

(Translation)

Minutes of the 3rd Meeting of the Food, Environment and Hygiene Committee of
Sham Shui Po District Council (7th Term)

Date: 23 May 2024 (Thursday)

Time: 9:30 a.m.

Venue: Conference Room, Sham Shui Po District Council

Present

Chairman

Ms LAU Pui-yuk, MH

Vice-Chairman

Dr PONG Chiu-fai, MH

Members

Mr HO Kwan-chau

Ms WU Wanqiu

Mr LEE Wing-man, MH

Mr LAM Wai-man, Raymond

Ms WU Sze-wan

Mr CHEUNG Tak-wai

Mr CHAN Wai-ming, BBS, MH, JP

Mr CHAN Kwok-wai, MH

Mr CHAN Lung-kit

Ms CHEN Lihong

Ms CHUM Pik-wa

In Attendance

Miss FUNG Yi-ching, Janice

Ms WONG Yu-hang, Anita

Mr CHAU Chun-yin

Mr CHAN Pui-lun

Assistant District Officer (Sham Shui Po) 2

Senior Liaison Officer 3, Sham Shui Po District Office

Chief Health Inspector (Sham Shui Po) 3, Food and Environmental Hygiene Department

Chief Health Inspector (Sham Shui Po) 2, Food and Environmental Hygiene Department

Action by

Mr WAN Chi-shun	District Environmental Hygiene Superintendent (Sham Shui Po), Food and Environmental Hygiene Department
Mr CHOW King-sze, Benjamin	Superintendent (Regional Joint Office) Kowloon, Food and Environmental Hygiene Department
Mr CHAN Wai-kwong	Senior Health Inspector (Regional Joint Office) Kowloon 1, Food and Environmental Hygiene Department
Mr YEUNG Chi-keung, Alex	Professional Officer 4-1/Joint Office 4, Buildings Department
Dr LEE Yin-chun, Sally	Senior Environmental Protection Officer (Regional West) 5, Environmental Protection Department
Ms TAM Sze-chai, Cindy	Environmental Protection Officer (Regional West) 53, Environmental Protection Department
Mr WONG Wai-tong	Assistant Police Community Relations Officer, Hong Kong Police Force
Mr SUEN Sze-ming	Community Liaison Officer, Police Community Relations Office (Sham Shui Po District), Hong Kong Police Force
Mr NG Tsz-wing, Ricky	Chief Estate Officer/Land Control/Kowloon West, Lands Department
 <u>Secretary</u>	
Miss YUEN Cheuk-lam, Cherolyn	Executive Officer (District Council) 4, Sham Shui Po District Office

Opening Remarks

The Chairman welcomed members and representatives of government departments to the 3rd meeting of the Food, Environment and Hygiene Committee (“FEHC”), and welcomed Mr CHAU Chun-yin, Chief Health Inspector (Sham Shui Po) 3 of the Food and Environmental Hygiene Department (“FEHD”), successor of Mr LAM Chun-ho, to attend this and future meetings.

Item 1: Confirmation of Minutes of the 2nd Meeting of the Food, Environment and Hygiene Committee

2. The Committee confirmed the above minutes without amendment.

Item 2: Strengthening Measures to Tackle the Problem of Unlicensed Hawkers in Sham Shui Po (FEHC Paper No. 13/2024)

