

**Minutes of the 5th Meeting of
the Sha Tin District Council in 2016**

Date : 21 July 2016 (Thursday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Chairman : Mr HO Hau-cheung, BBS, MH	2:30 pm	6:10 pm
Vice-Chairman : Mr PANG Cheung-wai, Thomas, SBS, JP	2:30 pm	6:05 pm
Members : Mr CHAN Billy Shiu-yeung	2:30 pm	4:59 pm
Mr CHAN Kwok-keung, James	2:30 pm	6:10 pm
Ms CHAN Man-kuen	2:30 pm	6:10 pm
Mr CHAN Nok-hang	2:40 pm	6:10 pm
Mr CHENG Tsuk-man	2:40 pm	5:54 pm
Mr CHING Cheung-ying, MH	2:30 pm	5:58 pm
Mr CHIU Chu-pong, Sunny	2:30 pm	4:59 pm
Mr CHIU Man-leong	2:30 pm	6:10 pm
Mr HUI Yui-yu, Rick	2:30 pm	5:19 pm
Mr LAI Tsz-yan	2:30 pm	6:10 pm
Ms LAM Chung-yan	2:30 pm	4:32 pm
Mr LEE Chi-wing, Alvin	2:30 pm	6:10 pm
Mr LEUNG Ka-fai, Victor	2:30 pm	4:57 pm
Mr LI Sai-hung	2:30 pm	4:59 pm
Mr LI Sai-wing	2:30 pm	5:48 pm
Mr LI Wing-shing, Wilson	2:30 pm	6:10 pm
Mr MAK Yun-pui	2:30 pm	4:35 pm
Mr MOK Kam-kwai, BBS	2:30 pm	6:10 pm
Mr NG Kam-hung	2:42 pm	6:05 pm
Ms PONG Scarlett Oi-lan, BBS, JP	2:30 pm	6:10 pm
Mr PUN Kwok-shan, MH	2:30 pm	6:02 pm
Mr SIU Hin-hong	2:30 pm	6:10 pm
Mr TING Tsz-yuen	2:30 pm	6:05 pm
Mr TONG Hok-leung	2:30 pm	5:53 pm
Ms TSANG So-lai	2:30 pm	3:33 pm
Ms TUNG Kin-lei	2:30 pm	6:10 pm
Mr WAI Hing-cheung	2:30 pm	6:10 pm
Mr WONG Fu-sang, Tiger	2:30 pm	6:10 pm
Mr WONG Hok-lai	5:40 pm	6:10 pm
Mr WONG Ka-wing, MH	2:30 pm	6:10 pm
Ms WONG Ping-fan, Iris	2:40 pm	6:10 pm
Mr WONG Yue-hon	2:30 pm	6:10 pm
Mr YAU Man-chun	2:30 pm	4:59 pm
Mr YIP Wing	2:30 pm	5:30 pm

Present

Mr YIU Ka-chun
 Ms YUE Shin-man
 Mr YUNG Ming-chau, Michael
 Secretary : Mr YUEN Chun-kit, Derek

**Time of joining
the meeting**

2:30 pm
 2:30 pm
 2:30 pm
 Senior Executive Officer (District Council) /
 Sha Tin District Office

**Time of leaving
the meeting**

6:10 pm
 6:10 pm
 6:10 pm

In Attendance

Ms HO Lai-sheung, Cora, JP
 Mr WONG Tin-pui, Simon

Mr Angus Guy PULLINGER

Mr Sean LIN

Ms CHU Wing-ping, Louise

Ms Rosanna TSE

Mr NG Kok-hung

Mr TAM Chung-keung

Mr SOH Chun-kwok

Mr Gregory LO

Ms LOK Kit-ha

Ms LO Lai-fong, Jackie

Ms Grace LI

Mr TSAI Yu-sing, Eric

Ms TSANG Wing-chi

Mr LUK Hing-chuen, Steve

Ms CHENG Ka-po, Theresa
 Ms CHENG Yuk-kam, Brenda

Ms NING Fung-jin, Jeanny

Mr HO Kin-nam, David

Title

District Officer / Sha Tin District Office
 Assistant District Officer / Sha Tin District
 Office
 District Commander (Shatin) (Atg) /
 Hong Kong Police Force
 Police Community Relations Officer (Shatin
 District) / Hong Kong Police Force
 OC (District Intelligence Section) (Shatin) /
 Hong Kong Police Force
 District Lands Officer / ST (District Lands
 Office, Sha Tin) / Lands Department
 Administration Assistant / Lands (District
 Lands Office, Sha Tin) / Lands Department
 Chief Engineer / New Territories East 3 /
 Civil Engineering and Development
 Department
 District Planning Officer / Sha Tin, Tai Po and
 North / Planning Department
 Chief Transport Officer (Atg) / New
 Territories (East) / Transport Department
 Chief Leisure Manager (New Territories East)
 / Leisure and Cultural Services Department
 District Leisure Manager (Shatin) / Leisure
 and Cultural Services Department
 District Social Welfare Officer (Shatin) (Atg)
 / Social Welfare Department
 District Environmental Hygiene
 Superintendent (Sha Tin) / Food and
 Environmental Hygiene Department
 Chief School Development Officer (Shatin)
 (Atg) / Education Bureau
 Chief Manager / Management (Tai Po, North,
 Shatin and Sai Kung) / Housing Department
 Chief Liaison Officer / Sha Tin District Office
 Senior Liaison Officer (East) / Sha Tin
 District Office
 Senior Liaison Officer (West) (Atg) / Sha Tin
 District Office
 Executive Officer I (District Council)1 / Sha
 Tin District Office

In Attendance

Miss CHAN Cheuk-lee, Cherry

In Attendance by Invitation

Ms Janice TSE, JP

Mr CHAN On-ting

Mr LEI Choic-san

Mr LEUNG Chi-wang

Mr HOI Wai-ming

Mr CHAN Wai-ching

Mr PANG Yuk-lung, Michael

Mr LAU Siu-chung

Ms LEE Kit-ling, Bianca

Mr KOO Siu-lung

Ms LAU Wai-nor, Noreen

Title

Executive Officer (District Council)4 /
Sha Tin District Office

Title

Director of Home Affairs

Senior Manager (External Affairs) /
Mandatory Provident Fund Schemes
Authority

Manager (External Affairs) / Mandatory
Provident Fund Schemes Authority

Division Commander (New Territories East) /
Fire Services Department

Division Officer (New Territories East) /
Fire Services Department

Senior Structural Engineer / C4 / Buildings
Department

Chief Building Surveyor / Fire Safety /
Buildings Department

Chief Land Executive / Lease Enforcement
(Land Control and Lease Enforcement
Section) / Lands Department

Liaison Officer in-charge (West)3 / Sha Tin
District Office

Liaison Officer in-charge (East)5 / Sha Tin
District Office

Liaison Officer (West)3b / Sha Tin District
Office

Action

The Chairman welcomed Members and representatives from government departments and organisations to the meeting.

