

Sha Tin District Council
Minutes of Resumption of the 4th Meeting of
the Health and Environment Committee in 2018

Date : 17 July 2018 (Tuesday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Title</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Mr WONG Yue-hon (Chairman)	DC Member	2:30 pm	4:33 pm
Ms YUE Shin-man (Vice-Chairman)	"	2:30 pm	2:57 pm
Mr HO Hau-cheung, SBS, MH	DC Chairman	2:30 pm	4:33 pm
Mr PANG Cheung-wai, Thomas, SBS, JP	DC Vice-Chairman	2:30 pm	2:57 pm
Mr CHAN Billy Shiu-yeung	DC Member	2:30 pm	4:33 pm
Mr CHAN Kwok-keung, James	"	2:48 pm	3:15 pm
Mr CHAN Nok-hang	"	2:36 pm	4:33 pm
Mr CHENG Tsuk-man	"	2:45 pm	4:17 pm
Mr CHING Cheung-ying, MH	"	2:30 pm	4:33 pm
Mr CHIU Chu-pong, Sunny	"	2:30 pm	4:33 pm
Mr LAI Tsz-yan	"	2:48 pm	4:06 pm
Ms LAM Chung-yan	"	2:30 pm	4:33 pm
Mr LEUNG Ka-fai, Victor	"	2:30 pm	4:33 pm
Mr LI Sai-hung	"	2:30 pm	3:44 pm
Mr LI Wing-shing, Wilson	"	2:30 pm	4:33 pm
Mr MAK Yun-pui	"	2:43 pm	4:11 pm
Mr NG Kam-hung	"	2:43 pm	4:33 pm
Ms PONG Scarlett Oi-lan, BBS, JP	"	2:30 pm	4:33 pm
Mr PUN Kwok-shan, MH, JP	"	2:30 pm	4:33 pm
Mr TING Tsz-yuen	"	2:30 pm	4:25 pm
Mr TONG Hok-leung	"	2:30 pm	4:33 pm
Mr WAI Hing-cheung	"	2:30 pm	4:33 pm
Mr WONG Fu-sang, Tiger	"	2:30 pm	4:33 pm
Mr WONG Hok-lai	"	2:35 pm	4:33 pm
Mr WONG Ka-wing, MH	"	2:36 pm	4:12 pm
Mr YAU Man-chun	"	2:30 pm	4:06 pm
Mr YIP Wing	"	2:30 pm	4:33 pm
Mr YUNG Ming-chau, Michael	"	2:36 pm	4:33 pm
Mr MOK Man-lok, Mannix (Secretary)	Executive Officer (District Council) 1 / Sha Tin District Office		

<u>In Attendance</u>	<u>Title</u>
Mr WONG Tin-pui, Simon	Assistant District Officer (Sha Tin)
Ms AU Wai-ha	Chief Health Inspector 1 / Food and Environmental Hygiene Department
Ms MOK Kit-yee	Housing Manager / Tai Po, North and Shatin 3 / Housing Department
Mr LEE Chee-kwan	Senior Environmental Protection Officer (Regional North) 4 / Environmental Protection Department

In Attendance

Mr PANG Tak-chiu

Mr YUEN Chun-kit, Derek

TitleDeputy District Leisure Manager (Sha Tin) 2 /
Leisure and Cultural Services Department
Senior Executive Officer (District Council) /
Sha Tin District Office**In Attendance by Invitation**

Mr NG Cheuk-hang

Mr CHU Hing-tak

Ms KWOK Ka-yu, Kave

TitleSenior Land Executive / Land Control (Atg) /
District Lands Office, Sha Tin
Station Sergeant/ Sha Tin Police Station
Hong Kong Police Force
Assistance District Leisure Manager (Sha Tin) 3 /
Leisure and Cultural Services Department**Absent**

Ms CHAN Man-kuen

Mr LI Sai-wing

Mr MOK Kam-kwai, BBS

Mr SIU Hin-hong

Ms TSANG So-lai

Ms TUNG Kin-lei

Ms WONG Ping-fan, Iris

Mr YIU Ka-chun, MH

Mr LEE Chi-wing, Alvin, MH

Mr CHIU Man-leong

Mr HUI Yui-yu, Rick

Title

DC Member (Application for leave of absence received)

” (”)

” (”)

” (”)

” (”)

” (”)

” (”)

” (”)

” (Application for leave of absence received
but not approved)

” (No application for leave of absence received)

” (”)

Action**Opening Remarks**

The Chairman welcomed members and representatives of government departments to the resumption of the fourth meeting of the Health and Environment Committee (HEC) of this year.

Application for Leave of Absence

2. The Chairman said that the Secretariat of the Sha Tin District Council (STDC) had received applications for leave of absence in writing from the following members:

Ms CHAN Man-kuen	Out of town
Mr YIU Ka-chun	”
Mr LI Sai-wing	Other reasons
Mr SIU Hin-hong	”
Mr Alvin LEE	Official commitment
Mr MOK Kam-kwai	”
Ms TSANG So-lai	”
Ms Iris WONG	”
Ms TUNG Kin-lei	Attendance at an activity of an organisation under the Hong Kong Government

