

Sha Tin District Council
Minutes of the 6th Meeting of
the Development and Housing Committee in 2020

Date : 27 October 2020 (Tuesday)
Time : 6:17 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 CHAN Nok-hang (Chairman)	DC Member	6:17 pm	6:55 pm
Mr NG Kam-hung (Vice-Chairman)	"	6:17 pm	6:55 pm
Mr CHING Cheung-ying, MH	DC Chairman	6:17 pm	6:53 pm
Mr WONG Hok-lai, George	DC Vice-Chairman	6:17 pm	6:55 pm
Mr CHAN Billy Shiu-yeung	DC Member	6:17 pm	6:20 pm
Mr CHAN Pui-ming	"	6:17 pm	6:55 pm
Mr CHAN Wan-tung	"	6:17 pm	6:55 pm
Mr CHEUNG Hing-wa	"	6:17 pm	6:55 pm
Mr CHIU Chu-pong	"	6:17 pm	6:18 pm
Mr CHOW Hiu-laam, Felix	"	6:17 pm	6:55 pm
Mr CHUNG Lai-him, Johnny	"	6:17 pm	6:35 pm
Mr HUI Lap-san	"	6:17 pm	6:46 pm
Mr LI Sai-hung	"	6:17 pm	6:18 pm
Mr LI Wing-shing, Wilson	"	6:17 pm	6:55 pm
Mr LO Tak-ming	"	6:17 pm	6:19 pm
Mr LUI Kai-wing	"	6:17 pm	6:53 pm
Ms LUK Tsz-tung	"	6:17 pm	6:37 pm
Mr MAK Tsz-kin	"	6:17 pm	6:53 pm
Ms NG Ting-lam	"	6:17 pm	6:39 pm
Mr SHAM Tsz-kit, Jimmy	"	6:17 pm	6:55 pm
Mr SHEK William	"	6:17 pm	6:55 pm
Mr SIN Cheuk-nam	"	6:17 pm	6:55 pm
Mr TING Tsz-yuen	"	6:17 pm	6:19 pm
Mr WAI Hing-cheung	"	6:17 pm	6:30 pm
Mr WONG Ho-fung	"	6:17 pm	6:55 pm
Mr YAU Man-chun	"	6:17 pm	6:30 pm
Mr YUNG Ming-chau, Michael	"	6:17 pm	6:55 pm
Ms LIU Sin-yi, Angela (Secretary)	Executive Officer (District Council) 5/ Sha Tin District Office		

In Attendance

Ms CHENG Siu-ling, Katy

Mr WONG Chun-wai, Edmund

Mr HO Kin-nam, David

Mr LAI Wing-chi, Derek

Ms YICK Hong-nien, Hannah

Ms HO Ka-wai, Rosseter

Ms FUNG Wai-ling

Mr LEUNG Chin-hung

Title

Chief Liaison Officer/

Sha Tin District Office

Senior Liaison Officer (North)/

Sha Tin District Office

Senior Executive Officer (District Council) (Atg)/

Sha Tin District Office

District Environmental Hygiene Superintendent (Sha Tin)/

Food and Environmental Hygiene Department

Senior Town Planner/ Sha Tin/

Planning Department

Senior Estate Surveyor/SE (Atg) (District Lands Office, Sha

Tin)/ Lands Department

Senior Housing Manager/TNS1 (Atg)/

Housing Department

Engineer/ New Territories East (Distribution 1)/

Water Supplies Department

In Attendance by Invitation

Mr LI Tak-pong

Title

Engineer/ Shatin/

Drainage Services Department

Absent

Mr CHENG Chung-hang

Mr CHENG Tsuk-man

Dr LAM Kong-kwan

Mr LI Chi-wang, Raymond

Mr MOK Kam-kwai, BBS

Ms TSANG So-lai

Mr YIP Wing

Mr HUI Yui-yu

Mr LAI Tsz-yan

Mr LIAO Pak-hong, Ricardo

Mr LO Yuet-chau

Mr MAK Yun-pui, Chris

Mr TSANG Kit

Ms WONG Man-huen

Title

DC Member (Application for leave of absence received)

” (”)

” (”)

” (”)

” (”)

” (”)

” (”)

” (No application for leave of absence received)

” (”)

” (”)

” (”)

” (”)

” (”)

” (”)

Action

The Chairman welcomed all members and representatives of government departments to the sixth meeting of the Development and Housing Committee (DHC) of this year.

Application for Leave of Absence

2. The Chairman said that the Secretariat had received applications for leave of absence in writing from the following members:

Mr CHENG Chung-hang

Mr CHENG Tsuk-man

Other reason

Official commitment

Dr LAM Kong-kwan	Official commitment
Mr Raymond LI	”
Mr MOK Kam-kwai	”
Ms TSANG So-lai	”
Mr YIP Wing	Sickness

3. Members unanimously approved the applications for leave of absence submitted by the members above.

4. The Chairman said that Mr WAI Hing-cheung had proposed before the meeting that his question be discussed first. Under Order 13(2) of the Sha Tin District Council Standing Orders, subject to the consent of more than half of the members of the Council present at the meeting, the Chairman might at the commencement and in the course of the meeting approve the inclusion of an item in the agenda or adjustment of the order of business on the agenda. The Chairman asked members whether they agreed to the adjustment of the order of business on the agenda.

5. Members unanimously endorsed the adjustment of the order of business on the agenda.

6. Mr CHAN Pui-ming said that he did not want to discuss at the meeting the question he had submitted earlier. He asked the Sha Tin District Office (STDO) to reply to him with a copy to the Chairman and Mr CHING Cheung-ying.

