Transport Department and adjust the traffic light signals in order to reduce the journey time of the minibuses. He said that the current patronage of these minibus routes had already dropped significantly due to the relocation of the minibus terminus. If the situation persists for several years, it would inconvenience the public and harm the minibus business. He urged URA to provide ways to shorten the journey time of minibuses to facilitate a win-win situation.

12.4 Mrs Winnie POON (i) said that the current situation was very difficult for URA, as there were a lot of constraints and issues to follow up during planning. The development of private commercial sites in the entire Kwun Tong District, including Kowloon Bay, Ngau Tau Kok and Kwun Tong, was rapid, and the current vacancy rate was really high. There were a lot of issues for URA to follow up. While the Planning Department (PlanD)'s standards for approving URA projects was high and lack of flexibility when compared to approving projects of private developers. Therefore, she suggested that URA should be more far-sighted in its planning, and that it should review the ratio of commercial buildings in the entire Kwun Tong District and their letting rates, so as to work out a specific and feasible plan to avoid unsuccessful tendering again; (ii) enquired the resources that URA planned to invest in the sites, including the cost of site formation and human resources. She considered that URA should make good use of resources to manage the sites while they were idle. She suggested URA consider investing only simple resources and reserving a certain amount of space to allow organisations to apply for using the sites freely while holding them accountable. If an organisation violated the law, it should be referred to law enforcement agencies for handling, thus reducing URA's burden.

12.5 Mr Kevin SO (i) said to the Government that the sites in Kwun Tong Town Centre were unsuccessfully tendered, while future developments in the entire action area of Energizing Kowloon East (including the Kwun Tong Action Area and the Kowloon Bay Action Area) and many future commercial developments (e.g. development plans near Kwun Tong Pier or MegaBox) might be even larger in scale than the URA project. Given the unsuccessful tendering of the current redevelopment project, and that the vacancy rate of commercial buildings had reached over 10%, he opined that the Government should consider carefully whether or not to insist taking forward the many commercial developments in the Kwun Tong Action Area and the Kowloon Bay

Action Area; (ii) thanked URA for arranging a non-official meeting earlier, and for providing supplementary information in FC and revising certain parts of the project. He said that the unsuccessful tendering of the current project was not a desirable outcome for URA, KTDC and the public. Among the three parties, the public was the biggest victim, as they would have to continue to wait for the community to rebuild and for related transportation facilities to be provided. He was not optimistic about URA's vision of completing the necessary procedures for planning amendment for the project within two years. He stated that the original commercial and hotel design had now become "floating planning parameters" with residential elements added. As there would be more development plans in Kwun Tong and Kowloon Bay in the future, he opined that although the concept of vertical city was "single site, multiple use", he believed that only the residential and shopping mall portions would have a higher market demand, while the commercial and hotel portions would eventually be removed; (iii) agreed that it would be most ideal to temporarily use the land for simple sports or leisure facilities. He believed that different kinds of exhibitions, carnivals and art installations could be held in the public space. The costs for such activities would be low and a beautification effect could be achieved. As for the costs, it would be up to URA's consideration.

12.6 Mr CHEUNG Pui-kong (i) hoped that the site formation works could be commenced as soon as possible, so that the public could use the sites; (ii) said that after the sites were formed, the public could apply to hold various activities at the sites, which would definitely increase the pedestrian and vehicle flow. He therefore urged URA to commence the road improvement works as soon as possible, or proceed it as scheduled and not to suspend it due to unsuccessful tendering.

13. The representatives of URA responded to Members' views as follows:

13.1 Project planning amendments: (i) URA said that to increase the attractiveness of the project, the current planning amendment had made reference to the concept of "vertical city" and incorporated residential elements, changing the land use from "commercial" to "mixed development". If tendering was still unsuccessful after the project was changed to a "mixed development", it was believed that it would not solely be the problem of Kwun Tong District, but a problem concerning the entire economic environment and market outlook of Hong Kong. However, URA believed that Hong Kong had the advantage of enjoying strong support from the Motherland, which would benefit the city's economic development, and was confident in the "mixed development" mode; (ii) URA said that this project's development positioning as Kwun Tong Town Centre would remain unchanged. Therefore, Area 4 and 5 would