3. Mr WAN Chi-shun introduced Paper No. 13/2024.
4. The views of members were consolidated as follows: (i) enquired about the effectiveness and follow-up measures of hawkers control operations; (ii) suggested strengthening publicity and education on cracking down on unlicensed hawkers in the district; (iii) suggested that the Department carry out strict law enforcement actions against unlicensed hawkers to enhance the deterrent effect; (iv) hoped that the Department could carry out proper law enforcement actions and follow the principles of lawfulness, fairness and reasonableness while dealing with some unlicensed hawkers who were elderly people in grassroots communities; (v) noticed that there were South Asians setting up stalls with goods laid out on the ground and enquired whether South Asians were included in the 25 to 59 year-old individuals involved in the prosecution cases during the five-day blitz enforcement operation from 8 to 12 April as mentioned in the Paper; (vi) suggested that the Department should cooperate with the Immigration Department (“ImmD”), the Customs and the Police as there were many elderly people, South Asians and Two-way Exit Permit holders among unlicensed hawkers; and (vii) hoped that the Department would strengthen the effort in tackling the problem of organised unlicensed hawkers and hawkers blocking the streets.
5. Mr WAN Chi-shun gave a consolidated response: (i) unlicensed hawkers involved different individuals, including local, mainland, and South Asian people. During recent blitz enforcement operations, the Department had noticed that many

South Asians were also holders of Hong Kong Identity Cards, so the Department could carry out law enforcement actions in accordance with normal procedures; however, if a case involved South Asian individuals holding Recognizance, Form No. 8, it might be necessary to refer the case to Immd or arrange joint operations as needed; (ii) noticed that some elderly people were selling without any license in the district, for example, on Berwick Street. For such a situation, the Department would first advise and disperse them, and it would only carry out law enforcement actions after it found that repeated verbal warnings were ineffective; (iii) most unlicensed hawkers would relocate and change their operating hours after law enforcement actions, and they mainly operated on streets with heavy foot traffic; and (iv) the Department would review hawker management strategies from time to time and continue to take law enforcement actions against unlicensed hawkers and report to the Committee in a timely manner.

6. The Chairman concluded that unlicensed hawkers had caused long-term disturbance to the residents of the district. Members hoped that the Department would develop new strategies to address the illegal activities of organised unlicensed hawkers, work together with other departments to carry out law enforcement actions to enhance street management in the community and report to the Committee in a timely manner.

Item 3: Fire Safety of Fixed Hawker Pitches (FEHC Paper No. 14/2024)

7. Mr WAN Chi-shun introduced Paper No. 14/2024.

8. The Chairman added that to strengthen communication between government departments and stakeholders of hawker stalls in the district, representatives of the Sham Shui Po District Office (“SSPDO”), the Food and Environmental Hygiene Department (“FEHD”), the Fire Services Department (“FSD”) and the Police exchanged views on fire safety issues with representatives of hawkers from seven streets, including Apliu Street, Tai Nan Street, Ki Lung Street, Kweilin Street, Pei Ho Street, Fuk Wing Street and Fuk Wa Street, as well as Mr CHAN Kam-wing, Chairman of the Federation of Hong Kong, Kowloon and New Territories Hawkers Associations, at a fire safety exchange meeting held on 20 May, and fire safety requirements for hawker stalls were put forward at that meeting. The representatives of hawkers responded positively to the fire prevention measures taken by the Government and expressed their willingness to fully support relevant arrangements. In addition, both sides had reached a consensus on severely punishing hawkers who refused to comply with the instructions after repeated advice.

9. The views of members were consolidated as follows: (i) suggested mutual

supervision among hawkers to improve fire safety; (ii) suggested organising specialty markets and other activities and putting forward plans to enhance the competitiveness of hawker stalls to encourage hawkers to comply with fire safety requirements, and improve the business environment; (iii) suggested conducting surprise fire drills during non-peak hours; (iv) enquired whether the Department had conducted inspections on the safe use of electricity in hawker stalls to prevent excessive electricity load as it was found that the electricity consumption of hawker stalls this year was higher than those of previous years; and (v) reminded the Department to be aware that unlicensed hawkers might occupy the stall positions of other licensed hawkers after their operating hours.