3. Mr WONG Hok-lai opined that Mr Alvin LEE had applied for leave of absence on the ground of official commitment for many times. As it was now summer holiday, he queried why Mr Alvin LEE needed to apply for leave of absence.
4. Mr Sunny CHIU said that Mr Alvin LEE did not speak at the last meeting all along. However, when he first spoke, he pointed out that there was a lack of quorum and the meeting was therefore adjourned. He was aware that Mr Alvin LEE was a teacher and therefore tolerated his absence from meetings during school days, but it was now summer holiday and he was still absent. He strongly condemned and did not support Mr Alvin LEE's application for leave of absence.
5. Mr LI Sai-hung said he also strongly condemned Mr Alvin LEE. At the HEC meeting on 12 July 2018, Mr Alvin LEE immediately requested a headcount once he arrived at the conference room. As a result, the meeting had to be adjourned. Members and representatives of government departments therefore had to attend the resumption meeting, but now he was absent again. From January to June of 2018, the attendance rate of Mr Alvin LEE was 0 at the meetings of 4 out of the 7 committees, namely the Culture, Sports and Community Development Committee, the District Facilities Management Committee, the Education and Welfare Committee and the Finance and General Affairs Committee (FGAC). Mr Alvin LEE requested a headcount and then left on that day, then was now absent from this resumption of meeting, and thus he was very irresponsible. Mr LI Sai-hung strongly appealed to the residents of Ma On Shan Town Centre to consider clearly when they voted in the future. He also criticised Mr Alvin LEE, who was a teacher, for being a bad role model for students. He welcomed members to use the sound recording of what he had just said in future elections.
6. Mr YAU Man-chun opined that the incident should be dealt with in a serious manner. He also criticised Mr Alvin LEE, who left the previous meeting during head counting and was absent from this meeting, for behaving so undesirably and infuriating others. He opposed Mr Alvin LEE's application for leave of absence and opined that he should be condemned for wasting public funds and disrespecting the Council and electorates. He concurred with Mr LI Sai-hung's view, saying that teachers should set a good role model for students.
7. Mr YIP Wing believed that all schools in Hong Kong was on summer holiday at the moment, but Mr Alvin LEE was absent from this meeting because of official commitment. The meeting on the previous Thursday was about to end after having been held for almost 5 hours, but Mr Alvin LEE requested a headcount once he entered the meeting room, and thus the meeting had to be resumed today. He believed that all members here were also disgruntled. He hoped that members of the public would carefully consider how to vote next year after listening to the sound recording of this meeting.
8. Mr Michael YUNG opined that the automatic resumption of meeting was originally a good mechanism because agenda items could be discussed during resumption of meetings, and thus long meetings could therefore be shortened. However, to everyone's surprise, an independent member of the pro-establishment camp requested for a headcount. He considered that absent members should also be held accountable for the incident. At the last meeting, Mr Alvin LEE had already left before the 15-minute headcount period ended. It was Members' primary duty to attend meetings. He was aware that Mr Alvin LEE was a teacher. However, Mr CHING Cheung-ying, who was also a teacher, attended the meeting today. He had been a Member for 11 years and had never opposed any application for leave of absence of any member. However, since Mr Alvin LEE disrespected the Council and the time contributed by other members, and made members and representatives of government departments attend the

meeting again, he disagreed with Mr Alvin LEE's application for leave of absence and believed that he should make an apology.

9. Mr Thomas PANG said although Mr Michael Yung had only 6 seconds left for his speaking time, he still spoke the most among all members. He opined that every member should bear the responsibility for impeding representatives of government departments from speaking at meetings. Members often wasted time on talking about unimportant things or making opening remarks, and therefore spoke in excess of the time limit. He said he had mentioned at the last meeting that if Mr Michael YUNG carried on speaking, the meeting might have to be adjourned. The meeting, predictably, was really adjourned later. He dared not blame Mr Michael YUNG for the incident. Every member had their own reasons, but he believed that members had a clear idea of who should be blamed. He was not aware why Mr Alvin LEE had to apply for leave of absence. To students, summer holiday had already started in mid-July, but many teachers and administrative staff still had to attend meetings. A number of members had mentioned election, but he believed that the incident needed not to be too politicised. He hoped that the meeting would start as soon as possible.

10. Mr MAK Yun-pui said he could not attend the meeting today originally. However, he felt sorry for not being able to attend the last meeting, as he had to lead a delegation to participate in an exchange tour, so he attended the meeting today. He queried why Mr Alvin LEE requested a headcount, causing the meeting to be adjourned, but was absent from the resumption of the meeting. He criticised that Mr Alvin LEE's deed was unfair and unreasonable. He hoped that the Chairman would review whether the incident had shown that it was not appropriate to arrange the resumption of meeting on Tuesdays.

11. The views of Mr HO Hau-cheung were summarised below:

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- (a) Mr Alvin LEE and other members had applied for leave of absence on the ground of official commitment or other reasons. He urged members to bear in mind that they were stakeholders in the Council and had formulated the STDC Standing Orders (Standing Orders) together. The mechanism of resumption of meeting was also set up after thorough discussion at STDC meetings. He remembered that members had discussed the issue of procedural justice at the beginning of the term of office. Procedural justice meant all members had to observe the rules formulated by themselves. He shared the same feeling with some other members, that is, although he had other official commitments, he still observed the rule by attending this meeting today;
- (b) members disagreed with the application for leave of absence of Mr Alvin LEE as they were not sure what his official commitment was. He asked how the applications for leave of absence of other members, who were absent on the ground of official commitment, should be dealt with. Mr Alvin LEE did not violate the Standing Orders or procedural justice for requesting a headcount at the last meeting. A member had just pointed out that "attending meetings" was one of the most important duties of Members. He wanted to extend his encouragement to all members to endeavour to attend all meetings of the STDC and its committees; and
- (c) the agenda was sent to members in advance. Even if members were busy at work, they could still estimate the time needed according to the agenda and arrange their work schedule properly. If the agenda took more time than

members expected at the later stage of the meeting, it was understandable that they might leave early and it was hard to avoid causing the meeting to be adjourned. He could only extend his encouragement to members to try their best to attend and stay at meetings. As to Mr Alvin LEE's application for leave of absence, it did not violate the Standing Orders. So, he considered it unreasonable for members to disagree with Mr Alvin LEE's application.

