

(Translation)

**Minutes of the 5th Meeting of
Food, Environment and Hygiene Committee,
the 7th Term Kwun Tong District Council**

Date: 16 September 2024 (Monday)
Time: 2:35 p.m. – 4:55 p.m.
Venue: Conference Room, Kwun Tong District Office,
Unit 05-07, 20/F, Millennium City 6, 392 Kwun Tong Road,
Kwun Tong, Kowloon

Present

Mr TAM Siu-cheuk (Chairman)	Mr CHAN Yiu-hung, Jimmy, MH
Mr LAM Wai (Vice-chairman)	Mr TSANG Wing-fai
Mr YU Siu-lun	Ms CHING Hoi-yan
Mr YU Ka-ming	Ms FENG Yungsi
Mr NG Ting-fung	Mr WONG Chun-ping, MH, JP
Mr LUI Tung-hai, MH	Mr WONG Kai-san
Ms LEE Shuk-woon, Sophia	Mr LAU Kar-wah
Mr LEE Ka-hang	Mr AU YEUNG Kwan-nok
Mr LAM Fung, MH	Mr CHENG Keung-fung
Ms KAM Kin	Mr LAI Wing-chun, MH
Mr MA Yat-chiu, MH	Mr KAN Ming-tung, MH
Mr CHEUNG Yiu-pan	Mr KWAN Kin-wing
Mr CHEUNG Pui-kong	Mr PANG Chi-sang
Ms FU Pik-chun, MH	Ms CHAN Ka-man (Co-opted Member)
Mr HSU Yau-wai	Mr CAI Zi-liang (Co-opted Member)

In Attendance

Mr CHEUNG Ka-long, Kelvin	Assistant District Officer (Kwun Tong) 2
Mr CHOW Lap-kan, Douglas	Senior Executive Officer (District Council), Kwun Tong District Office
Ms LAW Kit-nor	District Environmental Hygiene Superintendent (Kwun Tong), Food and Environmental Hygiene Department
Mr FUNG Chun-kin	Chief Health Inspector (Kwun Tong) 1, Food and Environmental Hygiene Department
Ms CHAU King-mui, Alice	Chief Health Inspector (Kwun Tong) 2,

Mr TANG Tsz-chun, Tommy	Food and Environmental Hygiene Department Senior Environmental Protection Officer (Regional East)3 (Acting), Environmental Protection Department
Mr LAM Cheuk-fung, Simon	Senior Environmental Protection Officer (Regional East)3 (Acting), Environmental Protection Department
Mr LAW Hang-kong	Deputy District Leisure Manager (Kwun Tong)1, Leisure and Cultural Services Department
Mr CHENG Wing-kei	Assistant Housing Manager/Lok Wah South 2, Housing Department

Secretary

Mr WONG King-yui, Bobby	Executive Officer (District Council) 1, Kwun Tong District Office
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In Attendance by Invitation

Mr CHAN King-tung, Tony	Fauna Conservation Officer (Enforcement), Agriculture, Fisheries and Conservation Department	Item II
Dr WONG Yick-him, Simon	Veterinary Officer (Avian Influenza Surveillance), Agriculture, Fisheries and Conservation Department	
Mr MOK Wai-hai, Sam	Chief Estate Officer (District Lands Offices, Kowloon East and Kowloon West), Lands Department	Item VI
Mr WONG Wai-man, Hayes	Principal Estate Officer (District Lands Office, Kowloon East), Lands Department	
Mr KWOK Yin-Lee	Assistant Estate Manager, Pacific Extend Properties Management Limited (Lands Department's contract consultant representative)	

Opening Remarks

The Chairman welcomed all Members of the Food, Environment and Hygiene Committee (“FEHC”) and government representatives to the 5th meeting of FEHC under the 7th Term Kwun Tong District Council (“KTDC”).

I. Confirmation of Minutes of Last Meeting

2. Members had no further comments and the minutes of the fourth meeting were confirmed.

II. Wild Animals Protection (Amendment) Ordinance 2024

3. The representative of the Agriculture, Fisheries and Conservation Department (“AFCD”) presented the paper.

4. Members raised views and enquiries as follows:

- 4.1 Members supported the amendments and increasing of fines.
- 4.2 Members enquired about the definitions of wild animals and feral pigeons under the Wild Animals Protection Ordinance (“Ordinance”).
- 4.3 Members asked whether feeding stray cats and dogs would violate the Ordinance.
- 4.4 Members enquired whether law enforcement officers from AFCD would conduct patrols and enforcement actions in uniform.
- 4.5 Members suggested installing monitoring devices at blackspots for feeding feral pigeons and enquired whether video footage could be used as evidence to prosecute members of the public for feeding feral pigeons.
- 4.6 Members suggested that AFCD step up publicity and education to help the public understand the purpose of the legislation and stop feeding wild animals.
- 4.7 Members relayed that there had been sightings of wild pigs around Lam Tin Park.
- 4.8 Members enquired how AFCD would assist frontline staff of the Housing Department (“HD”) in handling the issue of birds nesting near residential units.
- 4.9 Members enquired how AFCD would regulate the feeding of feral pigeons by residents inside residential units and which department was responsible for enforcement in private housing estates and estates not managed by HD.