2. The Chairman informed the meeting that some media representatives and members of the public, being present as observers, were taking photographs and making video and audio recordings.

3. The Chairman, on behalf of the Sha Tin District Council (STDC), congratulated Ms Scarlett PONG and Mr WONG Ka-wing on being awarded the Bronze Bauhinia Star and the Medal of Honour respectively.

4. The Chairman, on behalf of the STDC, welcomed Ms Janice TSE, Director of Home Affairs, to the meeting.

Application for Leave of Absence

5. The Chairman said that the STDC Secretariat (Secretariat) received an application for leave of absence in writing from the following member:

Mr WONG Hok-lai Witness duty at court

6. The Council endorsed the application for leave of absence submitted by the above member. (Mr WONG Hok-lai later on attended the meeting on that day. The Council endorsed the cancellation of his application for leave of absence.)

Confirmation of the Minutes of the Meeting Held on 26 May 2016

(STDC Minutes 4/2016)

7. The Council confirmed the above minutes unanimously.

Visit of Director of Home Affairs

8. The Chairman invited Ms Janice TSE to give a brief introduction to the work of the Home Affairs Department (HAD).

9. Ms Janice TSE used PowerPoint to give a brief introduction with the following main points:

- (a) within the current term of office, the HAD would continue to push forward the following district administration focal tasks: the “Signature Project Scheme”, strengthening support for district minor works, youth development and implementation of the “District-led Actions Scheme”;
- (b) the pilot schemes recently promoted in the districts of Yuen Long and Sham Shui Po had achieved ideal results. The Chief Executive suggested implementing the “District-led Actions Scheme” in all 18 districts in the 2016 *Policy Address*. All districts had been granted provision for the addition of civil service posts and contract staff in the hope of solving district issues by the concerted effort of District Council (DC) members, relevant government departments and district organisations;
- (c) the Sha Tin District Office (STDO) was following up on the implementation of different tasks under the “District-led Actions Scheme in Sha Tin”, and had set up three steering groups to provide more specific suggestions for the implementation of individual projects. These projects, such as strengthening mosquito control and clearing illegally-parked bicycles, are closely related to the locals’ livelihood and believed to contribute to the community;
- (d) as for the “Signature Project Scheme”, the works of two signature projects in Sha Tin District had commenced. She hoped that the works would be completed as soon as possible in order to strengthen the sustainability of the community and provide more facilities;
- (e) a plethora of various community involvement activities had been organised in Sha Tin District. She understood DC members’ concern about resources, and would endeavor to attain more resources to provide Sha Tin residents with more opportunities for community involvement activities in cultural, recreation, sports and other categories;

- (f) as for the district minor works, Sha Tin District was allocated \$21-odd million in the financial year 2016-2017. Enhancing resources and expediting the progress of works were the main concerns. Since the financial year 2013-2014, the HAD had centrally covered the expenses for consultants' fees and resident site staff, enabling the DC to have more resources for district minor works. The HAD would try to get hold of more resources and improve the work flow concerned so as to speed up the progress of the works. The work flow improvement would include strengthening research effort in the early stages of the works and providing reference timetable for regular projects;
- (g) the Rural Public Works programme was the DC's another concern. The HAD would study the feasibility of facilitating the installation of additional street lights in rural areas;
- (h) developing community network was another focus of the STDO, the committees of which were all sparing no effort in building the network;
- (i) the HAD gave a brief report on the new guidelines on building management in the meeting of the Legislative Council Panel on Home Affairs, and would amend the *Building Management Ordinance* (BMO) based on a number of suggestions such as capping the number of proxies per person, defining "major maintenance works" and passing the resolution criterion for "major maintenance works". The Urban Renewal Authority (URA) had implemented "Smart Tender" Building Rehabilitation Facilitating Services (Pilot Scheme), helping owners further improve the quality of building maintenance and building management;
- (j) the HAD anticipated that the implementation of the *Property Management Services Ordinance* (PMSO) would facilitate the regulation of property management companies and employees, and hence it would enhance the quality of property management in the long run; and
- (k) the *Fixed Penalty (Public Cleanliness Offences) (Amendment) Bill 2015* was passed by the Legislative Council in March 2016. A fixed penalty system against Shop Front Extensions would become effective on 24 September 2016. Within these few months from the issuance of the gazette to the official date of effect, the HAD, the Hong Kong Police Force (HKPF) and the Food and Environmental Hygiene Department (FEHD) had been increasingly educating the stakeholders and the public, arousing civic awareness and engaging in extensive promotion at district level.

10. The Chairman thanked Ms Janice TSE for her brief introduction to the work of the HAD and invited Members to express their views.

11. Mr WONG Ka-wing opined that the content of the *PMSO* could be further refined. He hoped that the HAD would send officers to all districts so as to explain to the DC members the content and implications of the *PMSO*. He welcomed the setting up of a licensing system for management companies and practitioners, but he expected management fees to increase accordingly. As for small-scale estates without hiring management companies, their owners' corporations (OC) might not be able to handle the incurred problems on their own.

12. The views of Mr Alvin LEE were summarised below:

- (a) since the scale of the STDO Legal Advice Scheme could not cater for the needs, he suggested enhancing the service;
- (b) he suggested that the HAD, using Sha Tin as the centre in the New Territories East, set up a Free Legal Advice Service Centre in the district; and
- (c) the provision allocated by the STDC to its working groups and the committees of the STDO, such as the Sha Tin District Fight Crime Committee and the Planning Committee on Festive Lighting in Sha Tin, had decreased. He hoped that the Department would attain more resources for Sha Tin District in the future so as to meet the needs of the residents.