not be primarily developed for residential use, but rather adding residential elements to the existing commercial uses. URA emphasised that they would like to realise the “vertical city” planning concept through the “mixed development” mode. Also, URA added that due to proximity with the elevated section of the MTR and some areas being uncovered, some parts of the sites were not suitable for residential uses considering the railway noise. Therefore, technically or in URA’s planning direction, changing the project to pure residential development was not feasible; (iii) URA understood that Members were concerned about the traffic and other technical assessments, in particular traffic and the treatment of sewage and rainwater. Thus, URA was currently preparing relevant technical assessments, which would be submitted to the Town Planning Board (“TPB”)’s consideration through PlanD. Lastly, URA thanked PlanD and other government departments for their cooperation and hoped to complete the planning amendment and lease amendment procedures within two years.

13.2 Traffic arrangements for the minibus terminus: URA stated that the arrangement for minibuses to turn right into Hip Wo Street when leaving the terminus was part of the entire road closure plan, and traffic lights had to be installed to facilitate the arrangement. However, if minibuses were allowed to turn right before road closure at Yue Man Square, it would affect the existing traffic, such as causing traffic congestion at Hip Wo Street. Therefore, URA had been considering it inappropriate to allow minibuses to turn right into Hip Wo Street when leaving the terminus before road closure, and hoped Members would understand.

13.3 Widening works of Kwun Tong Road: URA found it difficult to commence the road widening works within the next few years, as the positions of the two pedestrian footbridges located at Tsun Yip Lane and apm would obstruct the works. If the entire Kwun Tong Road was to be widened, the current ground connections of the two footbridges must first be demolished. According to the original overall development plan, after completion of the shopping mall, the two footbridges would be connected to the mall, and the ground connections of the two footbridges could then be demolished. However, as the planning of the entire project had to be reconsidered, relevant sites were yet to be resumed. There was a need for URA to first resume the sites and include them as development sites before works could be carried out. In addition, URA said that there were a large number of underground pipes beneath the road widening area. If URA was to put aside the underground pipe works and take forward the road widening works, the roads would have to be excavated again in the future, which would waste a lot of time and cause great inconvenience to the public. Therefore, URA was of the view that it was not feasible to carry out permanent road widening works within the next few years. Yet, URA was currently considering

making full use of the ancillary roads for other purposes after the government platform was demolished.

13.4 Formation works costs: URA said that there was a need to complete the works quickly in order not to spend too much resources and time on site formation. The sites would be formed based on its current terrain and its land form would not be changed. URA would complete the formation using methods such as painting or flattening the surface, which would not involve major works. URA hoped to provide facilities for public use as soon as possible.

13.5 Temporary uses of the sites: URA thanked Members for their views and would follow up accordingly, including providing simple sports and recreational facilities, as well as paying attention to the legislation. As for venue income and rental fees, URA was negotiating with the Government and would announce the results as soon as possible. URA reiterated that it would devote resources for the temporary uses of the sites.

14. Members raised follow-up views and enquiries as follows:

14.1 The Vice-chairman (i) appreciated URA's confidence in the future. He opined that the tender exercise came at a bad time, as it was impacted by three years of epidemic and other factors such as high interest rates, which affected investors' intention to bid. However, he believed that with strong support from the Motherland, Hong Kong would have a bright future ahead; (ii) said that Members' concerns towards the current redevelopment project were justified. He said that he had been following up on this redevelopment project for over a decade, and opined that the previous "floating planning parameters" and the current "vertical city" planning concept were both good ideas. He suggested that URA should consider the planning more thoroughly to identify potential difficulties and find ways to solve them. For example, URA should pay more attention to the development of the Hong Kong and international economic environment when designing the scale parameters. Also, URA should promote the project more extensively and listen to market opinions, in a view to prepare more accurate tender documents; (iii) suggested that unnecessary procedures should be cut down to follow the Government's reform in streamlining administrative procedures. He believed that the redevelopment project could be done better; (iv) agreed with the suggestion to carry out widening works for Kwun Tong Road during the project's idle period and hoped URA would consider it; (v) agreed that the temporary uses of the sites should be simple. He suggested that having made sure that it was safe, URA should provide activity venues to attract young people. In addition, he asked URA to study how it could boost the pedestrian flow of Yue Man Square. He said that the

current operation and pedestrian flow of Yue Man Square were not satisfactory as there was a discrepancy compared to the lively old city centre in the past. If the planning of the project could help to boost Yue Man Square's pedestrian flow, it would be mutually beneficial to both the existing and the new development.