10. Mr WAN Chi-shun gave a consolidated response: (i) hawkers would supervise each other, and business chambers and hawker associations in each hawker area would also remind hawkers who failed to meet the standards from time to time and actively promote fire safety to them; (ii) the Department was discussing with SSPDO on how to promote hawker stalls, for example, incorporating distinctive designs. If there was any further plan, the Department would report it to the Committee in a timely manner. In terms of improving the business environment of hawker stalls, reference could be made to the actions taken by the Department last year regarding street obstruction and the benefits of the overall significant improvement after the actions. Therefore, the Department also hoped to improve the problem of narrow passages in hawker stall areas by changing the way that hawkers displaying goods. In addition to reducing fire risk, the cleanliness of hawker stall areas would also provide customers with a more comfortable shopping environment; (iii) stall owners were noticed in advance for the previous fire drills. The Department would consider the actual situation and conduct surprise fire drills with FSD in stages. For example, in the initial stage, the Department would continue to arrange manpower to assist in keeping streets clear of obstruction for emergency vehicles to pass through; in the next stage, surprise fire drills without coordination could be carried out, aiming to maintain a 4.5-metre-wide emergency vehicular access in hawker stall areas for fire appliances and other emergency vehicles to pass through at any time; and (iv) under the Hawker Assistance Scheme, metal materials had been adopted for the structures of hawker stalls and individual electricity metre boxes had been installed to provide sufficient electricity for business operation. After the relevant works were completed, a Work Completion Certificate covering the electrical installation would also be issued. To ensure the safety of electricity, hawkers were also prohibited from illegally connecting to electricity supply, and violators would have their licenses revoked.

11. The Chairman concluded that with the concentrated hawker stalls in Sham

Shui Po District, fire safety was particularly important. It was hoped that FEHD and other relevant departments would maintain close communication with hawkers and carry out law enforcement actions against hawkers who ignored repeated advice. Apliu Street was a well-known gathering place for hawker stalls in the district. It was suggested that the Department should first handle the fire safety matters of Apliu Street and then promote fire safety in other streets. The Committee hoped to improve the environment of the district by strengthening the promotion of fire safety to hawkers.

Item 4: Concern about the Environmental Impact of Water Dripping from Air-conditioners in Sham Shui Po District (FEHC Paper No. 15/2024)

12. A member introduced Paper No. 15/2024.

13. Mr WAN Chi-shun introduced Response Paper No. 15a/2024.

14. The views of members were consolidated as follows: (i) enquired whether the Department had issued “Nuisance Notices” in accordance with the procedures during “CLEARSKY” operation, giving residents time to tackle dripping air conditioners, and enquired about the coverage and implementation of “CLEARSKY” operation; (ii) enquired whether the Department had taken the initiative to investigate the dripping problem of other air conditioners, such as those in the vicinity Wing Lung Street; (iii) enquired about the difficulties encountered by law enforcement personnel and their solutions while entering residential premises for investigation; (v) enquired about the data on received complaints and completed cases; (v) enquired how the Department carried out law enforcement actions on buildings without hiring any property management company; and (vi) enquired whether the Housing Department (“HD”) would issue “Nuisance Notices” to residents in units under its purview and enquired about the prosecution threshold, as well as data on prosecution and fine cases in the district.

15. Mr WAN Chi-shun gave a consolidated response: (i) unlike the previous complaint-driven approach in handling the dripping problem of air conditioners, “CLEARSKY” operation was carried out in six districts across Hong Kong, including Sham Shui Po. During this period, the Department took the initiative to investigate the black spots of dripping air conditioners and issued “Nuisance Notices”. It was expected that the dripping problems of five to six black spots in the district would be tackled throughout the summer. The Department had strengthened publicity and educational work, including increasing the broadcasting of promotional information on radio to remind residents to take the initiative to check and repair their air conditioners; (ii) in “CLEARSKY” operation, the Department would issue “Nuisance Notices” to the