13. Ms Scarlett PONG opined that it was too much for the manager of the Deed of Mutual Covenant (DMC) to receive a remuneration not exceeding 10% to 20% of the total expenses incurred in the building management. Also, it was impossible to reach the percentage of shares required to form an OC (30%), change a manager (50%) and amend the terms of a DMC (100%). When reviewing the *BMO* last year, the Government suggested lowering the percentage of the manager's remuneration ceiling by 0.5% per year to the ultimate rate of 8% of the management fee, but the percentage was only 5% to 7%, or even lower, in some private residential estates. She requested the HAD to refine the *Guidelines for Deeds of Mutual Covenant (Guidelines for DMC)* so as to safeguard the interests of small property owners.

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

- (a) some OCs had made use of legal loopholes to thwart meetings of owners in recent years. Previously, owners of Kam Lung Court collected a large number of authorisation letters, but no meeting could be convened as yet. Though the STDO would appoint officers to attend the OC meeting, it was not their purview to handle the problem; and
- (b) for many years, venues in community halls were excessively booked by some organisations, or even booked for fee-charging activities, and some venues were not used after being allocated. He hoped that the STDO would review the rules governing the use of community halls.

15. Mr MOK Kam-kwai pointed out that since the Liaison Officer (in-charge) responsible for Sha Tin rural matters did not directly contact the Sha Tin Rural Committee (STRC) over the past few months, he felt the STRC was neglected. He opined that stronger ties should be forged with the STRC.

16. The views of Mr CHING Cheung-ying were summarised below:

- (a) the STDO had always been coordinating the efforts of different departments, contributing extensively and actively. He was delighted to see that Sha Tin District fared quite well over the years, but opined that it would be more ideal if the STDO had more room for coordinating to carry out and realise projects related to the locals' livelihood. Especially regarding the use of idle sites,

public traffic and transport, etc, it was hoped that the STDO would listen more to the opinions of the people in the district and that the HAD would respect their views;

- (b) resident organisations in the district, such as mutual aid committees (MACs) and OCs, were aging and becoming inactive. He enquired whether the STDO would be able to provide more support apart from granting subsidies regularly. Besides, he discovered that some organisations had been politicised or monopolised by political parties; and
- (c) recently quite a few OCs had been in endless dispute, making the STDO look like a “toothless tiger”. He opined that there was room for improvement.

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

- (a) regarding the management of the burial grounds on the hills behind Lung Hang Estate, he opined that the efforts of different departments coordinated by the HAD did not produce satisfactory results. He was in favour of the implementation of the “District-led Actions Scheme” in Sha Tin District, and hoped that the management of the burial grounds would be dealt with under the scheme;
- (b) since the slow progress of district minor works had increased the construction cost, he hoped that the HAD would boost additional resources; and
- (c) the utilisation rate of the Lung Hang Estate Community Centre was high, resulting in lack of space. He hoped that the extension area of the community centre would be increased and the progress speeded up.

18. The views of Ms LAM Chung-yan were summarised below:

- (a) regarding building management, she opined that the STDO should strengthen its role as a communication channel among the property owners by, for instance, facilitating the setup of mutual aid groups. She also urged the Government to expedite the amendment to the *BMO*; and
- (b) she expressed her support for the “District-led Actions Scheme in Sha Tin”. Due to the increasing workload of the STDO, the HAD should arrange for one more Assistant District Officer/Sharing Tin as soon as possible.

19. Mr Michael YUNG requested the Drainage Services Department to erect in situ a complex including a community hall after the relocation of the Sharing Tin Sewage Treatment Works. He had voiced his opinion to the Secretary for Home Affairs who replied in writing that the HAD would evaluate the need for erecting a community hall according to the *Hong Kong Planning Standards and Guidelines* (the *Guidelines*). However, to his knowledge, the parameters of erecting a community hall were not stipulated in the *Guidelines*. Lee On Community Hall and Heng On Estate Community Centre were the only community halls in Ma On Shan District. He hoped that the Government would erect community facilities to cater for the locals’ needs, and pointed out that the Secretariat should process the

remuneration and the reimbursement applications of his staff as soon as possible for it took too long to process.

20. Mr Thomas PANG said that the population of Fo Tan was expected to surge. The Leisure and Cultural Services Department had a site on Shan Mei Street which could be used to build a sports centre. He suggested building a complex which would include a cooked food centre, a standard sports centre, a community hall, a library, a car park, government offices, etc.

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

- (a) one of the items in the “District-led Actions Scheme in Sha Tin” was to strengthen the tackling of illegally parked bicycles. However, over the course of time, the problem of illegally parked motor vehicles had already outgrown that of illegally parked bicycles;
- (b) he said that the slow progress of the district minor works might lead to people’s disappointment at Members’ efficiency. It was necessary for the HAD to find out what was slowing down the works in order to be followed up on;
- (c) in handling the disputes related to property management, the STDO only suggested the owners seek legal advice on their own. He opined that the owners and OCs should be given building management legal advisory services. Besides, quite many management companies, in particular DMC managers, held more power than OCs did. If a management company made mistakes or stalled the works on purpose before the contract ended, the owners and OC would not be able to do anything about it. The URA had recently implemented the “Smart Tender”, but either building rehabilitation schemes or the “Smart Tender” could be chosen. He hoped that more support could be given to owners; and
- (d) he suggested that all 18 districts elect a “District Chief Executive” of their own. Since an elected officer would be responsible for the district direct, he believed that district administration work would fare better.

22. Mr Wilson LI hoped that, under the coordination of the STDO, government departments would provide members of the public with information on tender, maintenance and management, greening, etc. in order to enhance the quality and transparency of estate management. Disagreements are common within residents’ organisations such as owners’ committees and corporations. It was hoped that the STDO would play the role of a mediator to facilitate communication among small property owners, OCs, management companies, etc.