14.2 Mr KAN Ming-tung (i) expressed regret about the fact that minibuses were not allowed to turn right from the terminus. He believed that the minibus operators had sacrificed a lot in the redevelopment project and hoped that URA would provide them with subsidies or support, and negotiate with them. He stated that the redevelopment process had lasted for over a decade, and passengers would have to travel a long distance to the terminus while being exposed to the sun and rain along the way, which discouraged them from taking minibuses. He asked URA to considerate offering more support to minibus operators; (ii) supplemented that for the temporary uses of the sites, URA could take the space at Central Harbourfront as reference and rent out the venue for holding carnivals.

14.3 Dr NGAN Man-yu (i) said that URA had not responded to the timeline of the new development; (ii) pointed out that URA had amended the land use planning of the sites for multiple times, i.e. from "hotel" to "floating planning parameters" and then to "vertical city". If tendering was still unsuccessful after residential elements were added, it would not be the responsibility of URA nor Kwun Tong. He hoped that URA would keep in mind its original intention when it was first established, which was to provide a better quality of life for residents through urban renewal, rather being than a profit-oriented private developer. He said URA should reflect on its mission.

15. The representatives of URA responded to Members' views as follows:

15.1 Temporary uses of the sites: URA noted Members' views that the temporary uses of the sites should be targeted at young people, and said that YM² currently had a daily pedestrian flow of around 40 000 people and above. URA said it would study how the temporary uses of the sites could complement the pedestrian flow of Yue Man Square.

15.2 "Vertical city" development timeline: (i) URA indicated that the overall timeline would be delayed by two years. The technical assessments of the project had been commenced and URA planned to apply for amendment of plan to TPB with PlanD in the third quarter this year. URA hoped that the entire planning process, as well as the lease amendment and re-tendering procedures, could be completed in about two years (i.e. by 2025). URA would begin road closure and commence the redevelopment

project after successful tendering. The completion date of the project would be delayed by two years from the original expected date, which would be around 2033; (ii) URA reiterated that it was a public organisation and profit-making was not its primary focus. URA said that under the regulation of the Urban Renewal Authority Ordinance and the Government, URA had to manage its finance prudently. URA emphasised that the funds used for resuming land and compensating affected residents were public funds, which were taxpayers' money. URA said it must be cautious in using funds and hoped that funds could continue to be used in urban renewal work rather than being halted at a single redevelopment project. This was crucial for continuous urban renewal development and hoped Members would understand.

16. The Chairman concluded that he was strongly disappointed about the unsuccessful tendering of the project. He said that despite an uncontrollable and difficult situation, the repeated delays and amendments to the planning of the redevelopment project had left Kwun Tong residents very disappointed. He hoped that URA would take into account the views of Members and work on the following aspects: (i) clarify and confirm the future development as soon as possible; (ii) implement the short term uses of the sites in Area 4 and 5 and manage them well, and return the land to the people; (iii) hoped that URA would streamline administrative procedures and speed up inter-departmental coordination, so as to expedite the rezoning work; (iv) where possible, make immediate improvements to the traffic projects which Kwun Tong residents were most concerned about. The Chairman said the above were Members' overall views on the entire development project. He hoped that URA would give serious thoughts about it and give a positive and proactive response to KTDC as soon as possible.