12. The views of Mr James CHAN were summarised below:

- (a) he opined that whether members agreed or disagreed with other members' application for leave of absence, both options complied with the meeting procedure. At many past STDC meetings, he might be the only Member who had opposed other members' applications for leave of absence and was teased then. He believed that any actions could be taken as long as they were sensible, reasonable and lawful. People might ask what "reasonable" meant. The Secretary for Security had just mentioned the meaning of "reasonable" today and members could study the meaning with the Secretary for Security;
- (b) he opined that disagreeing with the application for leave of absence of a member was nothing personal, but rather addressing the long-standing issue of members' repeated absence from meetings. Members were aware that it was not easy for teachers to take leave, but the meeting schedule had been fixed long ago. If Members encountered any difficulties, they could choose not to be a STDC Member or find another job. However, another Member Mr CHING Cheung-ying, who was also a teacher, was able to take leave and attended the meeting. Many members who ran their own business had to be responsible to the Board of Directors, but they were able to attend the meetings. If Mr Alvin LEE loved his work to a certain extent that he could not spare any time, he could choose not to be a Member. Members who always complained about the low salary could also choose not to be a Member; and
- (c) being the convenor of a working group that was composed of 15 members, he said only 5 to 6 members attended meetings every time. Other members had repeatedly applied for leave of absence, and 3 of them had already done so for 6 to 7 times this year. Members were not forced to join the working groups and they actually could quit, as some other members wished to join the working groups. He did not mean to target against a certain member. However, he opined that if a member constantly applied for leave of absence, regardless of the reason, other members could disapprove the application or reprove it.

13. The Chairman said members did not oppose the applications for leave of absence submitted by other members except Mr Alvin LEE. He suggested that members first approve the applications for leave of absence made by the other 8 members if no members opposed them.

14. Members unanimously approved the applications for leave of absence submitted by the 8 other members except Mr Alvin LEE.

15. The Chairman said Mr Alvin LEE only stated official commitment in his written application. If any member opposed his application for leave of absence, it should be dealt with by vote.

16. Mr WONG Ka-wing opined that the matter involved the Standing Orders. He personally did not support Mr Alvin LEE's absence on the ground of official commitment. But he asked whether members could first listen to Mr Alvin LEE's explanation, for what official commitment he had to take leave, at the next meeting, before deciding to accept his explanation or reject his application. Besides, he asked the Secretariat whether members had the power to reject the application for leave of absence submitted by other members. He hoped that members would resolve the issue in a fair, just, sensible and reasonable way.

17. Mr CHAN Nok-hang said if Mr Alvin LEE was allowed to give an explanation at the next meeting, then it would mean approving his application for leave of absence today. Mr Alvin LEE requested a headcount at the last meeting and was absent from today's meeting on the ground of official commitment. He opined that unless Mr Alvin LEE could explain on the phone now what official commitment he was engaged in, members could hardly approve his application for leave of absence.

18. Mr WONG Hok-lai pointed out that this resumption of meeting was a new arrangement and asked whether the attendance rates of the two meetings were counted separately.

19. The views of Mr HO Hau-cheung were summarised below:

- (a) he asked members to think twice before making a decision. In the past STDC meetings and committees meetings, members had approved all applications for leave of absence on the ground of official commitment submitted by members without any queries, including other members' applications that had just been approved. If Mr Alvin LEE applied for leave of absence for the same reason, and members rejected his application because he had requested a headcount under the procedure before, that would be collective bullying and also an excuse;
- (b) during the election of Chairman of the STDC at the beginning of this term, many members here stressed procedural justice. He opined that if Mr Alvin LEE's application for leave of absence on the ground of official commitment was rejected this time, that would violate the principle of procedural justice. Mr Alvin LEE made no mistake in requesting a headcount when a quorum was not present at the last meeting. He wished members to think twice to see whether it was fair to handle Mr Alvin LEE's application for leave of absence in this way. He opined that the regulation on application for leave of absence under the Standing Orders could be improved indeed. Members could raise the issue at the FGAC meeting and have discussion. But before that, he asked members to think whether rejecting Mr Alvin LEE's application for leave of absence under the circumstances today still complied with procedural justice; and
- (c) he responded to Mr WONG Ka-wing' question, saying that according to his understanding, members had the power to disagree with the applications for leave of absence of other members. If an application was rejected, the member would be regarded as absent. He opined that the main point was whether the ground for rejection was fair, and he asked members to think carefully.

20. Mr James CHAN opined that members speaking for several times and making repetitive speeches was a norm in the STDC. He opposed arguing over meaningless matters, for example, what fairness was, the reason to vote, etc. He asked the Chairman to proceed to vote as soon as possible and stop wasting time.

21. Mr Michael YUNG pointed out that STDC had rejected members' application for leave of absence before. As far as he was aware, Mr WONG Kwok-hung's application for leave of absence was rejected in the past, and he asked whether it should be regarded as an act of collective bullying. Mr Alvin LEE requested a headcount but then left the conference room that day, and this was the reason why members disagreed with his application for leave of absence. If he had attended today's meeting, members might not have such a sentiment. If members had the power to oppose his application for leave of absence, he believed that this could convey a message to Mr Alvin LEE: if he was so busy at work, he might consider whether he would continue to be a committee member or STDC Member. He asked members not to leave the conference room again if they had to vote, otherwise he was not sure who to be blamed in case there was a lack of a quorum when the voting was taking place. He said all members of the Democratic Alliance for the Betterment and Progress of Hong Kong were not present at the conference room.