- 4.10 Members relayed that there were frequent instances of members of the public feeding feral pigeons near Tsui Ping North Shopping Circuit.
- 4.11 Members enquired whether AFCD had provided guidelines to property management companies and owners' corporations of private housing estates for handling the issue of feeding feral pigeons.
5. The representative of AFCD responded to Members' views and enquiries as follows:
- 5.1 Definition of wild animals: AFCD stated that wild animals referred to animals that could survive without human feeding, while cats and dogs were considered domestic animals. Therefore, the feeding of stray cats and dogs was not regulated under the law. Since feeding feral pigeons had a severe adverse impact on environmental hygiene, the department included feral pigeons in the feeding ban.
- 5.2 Law enforcement issues: AFCD indicated that law enforcement officers from AFCD generally wore plain clothes for enforcement, although some officers (such as those patrolling country parks) wore uniforms. The department pointed out that video footage and photos from monitoring devices could only be used for reference purposes to assist law enforcement departments in planning enforcement actions and could not be used directly as prosecution evidence. Additionally, apart from taking enforcement actions, the department also conducted avian influenza tests based on public needs.
- 5.3 Law enforcement departments: AFCD stated that HD staff had been authorised to carry out enforcement in HD premises, while AFCD was responsible for enforcement in Tenants Purchase Scheme estates, private housing estates and private land. The department would strengthen exchanges with HD staff and provide them with guidance.
- 5.4 Publicity and education: AFCD had earlier set up an educational booth themed "Mission P", and would run another educational booth titled "All for No Feeding". Additionally, it had printed pamphlets to instill the correct concepts in the public.
- 5.5 Nesting problems: AFCD suggested waiting for the chicks to fly away on their own before clearing up the nests, which generally required a wait of three to four weeks.
- 5.6 AFCD stated that it would relay to relevant personnel about the presence of wild pigs around Lam Tin Park. If wild pigs were found foraging in urban areas, AFCD would take action.

6. The representative of the Food and Environmental Hygiene Department (“FEHD”) supplemented details of the arrangements for handling complaints about feeding feral pigeons. FEHD was primarily responsible for handling cases involving environmental hygiene issues in public places, while other cases involving public places were handled by AFCD. Additionally, the department would decide whether to wear uniforms for enforcement depending on the situation.

7. Members enquired whether it was against the law to feed feral pigeons in residential units and whether AFCD had established feeding ban areas.

8. The representative of AFCD responded that no feeding ban areas had been established at present, and it was unlawful to feed feral pigeons in residential units. Regarding proof, the department stated that sufficient and effective information provided by estate management staff or nearby residents would be needed to increase the success rate of investigations.

9. The Chairman encouraged Members to report blackspots for feeding feral pigeons in the district and indicated that he would conduct site inspections of these blackspots, as well as carry out publicity and education on the ordinance amendments, in conjunction with government departments.

10. Members noted the relevant matters.

III. Issue of Hawker Licences to Unlicensed Tradesmen (KTDC FEHC Paper No. 18/2024)

11. The representative of FEHD presented the paper.

12. Members raised views and enquiries as follows:

12.1 Members supported the licensing matters.

12.2 Members enquired how FEHD determined the fixed-pitch area.

12.3 Members asked how FEHD would handle similar applications in future.

13. The representative of FEHD responded to Members’ views and enquiries as follows:

13.1 Proposed fixed-pitch area: The proposed fixed-pitch area was determined with reference to the applicant’s current pitch area and had been accepted by the applicant.

13.2 Handling of similar applications: FEHD stated that licenses would only be issued to tradesmen who registered in 2009, and this application was considered a special case. Additionally, all new hawker licences issued on or after 21 May 2010, including those issued on account of succession to or transfer of licence, should not be allowed for further succession or transfer.

14. Members enquired about the time required for FEHD to process hawker licence applications.

15. The representative of FEHD responded that the department would decide which department needed to be consulted based on the situation of the application site, making it difficult to determine the general time required for processing applications.

16. The Chairman stated that KTDC had no objections to the licensing matters and hoped that FEHD could complete the approval process as soon as possible.

17. Members noted the paper.

IV. Progress report on environmental hygiene issues by the Food and Environmental Hygiene Department
(KTDC FEHC Paper No. 19/2024)

18. The representative of FEHD presented the paper.

19. Members relayed that the current division of gravidtrap index survey areas in Kwun Tong District did not allow Members to effectively monitor the mosquito infestation in various areas, and suggested that FEHD make appropriate adjustments.

20. The Chairman suggested inviting FEHD staff responsible for planning mosquito survey areas to attend the next meeting to respond to Members' enquiries.