Item IV — Kwun Tong District Council Members Duty Visit Matter
(KTDC Paper No. 7/2023)

17. The Secretary presented the paper.

18. The meeting endorsed the paper.

Item V — Discussion on the Concrete Batching Plant in Yau Tong
(KTDC Paper No. 8/2023)

19. The Chairman reported that he had received on 1 March 2023 a paper prepared by the Vice-chairman, Ms FU Pik-chun, Mr Jimmy CHAN, Mr KAN Ming-tung, Mr TAM Siu-cheuk, Dr NGAN Man-yu, Mr CHEUNG Pui-kong, Mr LEUNG Tang-fung, Mr HSU Yau-wai, Mr PANG Chi-sang and

Mr LAM Wai requesting the Government to seriously follow up on the irregularities of the concrete batching plants (“CBPs”) in Yau Tong. Since the paper was related to affairs of this district, the Chairman agreed to discuss the issue in the present meeting.

20. The Secretariat had sent the above paper to the Development Bureau (“DEVB”) and the Environmental Protection Department (“EPD”). DEVB had provided a written reply to the paper, which was tabled for Members’ reference. The Chairman welcomed Principal Environmental Protection Officer (Regional East) of EPD (“PEPO(RE)/EPD”) and his colleagues to the meeting to listen to Members’ views and respond to the Paper.

21. The Vice-chairman presented the paper.

22. Members raised views and enquiries as follows:

22.1 Mr TAM Siu-cheuk (i) expressed his disappointment with EPD’s follow-up actions on the issue. He cited EPD’s reply to the number of prosecutions that “EPD had initiated 19 prosecutions against the two CBPs at Tung Yuen Street from 2021 to mid-February 2023”. He questioned EPD’s enforcement attitude as only 19 prosecutions were initiated in 26 months, which was less than one prosecution per month; (ii) said that the CBPs operated at night surreptitiously not only once but several times per month. Yau Tong residents often reported such cases to councilors of their constituency. Yet, there was only less than one prosecution per month. Thus, he requested EPD to explain whether the small number of prosecutions was due to EPD’s insufficient inspections, lack of manpower, or false information provided by residents, etc. The public had been making relevant complaints to KTDC time and again, and he believed that there was a need to solve the problem. Also, he would like to know the penalties and other information of the 19 prosecutions, so that Members could respond to the enquiries from members of the public.

22.2 Mr PANG Chi-sang (i) said that EPD’s response to the complaints, particularly those regarding the nighttime operation or the environment pollution generated by the CBPs, was vague. He pointed out that the written reply only mentioned the 19 prosecutions and no information about the fines was provided, suggesting EPD’s lax enforcement; (ii) quoted EPD’s earlier reply to the nighttime operation of the CBPs, that CBPs were classified as quieter operations and EPD had no authority to stop them from operating at night, and therefore could not follow up on the relevant complaints. In addition, he cited EPD’s reply regarding the serious pollution problems caused by the emissions of concrete agitators or CBPs. EPD said that many vehicles involved did not belong to the CBPs and they could not prosecute every vehicle, it was therefore difficult to

handle the situation. As for the problem of siltation in the nearby drains caused by the discharge of CBPs, EPD said there was no clear proof that the siltation was caused by CBPs, and therefore could not initiate prosecutions. He opined that based on the above situation, the Government's prosecution orders were ignored by the CBPs. He hoped EPD would enforce the law strictly on this issue so that Yau Tong residents could enjoy a clean environment.

22.3 Ms TSE Suk-chun said when handling complaints, EPD would request members of the public to provide the vehicle registration mark of the vehicles involved to facilitate prosecution. She said that members of the public usually made complaints when they saw concrete on the road, and considered that EPD's requirement would make it difficult for members of the public to report cases. Therefore, she asked EPD if there were other ways to facilitate the public to report the irregularities of the CBPs.