22. Mr Wilson LI said Mr Alvin LEE was very late for the last HEC meeting. Although he had the right to request a headcount, it was still disappointing that he was absent from this resumption of meeting. The Secretariat had already stated that members had the power to disagree with other members' applications for leave of absence. He disagreed with Mr HO Hau-cheung's views and opined that it was impossible that collective bullying would happen in an elected council. He hoped that Mr HO Hau-cheung would withdraw his comment. He said for the sake of procedural justice, members should stay in the conference room and vote to show electorates whether they accepted such a behaviour.

23. Mr LI Sai-hung hoped that Mr HO Hau-cheung would stop defending Mr Alvin LEE. All members were dissatisfied that Mr Alvin LEE only spoke to request a headcount at the last meeting and then left the venue immediately. Such a behaviour was extremely irresponsible. This resumption of meeting had to be held because of him but he was absent. Members were just dealing the issue in accordance with the procedure.

24. Mr Mannix MOK, Executive Officer (District Council) 1 of the Sha Tin District Office (STDO) gave a consolidated response as follows:

- (a) under Standing Orders 52(1), "If a member of the Council cannot attend a meeting of the Council because of sickness, official commitment, attendance at another meeting or an activity on behalf of the Council, or attendance at another meeting or an activity of an organisation under the Chinese government or Hong Kong government, he or she is required to notify the Secretary by using the notification form at Appendix VII before the meeting. The Secretary shall inform the Council of the notification and the Council shall decide at the commencement of the meeting whether consent should be given to the absence. The Council shall only give consent to notifications of absence filed on the grounds of official commitment, sickness, attendance at another meeting or an activity on behalf of the Council, or attendance at another meeting or an activity of an organisation under the Chinese government or Hong Kong government. The Council shall not accept any notification of absence after the meeting"; and
- (b) according to the practice of previous resumptions of meetings, the attendance rates of regular meetings and resumptions of meetings were calculated separately.

25. The Chairman said members did have the power to endorse or oppose the applications for leave of absence submitted by other members. Since many members had different views

on Mr Alvin LEE's application for leave of absence, he believed that it should be decided by vote, and announced that a voting would start at once. Mr LI Sai-hung requested to vote by open ballot, and he was supported by 4 members.

26. The Chairman announced that Mr Alvin LEE's application for leave of absence was rejected with 1 affirmative vote, 17 dissenting votes and 1 abstention vote, and he himself did not vote.

Member who casted an affirmative vote (1):

Mr HO Hau-cheung.

Members who casted dissenting votes (17):

Mr TING Tsz-yuen, Mr YAU Man-chun, Mr NG Kam-hung, Mr LI Sai-hung, Mr Wilson LI, Mr Michael YUNG, Mr Billy CHAN, Mr James CHAN, Mr CHAN Nok-hang, Mr MAK Yun-pui, Mr CHING Cheung-ying, Mr WONG Hok-lai, Mr YIP Wing, Mr Sunny CHIU, Mr WAI Hing-cheung, Mr CHENG Cheuk-man, Mr LAI Tsz-yan.

Member who abstained from voting (1):

Mr WONG Ka-wing.

Questions

Question to be Raised by Mr WAI Hing-cheung on the Problem of Stacking Miscellaneous Items at the Pedestrian Way of Sha Tin Centre Street
(Paper No. HE 34/2018)

27. The views of Mr WAI Hing-cheung were summarised below:

- (a) according to the reference figures provided by the Food and Environmental Hygiene Department (FEHD) and the Hong Kong Police Force (HKPF), regarding the number of street obstruction cases caused by foreign domestic helpers on holidays, he found that members of the public tended to lodge complaints to the HKPF instead of the FEHD. He was not sure whether it was because the FEHD did not work on holidays. Among the 10 complaints received by the HKPF over the past 3 years, 1 of the complaints took place on 12 July 2017. The HKPF did not find any street obstruction and that day was not Sunday. He was not sure whether it was a clerical mistake because normally foreign domestic helpers obstructed streets only on Sundays or holidays;
- (b) he enquired how the FEHD and the HKPF shared the responsibilities on Sundays, and if the FEHD staff did not work on Sundays, whether it would bring additional workload to the HKPF. He also enquired of the HKPF about the difference between verbal warning and verbal advice, and why no prosecutions were initiated in all those 10 cases;
- (c) he had reflected to the FEHD a few years ago that some market stall operators provided storage space for foreign domestic helpers to store their consignment, engaging business activities that were not allowed in markets. The FEHD replied that they had not found any evidence showing that people who placed objects outside Sha Tin Market were related to market stall operators. No one

came to the stalls on weekdays but many foreign domestic helpers queued up outside the stalls every Sunday. He hoped that the FEHD would deduce the reason behind by common sense. He said there were more and more market stall operators doing so in Sha Tin Market. Apart from affecting the business of other market stalls, such activities also pushed up the rent. He did not understand why the FEHD could not find any evidence over the years and queried whether it was because the staff could not communicate with people who could not speak Cantonese. It had been a problem that affected Shatin Centre before. But then people arranged and packed their goods outside Sha Tin Market probably due to some changes in Shatin Centre. In addition, he had reflected to the FEHD for many years that the recycling activities outside Sha Tin Market caused street obstruction. However, the FEHD not only did not drive away the people there, but even cleaned the place for them to hawk. He hoped that the FEHD would pay attention to the matter; and

- (d) many deliverymen placed goods at Shatin Centre Street every morning, especially the footpath outside Shatin Plaza. The goods were then delivered to different locations at Sha Tin Centre Street. Most of the goods were water and drinks delivered to the shops in Shatin Plaza and New Town Plaza. Since that section of Sha Tin Centre Street was rather busy, he hoped that the government departments would actively discuss the issue with the management companies of the shopping centres. He was willing to offer assistance to make sure that the footpath would not be obstructed by the delivering activities. It seemed that the recycling activities at Shatin Plaza caused street obstruction, too.