occupants or owners of the units with dripping air conditioners. If the situation did not improve within the compliance period, the Department might need to enter relevant units for investigation. So far, personnel from the Department had rarely been refused entry into residential premises for investigation. If such a situation occurred, the Department had the right to apply to the court for a warrant to enter relevant premises for investigation. If it was confirmed that an air conditioner involved had not been properly repaired, the Department would initiate prosecution against the relevant party, and upon conviction, a fine would be imposed. If there was still no improvement to the situation after that, the Department would apply to the court for a “Nuisance Order”, requiring the relevant resident to repair it within a specified period of time. If the relevant party failed to comply with the order, he/she would be prosecuted again, and the penalties for the related violation would also be higher; (iii) the Department received a total of 2,091 complaints in the district from January to December 2023, mainly from May to September. In terms of law enforcement, the Department issued about a total of 300 “Nuisance Notices” in 2023 and initiated 41 prosecutions. In most of the complaint, unit occupants or owners would immediately repair the relevant air conditioners after receiving notice from the Department, so not all complaint cases required the issuance of a “Nuisance Notice”; (iv) “CLEARSKY” operation covered 5 to 6 dripping black spots in the district, including some buildings that had not hired any property management company. And the law enforcement procedures for these buildings were the same as those for other buildings; (v) HD would manage its rental units on its own, and the Department was mainly responsible for the units which had been purchased that were under the purview of HD; and (iv) the Department was aware of the locations in the district where the dripping problem of air conditioners was relatively more severe, and it would refer to the information of previous cases to carry out follow-up actions proactively.

16. The views of members were consolidated as follows: (i) enquired about the data on the issuance of “Nuisance Notices” and prosecution cases in “CLEARSKY” operation; (ii) suggested that the Department cooperate with District Council Members in publicity to support law enforcement actions; and (iii) suggested that the Department expand the coverage of the “Scheme of Participation by Property Management Agents in Tackling Dripping Air-conditioners” to allow more housing estates to participate in it.

17. Mr WAN Chi-shun gave a consolidated response: (i) in the recent “CLEARSKY” operation, the Department issued a total of 26 “Nuisance Notices” at the first black spot of dripping air conditioners on Cheung Sha Wan Road. In the next round of “CLEARSKY” operation, the Department would focus on investigating the

dripping problem of air conditioner at another black spot on Cheung Sha Wan Road; and (ii) the Department actively invited property management companies to participate in the “Scheme of Participation by Property Management Agents in Tackling Dripping Air-conditioners” every year. Some well-managed companies would actively participate in it, while some small property management companies might not participate in the scheme due to their limited scale, but they would also seek assistance from the Department from time to time to tackle the dripping problem.

18. The Chairman concluded that the dripping problem of air conditioners caused nuisance to residents in the district in summer. Therefore, members suggested that the Department should display promotional materials on the exterior walls of its markets and public toilets and provide a list of black spots of dripping air conditioners to the Committee for their reference. Members hoped that the Department would provide a receipt so that they could point out the black spots of dripping air conditioners in the district on it. Members also hoped that the Department would make more use of new technologies to address the dripping problem of air conditioners and improve efficiency. Members would continue to work closely with the Department to improve the situation.

Item 5: Multi-pronged Approach to Enhancing the Handling of Water Seepage in Buildings (FEHC Paper No. 16/2024)

19. A member introduced Paper No. 16/2024.

20. Mr Benjamin CHOW introduced Response Paper No. 16a/2024.

21. The views of members were consolidated as follows: (i) enquired about the number of cases in the district where new technologies had been used to identify the source of water seepage, and whether using new technologies to investigate units had helped improve the efficiency; (ii) at present, due to privacy concerns, residents of some affected units were unable to obtain data from third parties on the owners of units which were the sources of water seepage. It was suggested that the Department could contact the owners of units which were the sources of water seepage for the residents of the affected units; (iii) some grassroots residents could not afford to hire loss adjusters or surveyors. It was suggested that the Department should conduct investigations for grassroots property owners to identify the causes of water seepage; (iv) suggested that the Department should maintain close communication with property owners and regularly follow up on water seepage cases; (v) enquired how the Department responded to owners’ refusal to address water seepage; (vi) suggested that the Department should actively deal with water seepage complaints and consider