23. PEPO(RE)/EPD responded to Members' views as follows:

23.1 Follow-up on the irregularities of the CBPs: (i) EPD was very concerned about the operations of all CBPs in Yau Tong. Regarding the CBP at 22 Tung Yuen Street ("CBP 22"), EPD rejected its licence renewal application in 2021. The representative of CBP 22 later filed an appeal and applied for judicial review after the appeal was unsuccessful. The appeal and the judicial review were rejected by the Air Pollution Control Appeal Board ("Appeal Board") and the High Court respectively, and the licence of CBP 22 was no longer valid. On the other hand, the CBP at 20 Tung Yuen Street ("CBP 20") filed an appeal to the Appeal Board after its licence renewal application was rejected by EPD in April 2022. The hearing for the appeal began in September 2022 and ended recently, currently pending the Appeal Board's decision; (ii) EPD intended to stop the operations of the non-compliant CBPs. To stop the operation of CBP 22, EPD had applied for an interim injunction to the Court of First Instance ("CFI") of the High Court through the Department of Justice ("DoJ") on 13 April 2022, requesting CBP 22 to cease its operations related to cement works (including concrete production). An Interim Injunction Order in force until 22 April 2022 was granted by CFI. However, CFI subsequently decided not to extend the interim injunction and adjourned the hearing after the CBP had undertaken that its operation would not cause air pollution and public nuisance. EPD was currently following up closely with DoJ and hoped to have the hearing for the injunction case scheduled as soon as possible. EPD was concerned and strongly condemned CBP 22's continued operation after its licence renewal application was rejected, and was seriously following up on all irregularities of CBP 22. EPD hoped that Yau Tong residents would provide them with information regarding the air pollution and

nuisance caused by the two CBPs, so as to facilitate the department's investigation.

- 23.2 Statistics of prosecutions and law enforcement actions over the years: EPD said they had been monitoring the operations of CBPs stringently and would not tolerate any irregularities. EPD initiated three prosecutions and successfully convicted CBP 22 for its irregularities between 2018 and 2020. From 2021 to mid-February 2023, EPD had also initiated 19 prosecutions against CBP 20 and CBP 22, pending trial in court. Besides, EPD was currently collecting and organising evidence and seeking legal advice in relation to multiple prosecution cases, and would proceed with prosecutions afterwards.
- 23.3 Progress of relocating the CBPs: EPD stated that the industrial sites in Yau Tong were privately owned and their future development, uses and redevelopment schedule were subject to the commercial decision of the land owners. EPD considered that it would be more appropriate for DEVB to respond to this issue.
- 23.4 Problems about the noise of the CBPs: (i) EPD explained to Members that construction noise and industrial/commercial noise were subject to two different regulatory methods. Firstly, EPD said that the noise emitted from the operations of the CBPs in Yau Tong (like noise from other industrial/commercial premises) was regulated under Section 13 of the Noise Control Ordinance ("the Ordinance"). When a complaint was received, EPD would arrange visits to the noise sensitive receivers near the site (e.g. the residence of the complainant) and carry out noise measurement and assessment based on the requirements and standards as stipulated in the relevant technical memorandum issued under the Ordinance. If the assessment results demonstrated that the noise levels exceeded the limit, EPD would issue a Noise Abatement Notice to the person in charge of the relevant CBP, requiring them to abate the noise within a specified time. Failure to comply with the notice would be an offence. Construction noise was under the control of Section 6 of the Ordinance. Any person who were to carry out construction work using any powered mechanical equipment during restricted hours, i.e. between 7 p.m. and 7 a.m. on weekdays or at any time on a general public holiday, must apply for a Construction Noise Permit from EPD in advance. The vetting of applications was stringent and EPD would only issue the permit if the works concerned complied with the requirements and standards as stipulated in the relevant technical memorandum issued under the Ordinance; (ii) EPD indicated that Members were welcome to contact EPD regarding the noise problem caused by CBPs' nighttime operations. If suitable places, such as residential dwellings, could be identified for noise measurement and assessment, EPD would arrange to conduct relevant noise measurement.

23.5 Small number of prosecutions: EPD said that the 19 prosecutions were initiated under the Air Pollution Control Ordinance, which included charges for the violation of the terms of the Specified Process Licence, and the continued operation involving specified process without licence after the licence renewal application had been rejected. Offenders may be liable to a fine of \$200,000 upon first conviction.

23.6 Spilled concrete on roads during transportation: EPD indicated that it had conducted joint operations with the Food and Environmental Hygiene Department ("FEHD"). FEHD would take enforcement actions against vehicles spilling concrete on the road while in motion. EPD also maintained close liaison with the police to carry out enforcement actions.