28. The views of Mr Wilson LI were summarised below:

- (a) he said he often passed by Sha Tin Centre Street and found that the problem was rather serious. He pointed out that similar problem arose in Ma On Shan as well and he had reflected the problem to the FEHD and the HKPF. He, Mr TING Tsz-yuen and Ms TSANG So-lai had also received complaints which stated that the pedestrian subway connecting Saddle Ridge Garden and Sunshine City was often obstructed, especially on Sunday mornings in the past few weeks. Some aliens occupied a large part of the pedestrian subway to place their goods and the space left could only allow one person passing through each time. He hoped that the government departments concerned would deal with the problem. If the FEHD and the HKPF had any constraints in dealing with the problem, the Government should study how supervision could be strengthened in terms of policy;
- (b) he admired foreign domestic helpers for their contribution to Hong Kong, and opined that they should be able to find places to enjoy their rest days on Sundays, provided that they did not cause street obstruction and mutual accommodation was ensured. However, if obstruction was serious, it would be necessary to carry out regulatory action; and
- (c) currently, goods delivery activities were not regulated by law. The FEHD would only give advice if such activities were found outside Shatin Plaza. He hoped that the FEHD would keep an eye on the problem.

29. The views of Mr MAK Yun-pui were summarised below:

- (a) the FEHD had said that there were also staff members on duty on Sundays. He asked whether the contact numbers of the persons-in-charge of each district could be given to the Chairman. He was aware that the FEHD would issue summons to persons who caused street obstruction, and asked whether it would issue summons to the District Lands Office, Sha Tin (DLO/ST), as the DLO/ST had admitted disposing withered branches at the junction between Lee On Estate and Monte Vista and had not cleared the withered branches after two weeks. The FEHD had immediately sent its staff to clear the withered branches upon receiving complaints referred by the 1823 hotline. Disposing withered branches on main pavements affected the hygiene of the environment and caused inconvenience to pedestrians and wheelchair users. A member of the public even complained that the withered branches had scratched and hurt pedestrians. He opined that the FEHD had the responsibility to issue a summon to the DLO/ST;
- (b) he said the DLO/ST staff had made a reply which was untrue. He notified the DLO/ST of the problem of withered branches on 26th and it did not clear them on 27th. He then moved some withered branches to the area outside the entrance of the DLO/ST and it only cleared the withered branches the following day. He hoped that the Secretariat would put on record that the DLO/ST had made a reply which was untrue; and
- (c) he would focus on raising questions to the DLO/ST today and hoped that the DLO/ST would pay attention to its work attitude. He had sent 20 letters with different contents to the DLO/ST, but only got 1 reply which responded to 3 of the content items. He was very dissatisfied and asked the STDO to note the situation.

30. The Chairman asked whether the FEHD would take the initiative to look into the matter if it received complaint about suspected breach of tenancy agreement.

31. Ms AU Wai-ha, Chief Health Inspector 1 of the FEHD gave a consolidated response as follows:

- (a) there were FEHD staff members on duty on Sundays and management staff members were also on duty to handle matters related to markets. Regarding the situation that there were particularly long queues of foreign domestic helpers outside some market stalls only on Sundays, there was no evidence showing that it was a breach of tenancy agreement. However, the FEHD would continue to follow up the case. If it found any problem, it would issue warnings in accordance with the tenancy agreement, which might result in the termination of the tenancy agreement. If the FEHD received complaints about suspected breach of tenancy agreement, it would carry out surprise inspections;
- (b) if the FEHD staff members found that goods were placed outside Shatin Plaza, causing street obstruction, they would advise relevant persons to place the goods at appropriate places as soon as possible. The loading and unloading process would normally be completed soon after the FEHD staff members had given advice. Besides, if aliens gathered together and packed their goods at public

areas of Saddle Ridge Garden and Fu Fai Garden, causing street obstruction, the FEHD staff members would also give advice. In fact, the act of arranging goods did not contravene the ordinances enforced by the FEHD;

- (c) if the FEHD staff members found any recycled goods causing obstruction of passageways outside Sha Tin Market and the Public Health and Municipal Services Ordinance was contravened, they would ask the concerned persons to remove the recycled goods. Under Section 4A of Cap 228 of the Laws of Hong Kong, any person who without lawful authority set out any matter which caused obstruction would be prosecuted; and
- (d) he believed that the disposal of withered branches was an individual act of the contractor but not the DLO/ST. The FEHD would prosecute the persons who disposed waste at public areas.

32. Mr CHU Hing-tak, Station Sergeant of Sha Tin Police Station of the HKPF gave a consolidated response as follows:

- (a) the HKPF received a case referred by the 1823 hotline on 12 July 2017, which complained that foreign domestic helpers packed goods and had gatherings on Sundays, causing obstruction to pedestrians. For complaints about street obstruction, the HKPF would, subject to the proportionality and rationale of each case, give advice, warnings or issue summons accordingly. For joint operations, the FEHD and the HKPF would take action to combat street obstruction in the Fo Tan Area and Yi Shing Square. They had not taken similar actions at Sha Tin Market before. However, the HKPF would contact the FEHD and take action this Sunday, as tentatively scheduled. The details had yet to be finalised; and
- (b) police officers would take immediate action during patrols if they found anyone causing street obstruction. When public complaints were received, subject to the impact to road users and rationale, the HKPF would decide what enforcement actions would be taken.