outsourcing the investigation of water seepage sources to loss adjusters to improve efficiency; (vii) enquired about the follow-up status of over 1,000 complaints received from January to April, as well as the approaches to cases where the sources of water seepage were unknown; (viii) enquired whether the notices issued by the Department had legal effect and could be used as evidence by the affected residents; whether the affected residents needed to find loss adjusters by themselves to organise investigation reports; and (ix) suggested that the Department should refer to the pilot scheme in the community and arrange surveyors or relevant professionals to mediate for the residents of the affected units.

22. Mr Benjamin CHOW gave a consolidated response: (i) the main task of the Department was to assist residents in finding the sources of water seepage, and no data was collected from building residents. Residents could seek assistance from property management companies or owners' corporations for mediation by themselves. The Department encouraged property management companies to assist in handling cases of water seepage in residential buildings. From 1 July 2022 to 31 December 2023, property management companies assisted in handling 2,400 cases by coordination, mediation, and other means, and 1500 of them were successful, achieving significant results; (ii) after completing the investigation reports on water seepage, if the Department was of the opinion that the evidence was sufficient and there was no reasonable doubt, criminal prosecutions would be initiated. If the owners of affected units wished to file civil claims, they could apply for access to the investigation reports on water seepage in accordance with the Code on Access to Information and consult with lawyers for advice by themselves. The Department was reviewing the relevant administrative measures and considering waiving the photocopying fee for applying for a copy of water seepage investigation reports; and (iii) if the owners of units which were the sources of water seepage did not comply with the "Nuisance Notices" and failed to improve the situation by the specified dates, the Department would apply to the court for "Nuisance Orders" to order the owners to handle the problem. The Department was reviewing relevant laws and considering increasing the penalties for violating relevant notices/orders to enhance the deterrent effect.

23. Mr Alex YEUNG added that the Department had conducted a pilot scheme in Sham Shui Po District from January to April 2023, using infrared thermography and microwave tomography to identify the sources of water seepage. Currently, the sources of water seepage had been identified successfully for 70% of the cases. The new technologies took less time than traditional colour water tests for identification. Colour water tests took at least two months for identification, while microwave tomography only took about one week.

24. Mr Benjamin CHOW added that the Department was launching a pilot scheme in Wong Tai Sin District and simultaneously carrying out the second and third stages of investigation of water seepage, attempting to shorten the investigation time. The Department would review the effectiveness in a timely manner and it might extend the scheme to Sham Shui Po District.

25. Some members supported the Department in improving the procedures for handling water seepage cases.

26. Mr Benjamin CHOW said that the Department had been trying its best to use new technologies to identify the sources of water seepage, but the relevant technical analysis also had its limitations, so traditional testing would still be used.

27. Mr Alex YEUNG added that the Department would prioritise the use of microwave tomography while dealing with cases, but this technology could not be applied to ceilings with concrete spalling or tiles. In addition, some residents of units which were the sources of water seepage also hoped that the Department would adduce evidence only after conducting on-site investigations; therefore, when necessary, the Department would also conduct traditional testing on-site to locate the sources of water seepage.

28. The Chairman concluded that the problem of water seepage was particularly serious in tenement buildings, causing disputes among residents. Members hoped that the new technologies could assist residents in identifying the sources of water seepage as soon as possible and reduce disputes among them. The Department was suggested to strengthen publicity and cooperate with the Committee. Members expected that the Department would improve the procedures for handling water seepage cases and report to the Committee in a timely manner.

Item 6: Any Other Business

29. Members did not raise any other business.

Item 7: Date of Next Meeting

30. The next meeting would be held at 9:30 a.m. on 18 July 2024 (Thursday).

31. There being no other business, the meeting ended at 11:44 a.m.