23. The views of Ms TUNG Kin-lei were summarised below:

- (a) the number of constituencies and the population of Sha Tin topped the list among the 18 districts. She hoped that the staffing establishment of the STDC and the STDO could be boosted;
- (b) street obstruction by shops on Mei Tin Road, Tai Wai Road and Chik Fai Street was particularly serious. The fixed penalty would become effective from 24

September 2016. She was worried about the safety of the FEHD front-line staff during their enforcement action, and hoped that the HKPF, the FEHD officers and the STDO officers would take joint action at the outset when the penalty was newly in force; and

- (c) facilities were insufficient in many areas of Tai Wai. A complex would be necessary to cater for the needs of the residents. She hoped that the HAD would deliberate with departments and have it built as soon as possible.

24. Mr LAI Tsz-yan asked about the effectiveness of the “Resident Liaison Ambassador Scheme” and the “Leadership Enhancement and Development (LEAD) Programme”. He also asked about the scope of duties of the Panel of Advisors on Building Management Disputes and what advice the panel had given to residents. He opined that owners could not find anyone to help in the face of bid-rigging, and suggested the HAD step up their support for owners.

25. The views of Mr NG Kam-hung were summarised below:

- (a) regarding the “District-led Actions Scheme”, he pointed out that quite a number of bicycles occupied space by parking under bridges. Quite many of them were long-termers. If the proposed public space was turned into an area for placing abandoned bicycles, resources of the scheme would be wasted; and
- (b) the HAD had deficient support for building management. Members of the public, OCs, MACs, etc. in general did not know about the building management support the Government was offering. Besides, he requested the STDO to help explain to members of the public the Mandatory Building Inspection Scheme and the Mandatory Window Inspection Scheme.

26. The views of Mr Rick HUI were summarised below:

- (a) some members of OCs might have been making a profit out of their membership, such as deceiving the elderly and falsifying authorised votes. He suggested that a warning be added to the guidelines on the authorisation letter and a disclaimer be mandatorily signed by the authorising person. Regarding the problem of falsifying the authorisation letter, he suggested an authorisation record be provided for residents’ inspection. Besides, the regulation should be amended to require, on a mandatory basis, management companies to inform individual occupiers in writing of the authorisation letters issued; and
- (b) he hoped that the HAD would coordinate and request the Lands Department (Lands D) to change the soil in order to tackle the problem of wild boars foraging for food and causing the stench of excrement in permitted burial grounds on the hills off King Tin Court.

27. Mr Tiger WONG suggested that the LEAD Programme be strongly promoted. Workshops on the *Guidelines for DMC* and the *BMO* should also be held to further familiarise DC members with building management. He hoped that, after an amendment to the regulation by the HAD, residents would be provided with better support to deal with the

problems stemming from the termination of the appointment of DMC managers. He suggested the URA promote the newly launched “Smart Tender” to property owners so that they would learn more about the scheme.

28. Mr YAU Man-chun said that some members of the public often sang and danced on Lek Yuen Bridge near Sha Tin Park and hence caused noise nuisance. Despite the fact that the STDO had been following up and was in regular communication with them, and that two years ago the HKPF successfully brought a prosecution against two of the cases and the defendants were fined at the end, the cases were still processed slowly. The noise nuisance had not yet been improved. He requested the HAD to coordinate with relevant departments.

29. The views of Mr CHIU Man-leong were summarised below:

- (a) he requested that a community hall or recreational facilities be erected on the plot of land at the Customs Vehicle Detention Centre, Area 73, Sha Tin;
- (b) all the Ma On Shan-based DC members requested that a heated swimming pool be erected in Area 103 adjacent to the Ma On Shan police station and hoped that the HAD would help make it happen; and
- (c) he suggested that the HAD consider entering into an agreement with copyright licensing bodies for pop music so that all of the STDO-subsidised community involvement programmes would not need to apply for a licence on their own.

30. Mr SIU Hin-hong suggested that the HAD step up their efforts to push forward local youth development policies by organising various kinds of large-scale activities to facilitate a harmonious social environment and for young people to unlock their potential. He opined that civic education was essential to young people nowadays and it would help them reconstruct proper values.

31. The views of Mr WONG Yue-hon were summarised below:

- (a) he opined that the STDO could perform better in coordinating work among different departments, such as the joint actions in rural areas and the follow-up actions in “unregulated enclave” taken by different departments. He hoped that the STDO would strengthen support for organisations of residents or owners which were facing a number of problems caused by daily maintenance, e.g. the contractual issues concerning the elevators in Hin Keng Estate, apart from large-scale maintenance and bid-rigging; and
- (b) since the workload of the STDO was heavy and the STDC was generally able to take care of its own affairs, he opined that less heed could be paid to the STDC. For instance, due to its small-scale nature, the “District-led Actions Scheme” could possibly be passed to the STDC so that the STDO could spare more time to handle other issues of greater importance.

32. The views of the Chairman were summarised below:

- (a) he expressed some macro views about district administration. The work of the STDO involved a plethora of households. The Government also emphasised “addressing district issues at the local level and capitalising on local opportunities”. While everyone had a criterion for measuring the level of achievement, he suggested that the HAD quantify their objectives and outcomes so as to evaluate whether their objectives had been achieved;
- (b) he opined that what had to be done for the time being was to figure out how to address district issues based on the Government’s top agenda. Due to the ever-increasing population in Sha Tin, the hardware of the district would never be sufficient, and the software would not be able to cover all areas. He believed that any kind of issues would have to be addressed in order of priority; and
- (c) there was a lot of discussion in society about the power of district officers, and the constitutional role of DCs was limited. To truly realise the district administration-led function, the HAD would have to bestow more power in the long run to push it forward. He hoped that there would be more profound discussion in the future about how district officers or their district offices would properly work with DCs.