33. Mr NG Cheuk-hang, Senior Land Executive / Land Control (Atg) of the DLO/ST gave a consolidated response as follows:

- (a) the FEHD and the HKPF were responsible for the management of streets under relevant ordinances. The DLO/ST had no further supplementary information; and
- (b) upon receipt of the letter of protest against the disposal of withered branches submitted by Mr MAK Yun-pui, the DLO/ST had already asked the contractor to clean up the withered branches, and had undertaken to monitor the contractor's follow-up work on the following day. He apologised to members and members of the public affected by the incident. He added that the Land and Vegetation Contract Management Section of the Lands Department was responsible for the matters related to non-recurrent tree pruning on government land, which were not managed by any other government departments. The Section was also responsible for reminding the contractor to clean up the branches after tree pruning.

(Post-meeting note: it was confirmed that the withered branches disposed at the junction between Lee On Estate and Monte Vista earlier were left by the Leisure and Cultural Services Department (LCSD) after tree maintenance. The Department had already cleaned up the branches.)

Question to be Raised by Mr WONG Hok-lai on the Maintenance of Planters in the Sha Tin District
(Paper No. HE 35/2018)

34. The views of Mr WONG Hok-lai were summarised below:

- (a) he felt sorry that the landscaping contractor of the LCSD did not answer the questions and was absent from the meeting. He asked the Secretariat and the LCSD whether they had invited the contractor to the meeting, whether the LCSD had the power to request the contractor to the meeting, and whether it was set out in the contract that the contractor had to attend the meetings of District Councils and answer Members' questions. He asked if the LCSD's contractors left waste on streets for a few days after grass cutting, whether the FEHD would initiate prosecution;
- (b) the paper of the LCSD stated that 3 default notices had been issued. He asked the LCSD under what circumstances default notices would be issued and he enquired of the amount of penalty. The LCSD had received 715 complaints about planters at roadsides in total. He would like to know the difference between the numbers of complaints received by the current contractor and the last contractor respectively;
- (c) as the contractor did not answer his questions, he asked the LCSD whether it could explain the staffing establishment of the contractor. He said when he had a meeting with the LCSD and LCSD's contractor earlier, the contractor said that the mobile team was composed of 15 staff members only. He asked whether such an arrangement complied with the requirement of the LCSD;
- (d) the paper showed that the contractor had to ensure that the density of weeds did not exceed 10% per square metre at any time. However, the photos provided by Mr LAI Tsz-yan showed that there were overgrown weeds and some were even very tall. He asked the LCSD whether it would issue default notices to the contractor with such poor performance, and whether the contractor's past performance would be considered when the LCSD conducted the next tendering exercise. He said it seemed that the concerned contractor only asked its lawyer to send letters to Members, and it could do nothing other than that; and
- (e) he was aware that since landscape maintenance contracts involved a huge sum of money, which often amounted \$20 million to \$30 million, he queried whether it was too lenient to set the penalty of a default notice at just some \$2,000. He also asked whether the LCSD had considered increasing the penalty and whether there would be a heavier penalty if the contractor made no improvement even upon receipt of default notices repeatedly.

35. The views of Mr MAK Yun-pui were summarised below:

- (a) if the DLO/ST disposed miscellaneous items in planters and did not remove them, he asked whether the FEHD or other government departments would issue warnings or initiate prosecution. A large piece of grassland at Sha On Street was left unattended, and he was aware that it might not be related the FEHD or the LCSD. If the grassland was under the management of the DLO/ST, he opined that the DLO/ST was responsible for the proper management; and
- (b) if the DLO/ST affected the environmental hygiene due to poor administration, the FEHD also bore the responsibility to handle the problem, and to perform its duty to initiate prosecution against the DLO/ST when necessary. A staff member of the District Land Office, Tai Po, had told him that they would not take follow-up actions until they had received 20 letters. He asked whether it was true and hoped that the STDO would take note of that. If it was a false claim, that staff member might have committed the offence of “access to computer with criminal or dishonest intent”. He hoped that the STDO would relay this matter to the DLO/ST to look into the facts. If the DLO/ST did not take follow-up actions after investigation, it would be suspected of harbouring its staff. If the DLO/ST abandoned waste recklessly but the FEHD did not take any action, the FEHD would be suspected of harbouring the DLO/ST. He hoped that the STDO would take note of that, and asked the DLO/ST to give a response in a serious manner.

36. The views of Mr PUN Kwok-shan were summarised below:

- (a) there were some red kapok trees planted at Che Kung Miu Road and Tin Sam Street. The planters at which the trees were planted were under the LCSD’s management and the area outside the planters was under the FEHD’s management. The two departments did not collaborate with each other and thus the white fibres floating around were not cleaned up. The FEHD had been doing a good job in performing its routine work but the LCSD did not clean up the white fibres regularly. He asked how the departments could enhance their collaboration;
- (b) the paper showed that contractors had to ensure that the density of weeds did not exceed 10% per square metre at any time. He asked how the requirement was calculated; and
- (c) currently, the LCSD implemented a demerit point system for management of its contractors. He asked what the passing mark was and over the past 5 years, whether any contractors were blacklisted due to their failure to meet the passing mark. He did not see why the LCSD could not respond the question on the staffing establishment of contractors, and asked whether it was because the tendering exercises were centrally processed by the LCSD Headquarters.

37. The Chairman said since the question was not related to the DLO/ST, no response to the question was given by the representative. He asked the STDO to relay members’ views to the DLO/ST so that the DLO/ST could give a response to the members concerned directly.