21. Members noted the paper.

V. Environmental Hygiene Problems in Kwun Tong District
(KTDC FEHC Paper No. 20/2024)

22. The Secretary presented the paper.

23. Members noted the paper.

VI. Any Other Business

24. Members raised the following enquiries to the representative of the Lands Department (“LandsD”): (i) whether a management scheme for the display of roadside commercial promotion materials had been established; (ii) how to determine the proportion of designated spots assigned to Legislative Council (“LegCo”) members, District Council (“DC”) members, and other users; (iii) how to decide the locations of designated spots assigned to other users; (iv) how to follow up on the issue of resource wastage due to designated spots reserved for other users remaining idle; and (v) whether there was a mechanism in place for opening up idle display spots for application by DC members.

25. The representative of LandsD responded to Members’ views and enquiries as follows:

25.1 Commercial promotion materials: Relevant officers of LandsD were authorised by the Director of Food and Environmental Hygiene to approve applications for displaying roadside non-commercial publicity materials at designated spots in accordance with the Management Scheme for the Display of Roadside Non-commercial Publicity Materials Implementation Guidelines (“Guidelines”) under the Public Health and Municipal Services Ordinance (Cap. 132). Commercial promotion materials displayed in public places were handled by FEHD according to the above ordinance.

25.2 Allocation of designated spots: LandsD had conducted thorough consultations before implementing the above management scheme, including consulting LegCo and DCs. The scheme had been implemented since May 2003, and subsequently, the department also accepted the recommendation in The Ombudsman’s 2008 investigation report to set a cap on the number of display spots.

25.3 Designated spots on Sau Ming Road: LandsD stated that of the 60 designated spots on Sau Ming Road, 29 spots had been allocated to LegCo members and other users based on prior applications. After deducting these, the department provided all the remaining 31 available designated spots for selection by relevant DC members.

25.4 Idle designated spots: LandsD indicated that the Guidelines did not require users to display non-commercial publicity materials at their approved designated spots at all times. LegCo and DC members could display non-commercial publicity materials at their allocated designated spots as needed throughout their term, having regard to factors

such as local situations or planning. Other users could submit individual applications to LandsD for displaying publicity materials based on their promotional activity needs. Therefore, there was no incentive for approved designated spots to remain idle. Other users could also apply to use unselected designated spots according to the Guidelines, which would not constitute a waste of resources.

25.5 Application for use of idle designated spots: LandsD stated that it would process applications for designated spots in the district that were available but not selected, in accordance with the Guidelines. Care Teams, non-governmental organisations or other users were welcome to direct enquiries to the department or staff from its contract consultant regarding applications for the use of designated spots. If there were suitable applications and available display spots, the department would approve the relevant applications as far as possible.

26. Members once again raised the following questions to the representative of LandsD, including: (i) how to determine the allocation ratio of designated spots for LegCo members, DC members and other users; (ii) how to decide which designated spots were reserved for other users; and (iii) whether DC members could change the locations of the designated spots they had already selected.

27. Members pointed out that some of the designated spots on Sau Ming Road were still vacant.

28. The representative of LandsD responded to Members' views and enquiries as follows:

28.1 Allocation of designated spots: LandsD added that the above management scheme, including the current allocation mechanism for designated spots, was formulated after thorough consultation.

28.2 Use of designated spots: LandsD pointed out that the designated spots provided earlier for selection by the relevant DC members were those neither selected by LegCo members nor allocated to other users. The designated spots not chosen by either LegCo members or DC members would be reallocated to the quota for other users according to the Guidelines, allowing other users to apply for them. Councillors could also select designated spots from this quota if needed in the future.

28.3 Changes to the locations of selected designated spots: LandsD stated that if councillors wished to change the locations of their selected designated spots, they could direct their enquiries and applications to the department or staff from its contract consultant.

29. Members enquired about the application and approval status of designated spots reserved for

other users.

30. The representative of LandsD stated that all 60 designated spots on Sau Ming Road had been allocated. According to a site inspection conducted by staff from the department's contract consultant on 9 September 2024, 18 of these designated spots had not yet been used for the display of non-commercial promotion materials. These included 4 spots allocated to DC members, 9 to LegCo members, 2 to Care Teams, and 3 to government departments. The department would continue to monitor the usage of the designated spots on Sau Ming Road and would make enquiries to relevant users about their usage if necessary, striving to coordinate the needs of the stakeholders concerned.

31. The Chairman summarised Members' views and urged LandsD to re-examine the locations and quota of designated spots for DC members and enhance communication with them.

32. The representative of LandsD expressed willingness to meet with DC members and listen to their views. It added that the department would review and update the Guidelines in due course. For instance, after consulting relevant departments, LandsD revised the Guidelines in December 2023 to increase the maximum number of designated spots each DC member could select from 10 to 13. Additionally, the department mentioned that staff from FEHD would take appropriate enforcement actions under the Public Health and Municipal Services Ordinance (Cap. 132) regarding unauthorised publicity materials on government land. This would include removing the publicity materials and recovering costs from relevant parties.

VII. Date of Next Meeting

33. The next meeting was scheduled to be held at 2:30 p.m. on 19 November 2024 (Tuesday).

34. There being no other business, the meeting was adjourned at 4:55 p.m.

The minutes of the meeting were confirmed on 19 November 2024

Kwun Tong District Council Secretariat
November 2024