33. Ms Janice TSE gave a consolidated response as follows:

- (a) the Government completed public consultation on the amendment to the *BMO* (Cap. 344) last year. The problems of OCs mainly stemmed from proxies, and that owners invariably knew nothing about the crucial points under discussion. Since the use of proxies might be abused, the Government suggested amending the regulation to cap the number of proxies per person at 5% of the number of owners. The amendment would take time, and hence administrative suggestion had been made to OCs. It was hoped that OCs would explain clearly to owners that the number of proxies per person should not exceed 5% of the number of owners; that the secretary of the management committee should conspicuously display on the premises the information on the flats with an application for a proxy; and that owners would be able to use the proxies to indicate their voting preferences to prevent abuses of the proxies;
- (b) the Government had once suggested capping the appointment period of DMC managers, but in the course of public consultation, some members of the public opined that such arrangement might restrain owners from renewing the appointment of DMC managers even when owners had no other choices. Hence, the Government suggested that the appointment of DMC managers be automatically terminated after five years of the establishment of OCs. Then OCs could opt for contract renewal and new contract terms (including appointment period, remuneration, etc.) with the existing DMC managers, or OCs could recruit new DMC managers / service providers by open tender. The Government also suggested that the formula for calculating DMC managers’ remuneration exclude payments for and on behalf of owners such as water, electricity and gas charges. These suggested amendments aimed to enable OCs

to choose professional property management companies and talents at their discretion;

- (c) in order to answer the requests of small property owners and OCs with more support, she said that the Government was currently cooperating with the Law Society of Hong Kong, the Hong Kong Mediation Centre and the Hong Kong Mediation Council to provide free legal consultation and mediation services for OCs and owners in need. Besides, the HAD had also held training courses to educate OCs about important points to note under the *BMO*, including how to handle problems of leakage, unauthorised structures and the DMC;
- (d) the Community Care Fund was currently subsidising the daily operational expenses of eligible old buildings' OCs. The "Smart Tender" launched by the URA provided owners with technical support for maintenance works and assisted them in tackling bid-rigging, but it was necessary for owners to pay attention if there were any additional items and any sign of jerry-building in the course of construction or maintenance. Supervision was therefore extremely important. The work of OCs depended on owners' active participation which was the most effective method of supervision. The HAD would support OCs as much as possible. Besides setting up a legal framework conducive to the formation and operation of OCs and providing guidelines, the HAD would also try its utmost effort to attain resources to provide owners with more support. For instance, the "Free Mediation Service Scheme for Building Management" launched by the HAD was to resolve building management disputes by mediation so as to cut down on the expenses induced by legal action;
- (e) the existing legislation had room for improvement and was inflexible. For example, the regulations of OCs' general meetings forbade a general meeting to be convened as soon as possible to resolve emergency repair work. When drafting amendments to the *BMO*, the Government would consider how to improve it and strengthen promotion as well as education;
- (f) in response to Members' opinions about district facilities, she said that the HAD and the STDO would pay close attention to the district development and residents' requests for community facilities before contacting the relevant government departments for follow-up action. Since it was necessary to take into account district opinions before minor works commenced and it would take time to collect and balance opinions from all parties, emphasis would be put on improving the work flow of district minor works in order to speed up the progress; and
- (g) she noted other opinions voiced by Members, and said that the HAD would take follow-up action and give a written reply in due course.

34. The Chairman thanked Ms Janice TSE for attending the meeting, giving Members a brief introduction to the work of the HAD and responding to their questions.

Discussion Items

Updated Member Lists of Committees under the Sha Tin District Council
(Paper No. STDC 70/2016)

35. The Council endorsed the above paper unanimously.

The STDC to Serve as an Event Supporter
(Paper No. STDC 71/2016)

36. The Chairman invited Members to consider if the STDC should be a supporter of the “Big Data Intelligence Platform for Reducing and Recycling of Waste” organised by the Hong Kong Waste Disposal Industry Association Limited and if the STDC’s logo should be allowed to be used on the relevant promotional materials. The Shatin Inhabitants Association (SIA) and the OC of City One Shatin were the co-organisers of the event.

37. Mr WONG Yue-hon and Mr YIU Ka-chun declared an interest and stated that they were members of the SIA. Mr WONG Ka-wing declared an interest and stated that he was chairman of the OC of City One Shatin. The Chairman said that they would not have the right to vote on this item but would be allowed to attend the meeting.

38. Ms Iris WONG was in favour of the STDC being a supporter of the event. She wished to know if there would be any subsequent activities after the event for the STDC to follow up on, and if the organiser would report to the STDC on the evaluation of the outcome or effectiveness.

39. Mr WONG Yue-hon said that the main objective of the event was to gather data for the Environmental Protection Department’s future implementation of a waste charging scheme in large housing estates, e.g. data on food waste for the reference of other government departments or housing estates. If the STDC supported the event, representatives of the organiser would be invited to give an account of the event details to the Working Group on Environmental Protection, Cleanliness and Hygiene in Sha Tin.

40. Mr SIU Hin-hong wished to know when the organiser was established, the timetable for the data collection and the relevant information.

41. The Chairman said that the STDC, according to the usual practice, would not invite the representative of an organiser to attend a meeting by reason of the STDC being an event supporter. He suggested the Secretariat follow up after the meeting by asking the organiser to provide supplementary information.

42. The Council endorsed the above paper unanimously.

Funding Applications

Funding Applications of the Planning Committee on Festive Lighting in Sha Tin
(Paper No. STDC 72/2016)

43. Mr James CHAN, Mr CHING Cheung-ying, Mr Rick HUI, Mr Alvin LEE and Ms

TSANG So-lai declared an interest, stating that they were members of the Planning Committee on Festive Lighting in Sha Tin. The Chairman said that they would not have the right to vote on this item but would be allowed to attend the meeting.

44. The Council endorsed the above paper unanimously.

Funding Application of Working Group on Festive Celebrations under Culture, Sports and Community Development Committee of Sha Tin District Council
(Paper No. STDC 73/2016)

45. The Chairman said that the Secretariat sent the documents for the funding application to Members by email and post before the meeting, but later found out that the attachments were not enclosed in the copies sent by post. The Secretariat already faxed the attachments to those Members having opted to receive committee papers by post. He urged the Secretariat to pay more heed to ensuring documents were properly delivered.

46. The Council endorsed the above paper unanimously.

Questions

Question to be Raised by Mr CHAN Kwok-keung, James on the Capacity of District Council Members
(Paper No. STDC 74/2016)

47. Mr James CHAN said that although the Government did not sign an employment contract with DC members, their salaries were paid out of public funds. There was also a mechanism to disqualify them if they received a sentence of over three months. He thus deemed that DC members should be regarded as government employees.