38. Mr PANG Tak-chiu, Deputy District Leisure Manager (Sha Tin) 2 of the LCSD gave a consolidated response as follows:

- (a) the LCSD was always very concerned about the issue of flower beds and had been making an effort to monitor contractors' performance. In the Sha Tin District, the area of which the landscape maintenance was outsourced to a contractor was over 850 000 square metres. The existing contract would expire at the end of November. The LCSD would continue to monitor contractors' performance;
- (b) the LCSD had issued 100 "notices to contractors on the inspection of service" in respect of contractors' performance last month. The notices clearly set out the dates and locations, and follow-up actions that had to be taken by contractors. If contractors did not take any follow-up actions within the period specified in the notices, the LCSD would normally issue advisory letters first. If contractors still did not make any improvements or repeatedly breached the regulatory requirements, or caused serious problems, the LCSD would, in accordance with the contract, issue default notices to the contractors and deduct the contract payment accordingly. The contract had set out the amount of payment to be deducted: \$2,997 for the first and the second default notice, and the amount would increase in proportion to the number of default notices issued. If there was a serious breach of regulatory requirements, the LCSD would, subject to the actual circumstances, directly issue default notices to the contractors;
- (c) regarding the manpower of contractors, the existing contract did not stipulate the staffing establishment or the number of staff members of contractors. Therefore, the LCSD had no relevant information;
- (d) under the tender assessment system, contractors' past performance was one of the assessment criteria. If the contractor's past performance was poor, its tender would have lower marks in the assessment and thus had a smaller chance of winning the bid. If the contractor's mark of a certain assessment item was lower than the passing level, then its tender would not be considered;
- (e) the contractor had to ensure that the density of weeds did not exceed 10% per square metre at any time. The coverage area of weeds could be measured by grids when necessary;
- (f) the LCSD would not take the initiative to pick the fruits of red kapok trees. However, the Department had been cleaning up the white fibres fallen on the ground, and also spraying water to avoid the white fibres floating in the wind. The LCSD was mainly responsible for landscape maintenance including weeding, while the FEHD was responsible for cleaning up the waste in flower beds; and
- (g) the LCSD was notified by the Secretariat that Mr WONG Hok-lai hoped that the contractor would attend the meeting and the LCSD had already relayed the message to the contractor. The LCSD stated that it always attached great importance to the STDC's views and members' questions, and asked the contractor to be cooperative and attend the meeting to respond to members' questions. However, the LCSD still had not received any response from the contractor yet. The Department apologised for that.

39. Ms AU Wai-ha responded that government departments had division of labour. The FEHD was responsible for cleaning up the waste on streets, including the waste in planters. It also cleaned up the white fibres and fruits of red kapok trees regularly.

40. Mr Mannix MOK responded that since contractors were under the LCSD's management, the Secretariat would not directly invite them to the meetings. Upon receipt of Mr WONG Hok-lai's message before this meeting, which expressed that he wished the contractor to attend the meeting, the Secretariat had immediately relayed the message to the LCSD.

41. The Chairman had received a provisional motion put forward by Mr WONG Hok-lai and he did not oppose it. He asked whether any other members opposed dealing with the provisional motion. He said no member raised any objection to dealing with Mr WONG Hok-lai's provisional motion.

42. Mr WONG Hok-lai put forward the following provisional motion:

“The Health and Environment Committee of the Sha Tin District Council is gravely discontented with and condemned the unsatisfactory performance of the landscaping contractor engaged by the Leisure and Cultural Services Department (LCSD). The Committee also expresses regret at the LCSD's lack of response to the Committee's questions and its absence from the District Council meeting.

The Committee urges the LCSD to raise its standard for granting tenders to contractors, impose heavier penalties on those with poor performance and enhance regulation.”

Mr LAI Tsz-yan seconded the motion.

43. Members unanimously endorsed the provisional motion in paragraph 42.

Question to be Raised by Mr CHIU Chu-pong, Sunny on the Operation and Hygiene Condition of Market and Cooked Food Stalls at Pok Hong Estate
(Paper No. HE 36/2018)

44. The views of Mr Sunny CHIU were summarised below:

- (a) he said the FEHD and the Housing Department (HD) had given detailed responses. However, the responses on the progress of the renovation works of Pok Hong Estate Market seemed to be very similar to the response they made a few years ago. The HD said as the renovation was major improvement works, the HD was still studying the feasibility in accordance with the law. He was dissatisfied with the response and said he mainly wanted to know the progress of the feasibility study. The installation of the air-conditioning system in Tai Wai Market would commence soon. He did not understand why the HD could not carry out management properly. He hoped that progress would be made in the renovation works of Pok Hong Estate Market as soon as possible;
- (b) the HD responded that the “Enhanced Marking Scheme for Commercial Properties” would be applied in areas where applicable. He asked whether any warnings had been issued in respect of the areas under the management of owners' corporations, and enquired about the number of warnings issued. The

HD said owners' corporations could request the relevant law enforcement department to take follow-up actions if the areas under their management were affected by poor hygiene problem. He asked whether "the relevant law enforcement department" referred to the HD;