24. Members raised follow-up views and enquiries as follows:

24.1 The Vice-chairman (i) believed that the reason for the interim conjunction being valid until April 2022, instead of being made permanent, might be due to the insufficient evidence provided by EPD. He said that EPD initiated 19 prosecutions over the past two years, while as a district councilor, he received two to three complaints per week, totalling about 200 to 300 complaints per year. In this connection, he hoped EPD would be more proactive in carrying out inspections and prosecutions. For example, EPD could already bring immediate prosecution against the CBPs operating without licence. He therefore believed that it was not difficult to increase the number of prosecutions and issue a permanent injunction to stop the CBPs from operating. He urged EPD to be more active in its inspections and prosecutions; (ii) said that he was not sure if the complaints from the public could help EPD to initiate immediate prosecutions. If the complaints were helpful, Members could assist to pass the complaints received to EPD; (iii) said that the noise issue mentioned by Members was not daytime noise. The complaints and recordings they received from the public, which were handed to EPD and the Marine Department ("MD"), were noises generated by CBPs during their operations at night. He mentioned that the video recording he provided also showed that between 3 a.m. to 5 a.m. in the midnight, there were loud mechanic noises generated by barges operating at sea, and concrete agitators were seen entering and leaving the road. Therefore, he asked EPD about the relevant regulations in the Ordinance; (iv) said that he understood the difficulties encountered by FEHD when cleaning concrete spilled on the road, as the concrete would harden if the roads were not cleaned immediately, causing an uneven road surface. He thanked FEHD staff for their efforts, but hoped that relevant departments would hold accountable the vehicles that illegally dumped concrete on the road; (v) as for the

relocation progress, he opined that revoking the licences of the two CBPs was the first step to solving the problem, but he also understood that the industry was needed in Hong Kong. He hoped that the Government could help the industry to continue its operation in other districts.

24.2 Mr TAM Siu-cheuk (i) said he had searched the records of three prosecution cases related to the irregularities of CBPs. According to government press release, one of the cases resulted in a fine of \$12,000, and he believed the fines for the other two cases were similar. He asked EPD if the trial of the 19 remaining prosecution cases could be completed within one to two years; (ii) cited EPD's slogan of "waste reduction at source". He stated that no matter how many enforcement actions FEHD or the police conduct, the source of prosecution against concrete agitators was the illegal operation of the CBPs. He believed that EPD should first do its part to reduce the "source", i.e. the CBPs; (iii) requested EPD to submit information about inspections to KTDC. He opined that EPD's enforcement attitude was very passive, as it had been requesting the public and Members to take the initiative to contact them, but did not take any action even they were aware of the problem. Therefore, he requested EPD to provide statistics on the inspections conducted by EPD proactively in the past 26 months to demonstrate the department's enforcement attitude to local residents; (iv) suggested EPD set up a complaint hotline, which could be in the form of WhatsApp, to enable the public to provide evidence instantly when encountering irregularities of CBPs, thereby reducing the need for Members to refer cases. Lastly, he emphasised that EPD should follow up actively if the department really cared about the issue, and work towards providing a clean waterfront to Yau Tong residents.

25. PEPO(RE)/EPD responded to Members' views as follows:

25.1 Noise situation of marine operations: EPD said the noise generated from marine operations was considered as noise from public place, which was regulated by Sections 4 and 5 of the Ordinance and enforced by the police. If the noise was generated from the operations of the CBPs on land, the relevant technical memorandum issued under the Ordinance stipulated the relevant noise standards for daytime and nighttime. The noise standard for nighttime (i.e. between the hours of 11 p.m. and 7 a.m.) was more stringent than that of daytime. EPD said if the complainant recorded from their residence that the noise generated by the CBPs had exceeded standards, further follow-up actions could be taken according to the Ordinance.

25.2 Statistics of inspections by EPD: EPD said that they had been conducting inspections, including joint inspections with FEHD twice a month. Also, EPD had conducted

over 200 inspections in the past three years, mainly to inspect whether the CBPs had violated ordinances related to air pollution or environmental protection. Strict enforcement actions would be taken if there was sufficient evidence.