48. The views of Mr Rick HUI were summarised below:

- (a) whether DC members were employees or not should be determined according to the definition stipulated in the *Mandatory Provident Fund (MPF) Schemes Ordinance*; and
- (b) DC members were neither self-employed nor employed. They were not exempt either. He asked if there were any other occupations in the same category as DC members.

49. Mr SIU Hin-hong wished to know the capacity of DC members under the MPF mechanism.

50. Mr CHAN On-ting, Senior Manager (External Affairs) of MPF Schemes Authority responded that DC members were of public service and hence were not considered employees or self-employed persons under the MPF mechanism. He added that a self-employed person meant a person whose relevant income was not derived from his/her production of services or sale of goods in the capacity as an employee.

51. The Chairman opined that no conclusion was drawn in the meeting as to the capacity of DC members. He hoped that the issue would be discussed again in district administration meetings in the future, and he welcomed Members to exchange ideas.

52. Mr Thomas PANG opined that the principle of the MPF was to provide universal protection. It would be a violation of the legislative principle if DC members were not protected by the MPF.

53. The Chairman said that, as stipulated in the *STDC Standing Orders*, only three members were allowed to raise supplementary questions in the meeting. Hence, he did not consented to let Mr Wilson LI speak before Mr Thmoas PANG spoke. He invited Mr Wilson LI to express his views but no question was allowed.

54. Mr Wilson LI opined that it was a must for the Government to follow up on the capacity of DC members in order to provide them with protection.

Question to be Raised by Mr WONG Yue-hon on the Fire Safety Issues in the Sha Tin Community

(Paper No. STDC 75/2016)

55. The views of Mr WONG Yue-hon were summarised below:

- (a) he thanked the firefighters for extinguishing the major fire at the mini-storage facilities and taking follow-up action to ensure safety of members of the public. The Chairman also expressed his gratitude to them;
- (b) he wished to know the reply of the Fire Services Department (FSD) to questions on garages and partitioned flats, and whether any measures had been taken to increase fire safety and minimise fire hazards;
- (c) he asked whether “imposing an encumbrance” would effectively reduce the irregularities in industrial buildings and other buildings such as commercial buildings, tenement buildings, residential buildings and village houses, and whether the Government had other methods, such as imposing penalties, to improve the situation;
- (d) he wished to know if there were mini-storage facilities in breach of land lease conditions in Sha Tin District;
- (e) he asked about the risk level of the garages in Sha Tin and how many of them had been warned or prosecuted; and
- (f) he asked about the numbers of partitioned flats in Sha Tin and people affected by fire safety concerns in partitioned flats.

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

- (a) the Security Bureau did not in its reply give a list of the numbers of mini-storage facilities and garages in Sha Tin and their locations;

- (b) he asked the FSD how often its officers inspected garages where liquefied petroleum gas vehicles were repaired, and whether there was any difference in terms of fire safety requirements between a garage specialising in repairing liquefied petroleum gas vehicles and an ordinary garage;
- (c) he asked currently how many cases were applying to the Lands D or the Planning Department (Plan D) for a waiver to change land use, what the approval criteria were, and how the Lands D would deal with breaches of lease conditions;
- (d) he wished to know how many mini-storage facilities in Sha Tin District had been inspected by the FSD, whether notices had been issued to require mini-storage facilities to eliminate potential fire hazards, how the FSD would handle mini-storage facilities with improper partitions, whether it would give advice on abatement measures, and whether it would issue guidelines to members of the public on choosing mini-storage facilities; and
- (e) he asked how many buildings were required by law to install a sprinkler system but the installation had yet to be done, and how the Government would coordinate with different parties to eliminate potential fire hazards.

57. The views of Ms Iris WONG were summarised below:

- (a) she, on behalf of Ms YUE Shin-man, thanked the fearless and devoted firefighters;
- (b) she, on behalf of Ms Scarlett PONG, enquired about the inspection progress of the mini-storage facilities in Sha Tin District and the method of risk assessment. She hoped that guidelines on mini-storage facilities would be provided in the short term, an internal and external risk assessment would be conducted by fire engineers in the medium term, and legislation would be introduced to regulate the layouts and materials used for mini-storage facilities in the long term;
- (c) she asked how much space was taken up by mini-storage facilities or partitioned flats in Sha Tin District, particularly in Tai Wai, Fo Tan and Shek Mun. She also wished to know the distribution of them and whether they had been registered. She opined that garages also had potential fire hazards and hoped the Government would take note of them;
- (d) she asked the Lands D whether premises with an “imposed encumbrance” in the past included mini-storage facilities, garages or partitioned flats. She also wished to know the locations of the 19 breaches of lease conditions in industrial buildings, the dates of imposing the encumbrances and the way to find out whether there was an execution period for these cases and for “imposing an encumbrance”;
- (e) she asked whether mini-storage facilities with no change of layouts or structures were required to apply to the Buildings Department (BD) for approval under the *Buildings Ordinance (BO)*. If no, how would the BD follow up;

- (f) she asked whether there was any provision under the *Fire Services Ordinance* to regulate the storage of dangerous goods, including the quantity waived and the relevant guidelines, and what the penalty for violation was. She also asked whether the FSD initiated inspection to find out cases in breach over the past five years. If yes, how many cases were detected;
- (g) she asked whether the Town Planning Board (TPB) had set up criteria for conversion of industrial buildings, and whether it was necessary to submit an application to the TPB for converting them into mini-storage facilities; and
- (h) she asked whether the inspection list was drawn up according to the type of building, the signboard or other information. She opined that the premises which had not submitted an application for conversion might have been overlooked.