- (c) with respect to the Notification for Rectification and written warning issued by the HD, he enquired about the differences, in terms of procedure and impact, between the two. He asked how many demerit points were allotted to the 3 stalls which were punished by point allotment, and whether demerit points were allotted directly to the stalls if the problems were serious. The HD said it would monitor the performance and quality of management service providers, and also give a mark on their performance. He asked the HD how many marks it would give to the current management service provider of Pok Hong Estate. As the hygiene of cooked food stalls and market was poor, he would give an unfavourable rating;
- (d) the HD said that the property management company engaged would clean the corridors of the Pok Hong Estate Market and cooked food stalls. The paper only mentioned that large-scale cleaning was carried out once every two weeks, but it did not mention the exact number of times. He said the market was open from 6 am to 10 pm, and the management company would not carry out cleaning after the market closed. Therefore, he was sure that the corridors inside the cooked food stalls as well as the passageways outside were not cleaned every day;
- (e) the FEHD said it had received 30 complaints about rodent problem or nuisance caused by poor hygiene conditions in Pok Hong Estate. He enquired about the progress of the follow-up action. The FEHD had initiated 19 prosecutions against persons who breached the Food Business Regulation. He enquired about the punishment and whether prosecutions were initiated due to poor hygiene conditions. If yes, he asked what the nature and content were. He also asked the FEHD under what ordinances the 3 memoranda and 1 advisory letter were issued, and what the contents were; and
- (f) he hoped that before the review meeting of the anti-rodent campaigns at small targeted areas, the FEHD and the HD would conduct a joint site visit with him to Pok Hong Estate. He also asked whether rodent infestation rate could be measured in Pok Hong Estate.

45. The views of Mr Michael YUNG were summarised below:

- (a) since Pok Hong Estate was regarded by the HD as an estate of smaller scale under the Tenants Purchase Scheme, there was only 1 Housing Manager responsible for the management of both Pok Hong Estate and Chung On Estate. Meanwhile, there was only 1 Housing Manager responsible for the management of Fung Wo Estate, Sui Wo Court, Yue Tin Court and Yan On Estate in his constituency. He asked how a Housing Manager could manage so many housing estates properly, and whether the HD had reviewed the outsourcing mechanism. He opined that the understaffing situation was obvious. He pointed out that during the lead in drinking water incident, the Housing Manager had to station at the estate and travelled to Fung Wo Estate to work at the same

time. The ratio between the working time he spent on the two estates was 6:4. The management of Pok Hong Estate was poor. Some staff members were photographed by reporters when they were gambling during office hours, and they even insulted the reporters. He opined that it was because the on-site Housing Manager was not present at the estate very often;

- (b) although the installation of the air-conditioning system was a large-scale project, he had never thought that places older than Pok Hong Estate, for example, Sha Kok Shopping Centre, had already been installed with the air-conditioning system, but markets, cooked food stalls and shopping centres of the HD were still not air-conditioned. He asked why air-conditioning systems could be installed in places under the management of the Link Asset Management Limited. He opined that the facilities for residents' daily lives were not satisfactory, but the rents increased every 2 years; and
- (c) he asked whether the following information could be provided in table form in detail: the manpower of each rank in estates under the HD's management and those estates of which the management service was outsourced respectively; the manpower of cleaning and security staff; the estates that were managed by Housing Managers who were also responsible for the management of multiple estates, and the proportion of time they stationed in different estates; the contract period and the contract sum of outsourced management service; the number of households and commercial tenants of respective estates; and the commercial facilities in the estates managed by the HD in the Sha Tin District, which could have air-conditioning systems installed or had the systems installed already.

46. Ms MOK Kit-ye, Housing Manager / Tai Po, North and Shatin 3 of the HD gave a consolidated response as follows:

- (a) regarding the installation of the air-conditioning system, the HD was still conducting a review actively and hoped that the result would be available shortly. Regarding the penalty mechanism, the HD would issue a written warning if the tenant had not made any improvement upon the receipt of the Notification for Rectification. Demerit points would be allotted to the tenants if they repeated the same misdeed after receiving warning once. The tenancy agreement would be terminated certain demerit points were allotted;
- (b) under the existing mechanism, in respect of causing obstruction in public areas, deposit of paraphernalia indiscriminately atop the shopstall, causing blockage of floor drain and refusing to take timely remedial action, and overspill of exclusively used grease trap, 3 demerit points would be allotted; for disposing of refuse or rubbish indiscriminately in public areas, accumulating refuse/wastes inside the leased premises, creating offensive smell and hygienic nuisance, unauthorised tapping of water from the Hong Kong Housing Authority's water points and gambling inside the leased premises, 5 demerit points would be allotted. For serious breach of regulatory requirements, including unauthorised sale of cooked food or operation of food factory, and denying the HD staff entry for inspection or repairs, 7 demerit points would be allotted;

- (c) the rating of the management company of Pok Hong Estate and the information requested by Mr Michael YUNG were not available for the time being. They could be provided after the meeting; and
- (d) regarding the joint site inspection conducted at Pok Hong Estate before the meeting on 25 July, she would convey the message to the officers concerned for further discussion with the FEHD.

47. Ms AU Wai-ha gave a consolidated response as follows:

- (a) information about follow-up actions and penalties was not provided in the tables of the paper. It could be provided later;
- (b) from June 2017 to June 2018, 1 fixed penalty ticket was issued in respect of the hygiene condition in Pok Hong Estate, and 1 was issued in July 2018;
- (c) the FEHD had sent 3 memoranda and 1 advisory letter to the HD and the management company regarding the mosquito and rodent problems; and
- (d) regarding the rat index, the FEHD could share the method of measurement with the stakeholders of Pok Hong Estate so that they could measure and monitor the index by themselves.

48. The Chairman said some information could not be provided by the HD at the moment. He hoped that it could be provided after the meeting and be recorded as matters arising for the next meeting for members' information.

Information Papers

Sha Tin District Anti-rodent Campaign 2018 (Second Phase)
(Paper No. HE 37/2018)

49. Members noted the above paper.

Statistical Overview of Sha Tin District Environmental Hygiene Service (as at 31 May 2018)
(Paper No. HE 38/2018)

50. Members noted the above paper.

Date of Next Meeting

51. The next meeting was scheduled to be held at 2:30 pm on 13 September 2018 (Thursday).

52. The meeting was adjourned at 4:33 pm.

Sha Tin District Council Secretariat
STDC 13/15/40