- 25.3 The Chairman concluded that the illegal operations of the CBPs had caused nuisance to Yau Tong residents, and residents of the Kwun Tong District were very concerned about the issue. He hoped other government departments would try their best to cooperate in handling the issue. He also hoped that this issue could be discussed in the District Management Committee, and had invited the Kwun Tong South Area Committee to discuss the issue. In addition, he suggested that KTDC include this item as a standing agenda item, and hoped that EPD or relevant policy departments could attend DC meetings to report the latest development of the issue. He also requested the Secretariat to arrange site visits for Members so that they could have a more accurate and comprehensive understanding of the situation. Lastly, the Chairman hoped that EPD would take the lead to conduct joint operations and coordinate efforts with other departments. As the nighttime marine operations of the CBPs were severe, he urged EPD to follow up on the issue with MD actively.

Item VI – (A) Reports by Chairman of the District Management Committee
(KTDC Paper No. 9/2023)

27. The meeting noted the paper.

Item VI – (B) Reports by Chairmen of Standing Committees
(KTDC Paper No. 10/2023)

Annex 1: Culture, Recreation Sports and Youth Development Committee

28. The meeting noted the paper.

Annex 2: Finance, Administration and Management Committee

29. The meeting noted the paper.

Annex 3: Food, Environmental Hygiene and District Facilities Management Committee
(“FEHDFMC”)

30. The meeting noted the paper.

Annex 4: Housing, Planning, Lands, Development and Redevelopment Committee

31. The meeting noted the paper.

Annex 5: Social Services, Education and Women Development Committee

32. The meeting noted the paper.

Annex 6: Traffic Development and Transport Committee

33. The meeting noted the paper.

Item VII – Any Other Business

(A) Exchange Activities for Members of KTDC with Various Departments

34. The Chairman reported that the Secretariat was liaising with related departments to arrange three exchange activities for Members of KTDC with various departments. The activities included:

- (i) Meeting with the Director of Fire Services (“D of FS”) and visiting the Fire and Ambulance Services Academy on 19 April (Wednesday);
- (ii) Meeting with the Director of Civil Engineering and Development and visiting local facilities in May; and
- (iii) Meeting with the Director of Health (“D of Health”) and visiting the Centre for Health Protection in May.

35. The Chairman said that the Secretariat would later write to invite Members to participate in the above exchange activities.

36. The meeting noted the matters.

(Post-meeting note: the meetings between Members of KTDC and D of FS and D of Health would be postponed to mid-May and mid-July respectively. The Secretariat would later write to invite Members to participate.)

(B) Visit by Members of KTDC to Light Public Housing Site in Kwun Tong District

37. The Chairman reported that the Housing Bureau (“HB”) had planned to invite Members of KTDC to pay a visit to a light public housing site at Choi Hing Road, Kwun Tong. The visit was tentatively scheduled to be held on the afternoon of 15 March (Wednesday). The Secretariat would later invite Members to take part in this visit.

38. The meeting noted the matters.

(Post-meeting note: Members of KTDC visited the light public housing site at Choi Hing Road, Kwun Tong on 15 March with HB.)

(C) Kwun Tong District Minor Works

39. The Chairman reported that HAD and the Leisure and Cultural Services Department had conducted a number of district minor works projects in Kwun Tong District, aiming at improving local district facilities and living and hygiene conditions. Related departments had planned to later give presentation on works projects under planning in FEHDFMC.

40. The Chairman said that the Secretariat would later circulate a form for submission of proposals for district minor works to Members. Members who would like to submit proposals for district minor works in Kwun Tong District might complete the form and return it to the Secretariat. The Secretariat would refer the proposals to related departments for follow-up action.

41. The meeting noted the matters.

(Post-meeting note: the Secretariat circulated the form for submission of proposals for district minor works to Members on 8 March.)

Item VIII — Date of Next Meeting

42. The next meeting was scheduled to be held on 2 May 2023 (Tuesday).

43. There being no other business, the meeting was adjourned at 12:10 p.m.

The minutes of the meeting were confirmed on 2 May 2023.

Kwun Tong District Council Secretariat

April 2023