58. Mr HOI Wai-ming, Division Officer (New Territories East) of the FSD gave a consolidated response as follows:

- (a) the Government set up an inter-departmental working group comprised of the Development Bureau, the FSD, the Plan D, the Lands D, the BD and the Labour Department on 28 June 2016 to conduct a territory-wide inspection. According to the information at that time, there were about 500 mini-storage facilities, of which 30 were located in Sha Tin District. The inspection was intended to be finished within two months, and three fourths had been inspected so far. If anything wrong or faulty was detected, e.g. fire service equipment was blocked, the case would be properly referred or followed up on. Besides, the working group would also initiate inspection of unlisted premises of a similar nature or mini-storage units located near areas with potential fire hazards in order to enhance the fire safety standard for mini-storage facilities and similar premises, control the relevant land use, etc. Discussions about how to amend the ordinance would be held to properly regulate the operation of mini-storage facilities. After the completion of all the inspections in late August, the figures would be more precise;
- (b) now industrial buildings containing mini-storage facilities in Sha Tin District had all been geared with an automatic sprinkler system and the required fire service installation and equipment;
- (c) the FSD commenced a territory-wide inspection of garages on 27 April 2015, including 170 garages in Sha Tin District. Since there were quite a number of dangerous goods with waived amounts, they were not elaborated one by one in the meeting. For instance, the waived amount of petrol was 20 litre and diesel oil 2 500 litre. Garages found to have stored dangerous goods exceeding the waived amount would be prosecuted immediately under the *Dangerous Goods Ordinance*;
- (d) he would provide the number of prosecuted garages later on. Cases of garages found to be in violation by repairing liquefied petroleum gas taxis would be referred to the Electrical and Mechanical Services Department for follow-up

action. He added that it was not necessary to apply to the FSD for a licence to operate a garage, but garages with the storage of dangerous goods exceeding the waived amount were required to apply to the FSD for a licence for dangerous goods stores; and

- (e) problematic cases, e.g. different water meters and electric meters in the same flat, detected by the FSD during routine inspection of partitioned flats would be referred to the relevant departments for follow-up action. If there were obstructions to means of escape or other fire service problems, prosecution would be initiated.

59. Mr Michael PANG, Chief Building Surveyor, Fire Safety of the BD gave a consolidated response as follows:

- (a) in the first month of the territory-wide inspection of mini-storage facilities, the BD first inspected the mini-storage facilities without an automatic sprinkler system; in the second month, it would inspect the rest. According to the information provided by the FSD, all the industrial buildings containing mini-storage facilities in Sha Tin District were equipped with an automatic sprinkler system. Hence, the BD had yet to inspect those in Sha Tin District. A total of 160 mini-storage facilities had been inspected up to now;
- (b) the BD would check if the *BO* had been violated during its inspection of mini-storage facilities. As the results showed, the main problems of the majority of the mini-storage facilities were that the means of escape was less than 1 050mm wide when the storage doors opened outwards, and that the storage arrangement overextended the escape route and hence failed to comply with the requirements stipulated in the BD's Codes of Practice;
- (c) despite current absence of specific legislation to regulate mini-storage facilities, it was necessary for all the alteration of mini-storage facilities involving construction works to comply with the requirements stipulated in the *BO*;
- (d) if irregularities were detected during the inspection of mini-storage facilities, the BD would issue a statutory order under the *BO* to the owner(s) of the premises, requiring rectification. The BD, in joint action with the relevant departments, already started issuing the above order on 15 July 2016;
- (e) according to the BD's existing enforcement policy, the BD would also take enforcement action against partitioned flats in breach of the *BO*, e.g. fire escape requirements; and
- (f) since 2012 the BD, by means of yearly large-scale action, had followed up on cases of industrial buildings converted for residential use. About 100 industrial buildings in the whole territory of Hong Kong had been inspected by late May 2016; of which 84 premises had been issued 110 statutory orders; 65 of the statutory orders had been complied with. Of the orders yet to be complied with, prosecution of about 30 orders was in progress.

60. Mr LAU Siu-chung, Chief Land Executive, Lease Enforcement (Land Control and Lease Enforcement Section) of the Lands D gave a consolidated response as follows:

- (a) the Lands D was responsible for inspecting whether the buildings containing mini-storage facilities were in breach of lease conditions. District Lands Offices (DLO) would inspect whether the buildings with mini-storage facilities listed by the FSD were in breach of lease conditions. If a breach was detected, a warning letter would be issued. An “encumbrance” would be imposed if the breach was not rectified. Thereafter, the Lands D would carry out an assessment based on the enforcement actions taken by different departments and consider taking further lease enforcement action;
- (b) mini-storage facilities located in industrial buildings with lease conditions permitting warehouse use would not be regarded as a breach of the land lease;
- (c) DLOs would examine the lease conditions of buildings. For mini-storage facilities located in buildings only permitted for industrial use, District Lands Officers would conduct site inspection. If a breach of lease conditions was confirmed, a warning letter would be issued to the owner(s) to request rectification within 28 days, or the warning letter would be registered at the Land Registry. In addition, DLOs would, in line with the enforcement actions taken by the BD and the FSD, consider taking further lease enforcement action;
- (d) the Lands D issued a warning letter to six cases concerning mini-storage facilities from January 2014 to 22 June 2016. Among these cases, no mini-storage facilities in Sha Tin were “imposed an encumbrance”;
- (e) the DLO/Shan Tin had already examined the land leases concerning all known mini-storage facilities in Sha Tin. As some cases required further investigation, the number of mini-storage facilities in breach of lease conditions in Sha Tin District was still not available; and
- (f) regarding industrial buildings converted for residential use, the Lands D had kept in close contact with the BD. Such cases, if detected by DLOs, would first be referred to the BD so as to be followed up on by means of large-scale action. Appropriate lease enforcement action would be taken based on the outcome of the BD’s enforcement action.

61. The Chairman said that Mr WONG Hok-lai returned to his seat at about 5:35pm, and asked if Members agreed to cancel his leave of absence application.

62. The Council agreed to cancel Mr WONG Hok-lai’s leave of absence application unanimously.

63. Ms Rosanna TSE, District Lands Officer, ST (District Lands Office, Sha Tin) of the Lands D said that no complaint or referral about cases of mini-storage facilities converted for residential use had been received so far. According to the statistics provided by the department, there was a total of 42 units involving 16 industrial buildings converted for mini-storage use in Sha Tin District as at mid July 2016. After examination of the land

leases, it was found that 15 of the industrial buildings were permitted for industrial or warehouse use; two floors of the remaining building were permitted for warehouse use. Information was being collected for further review. If a breach was detected, a warning letter would be issued to request rectification within a specified period, or an “encumbrance” would be imposed. The DLO/Shia Tin would sternly handle cases involving public safety, i.e. priority cases, by taking immediate lease enforcement action, including re-entering the property. Non-priority cases would be “imposed an encumbrance”. They would be reviewed according to their priority and status for consideration of further lease enforcement action. Owners might apply to DLOs for a temporary waiver to regularise the use in breach. DLOs would consult the relevant departments according to the established procedures before granting their approval. In response to the question about cases which were “imposed an encumbrance” in 2009 raised by Mr WONG Yue-hon, she said that the DLO/Shia Tin conducted a review early this year and the owners would consider terminating the use in breach. Besides, the DLO/Shia Tin currently did not have any case involving commercial and residential buildings with an “imposed encumbrance”. However, a unit on the ground floor of a small house building had been “imposed an encumbrance” due to its conversion for commercial use. As to the question raised by Members about whether there were industrial buildings converted to partitioned flats in Sha Tin District, she said that no such complaint cases had been received.

(Post-meeting Note: DLOs received relevant applications for a temporary waiver in late August 2016.)

64. In response to Ms Iris WONG’s enquiry about the revitalisation of industrial buildings and the cases approved by the TPB, Mr SOH Chun-kwok, District Planning Officer, Sha Tin, Tai Po and North of the Plan D said that converting or redeveloping existing industrial buildings for non-industrial use required an application to the TPB. The TPB would base its consideration on the town planning guidelines and its consultation with government departments, including the opinions of the FSD and the BD given under the *Fire Services Ordinance* or the *BO*. There was no necessary relation between the revitalisation of industrial buildings and mini-storage facilities. The two should not be mixed up.

65. Ms Scarlett PONG suggested the STDC thank and praise the FSD. She put forward the following provisional motion:

“The Sha Tin District Council strongly requested the relevant government departments to inspect all mini-storage facilities, garages and partitioned flats in Sha Tin District as soon as possible, conduct internal and external risk assessment, rectify irregularities, formulate fire safety guidelines, minimise fire hazards and enact legislation to regulate the issue in order to safeguard the lives and property of the people.”

Ms Iris WONG seconded the provisional motion.

66. The Council endorsed the above provisional motion unanimously.

Information Items

Reports of Committees under the STDC

District Facilities Management Committee
(Paper No. STDC 76/2016)

Culture, Sports and Community Development Committee
(Paper No. STDC 77/2016)

Education and Welfare Committee
(Paper No. STDC 78/2016)

67. The Chairman said that the Secretariat received an email from the Hong Kong Jockey Club Charities Trust (HKJCCT) on 20 July 2016 about following up on the consultation meeting held by the STDC together with the HKJCCT and the Chinese University of Hong Kong (CUHK) on 24 June 2016 and about introducing the “Jockey Club Age-friendly City Project”. From July to December 2015, the HKJCCT, in collaboration with the CUHK, conducted evaluation and research in Sha Tin District based on the eight objectives laid down for “age-friendly cities” by the World Health Organisation (WHO). The HKJCCT agreed to provide the STDC with research data free of charge in order to enrol Sha Tin District in the “WHO Global Network of Age-friendly Cities and Communities”. Due to the HKJCCT’s provision of the above resources for the STDC, the original allocation from the Labour and Welfare Bureau in support of certification would be given to the Education and Welfare Committee (EWC) for its Working Group on Age-friendly Community (WGAC) to organise activities. He asked Members to consider whether the STDC should join the “Jockey Club Age-friendly City Project”. If yes, the WGAC would take responsibility for mapping out a three-year action plan with the CUHK so as to improve age-friendly measures in the district and submit a progress report to the EWC regularly.

68. Mr NG Kam-hung hoped that the relevant parties would give Members a written introduction to the details of the “Jockey Club Age-friendly City Project”.

69. Ms Scarlett PONG responded that the WGAC would submit a progress report to the EWC regularly. Members could then consider and approve the project. She invited Members to join the WGAC.

70. The Council unanimously endorsed the STDC’s participation in the “Jockey Club Age-friendly City Project” and its plans for enrolling Sha Tin District in the “WHO Global Network of Age-friendly Cities and Communities”.

Development and Housing Committee
(Paper No. STDC 79/2016)

Traffic and Transport Committee
(Paper No. STDC 80/2016)

71. Regarding the bus route development project discussed in the previous meeting, Mr Michael YUNG hoped to know about the follow-up action taken by the Transport Department

(TD) and how the TD balanced the committee members' opinions on the controversial bus routes. In response to recent traffic accidents, he requested the TD to provide the committee with an improvement report for Tai Po Road–Piper's Hill. Besides, he requested the TD to inform the committee members of the operation status of the super-capacitor buses which would soon run in the district. He said that he was enquiring about what equally concerned other committee members. Since the TD did not respond in the committee meeting, he raised the question in the Council instead.

72. Mr Thomas PANG said that if Members had questions about the report, they should approach the chairman of the committee for enquiry. He also suggested they follow up with the TD direct after the meeting.

73. The Chairman opined that since the report was submitted by the Traffic and Transport Committee, the chairman of the committee should be the one to respond to the questions raised by the committee members. He suggested that Mr Michael YUNG list his questions to the TD after the meeting and asked the Secretariat to help Members express their opinions to the TD after the meeting.

Health and Environment Committee
(Paper No. STDC 81/2016)

Finance and General Affairs Committee
(Paper No. STDC 82/2016)

74. The Council noted the above seven reports.

Financial Account of the STDC as at 12 July 2016
(Paper No. STDC 83/2016)

75. The Council noted the above paper.

Information Papers

Crime Brief of Sha Tin District for the First Half of 2016
(Paper No. STDC 84/2016)

76. Ms Iris WONG hoped that the HKPF would provide data on illegal parking in Sha Tin District.

77. Mr Angus Guy PULLINGER, District Commander (Shatin) (Atg) of the HKPF responded that the paper concerned was to brief Members on crime statistics in Sha Tin District. The HKPF previously took special action against illegal parking and he would provide relevant information for interested Members for their reference after the meeting.

Report of the District Management Committee
(Paper No. STDC 85/2016)

78. The Council noted the above paper.

Date of Next Meeting

79. The next meeting will be held at 2:30 pm on 22 September 2016 (Thursday).
80. The meeting was adjourned at 6:10 pm.

Secretariat, Sha Tin District Council
STDC 13/15/50

September 2016