Questions

Question to be Raised by Mr WAI Hing-cheung on the Maintenance of Hang Lok Lane near Tung Lo Wan Village in Sha Tin
(Paper No. DH 34/2020)

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

- (a) the road conditions of Hang Lok Lane near Tung Lo Wan Village in Sha Tin were not satisfactory. Apart from the road conditions, there were problems with both the railings and street illumination;
- (b) he pointed out that the Highways Department (HyD) had claimed that it was not responsible for the relevant road surface, and the Transport Department had said that it had no plans for alteration of the above-mentioned road section given the light traffic there but suggested handling the matter in accordance with the land grant provisions of the lot, which left him the only option of making his enquiry to the District Lands Office, Sha Tin (DLO/ST);
- (c) he would like to know the definition of “non-exclusive right-of-way” and the number of lessees there;
- (d) he asked the DLO/ST whether it was aware of the damaged facilities or potential danger there; if not, whether the DLO/ST would send staff for an inspection;

- (e) he asked the DLO/ST whether maintenance records of the road surface and facilities were available. If yes, he would like to know the dates of maintenance and whether the requirements of the DLO/ST had been met;
- (f) he asked whether the DLO/ST had written to the lessees to suggest that they repair the road surface and damaged facilities. If yes, when the letters were sent; if no, what the reasons were;
- (g) regarding the DLO/ST's reply that the land grant provisions did not provide for the use of public fund by the DLO/ST for maintenance before recovering the fees from the relevant title holders, he asked whether the DLO/ST had the authority and legal grounds to demand improvement and maintenance from lessees; and
- (h) residents in the vicinity had relayed to him their worry about the road conditions and facilities as well as safety concerns.

8. Ms Rosseter HO, Senior Estate Surveyor/SE (Atg) (DLO/ST) of the Lands Department gave a consolidated response as follows:

- (a) "non-exclusive right-of-way" referred to the non-possessive and non-exclusive right-of-way over government land. Put simply, the Government granted non-exclusive right-of-way to lessees of a lot, so that vehicles on the lot which was not connected to public roads under the purview of the HyD could access public roads via designated government land nearby;
- (b) she pointed out that the private land adjacent to Hang Lok Lane near Tung Lo Wan Village in Sha Tin included Lot Nos. 611, 612, 740, 741, 765 and 767 in Demarcation District No. 179, the land grant provisions of most of which stipulated that lessees were responsible for maintenance and repairs of the non-exclusive passage;
- (c) the DLO/ST could, in accordance with the land grant provisions, send letters to demand that lessees of the lots repair the non-exclusive passage to the satisfaction of the DLO/ST; and
- (d) if required, the DLO/ST could reply and provide additional information after the meeting regarding whether the DLO/ST had sent letters asking lessees of the lots to repair the non-exclusive passage as well as the outcome of such repairs.

9. Mr WAI Hing-cheung understood that the ownership there was fragmented. He learnt that there were 6 lots and opined that residents would find it difficult to locate and request respective title holders to carry out repairs. He asked the DLO/ST to write to the lot holders to request repairs in order to ensure the safety of residents. If necessary, he would be willing to conduct a site inspection with staff of the DLO/ST.

10. Ms Rosseter HO said that the DLO/ST would convey Mr WAI Hing-cheung's views to the Estate Surveyor of the area for consideration. If necessary, the DLO/ST would contact Mr WAI Hing-cheung.

11. Members noted the above paper.

Question to be Raised by Mr CHOW Hiu-laam, Felix on the Maintenance Responsibility of Common Facilities of Property Developments of the MTR Corporation Limited in Sha Tin (Paper No. DH 33/2020)

12. The views of Mr Felix CHOW were summarised below:

- (a) he found it a shame that the MTR Corporation Limited (MTRCL) did not send any representatives to attend the meeting. He pointed out that part of the property developments above the railway station overlapped with the depot, and therefore owners needed to pay high maintenance costs, which was unfair;
- (b) he said that there was a certain distance between the sewage disposal facilities and the government sewage manhole. He would like to know why this met government standards;
- (c) he asked the Drainage Services Department (DSD) for improvement proposals on the sewerage design to address the current situation where the sewerage existed alongside the railway tracks; and
- (d) he hoped that the MTRCL and stakeholders could solve the blockage problem of the sewage disposal facilities as soon as possible, and conduct frequent inspections during the works, so as to prevent owners from paying additional maintenance fees.

13. The views of Mr CHEUNG Hing-wa were summarised below:

- (a) he found it a shame that the MTRCL did not attend the meeting, and said that the blocked facilities could affect the train service operation of the MTRCL;
- (b) he would like to know why the DSD allowed the Kowloon-Canton Railway Corporation to build sewers. He opined that it was inconvenient to repair facilities of the housing estate within the depot area; and
- (c) he asked the MTRCL to clarify whether other property developments above railway stations, apart from Royal Ascot, faced a similar situation.

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

- (a) he said that Mr SIU Hin-hong and the MTRCL were in dispute over the repair of sewers of Royal Ascot;
- (b) he asked the DSD about the alignment of the connected public sewers (last manhole) on Lok King Street and in the vicinity;
- (c) he said that the alignment of the sewers of Jubilee Garden and The Palazzo was not on the railway tracks but under the covers of the platforms. He worried that the pipes might burst due to erosion;

- (d) he said that some of the pipes were within the area of the railway station, therefore the MTRCL needed to communicate with owners proactively. He opined that the MTRCL merely received maintenance fees without discharging the responsibility for maintaining and clearing the pipes by reason of the deed of mutual covenant, which was not satisfactory; and
- (e) he asked the DSD to provide information such as the locations of public sewers, the diameters of pipes and the depth underground, so as to let members know the actual alignment. He opined that the MTRCL should possess records and drawings of the locations of the relevant sewers. To prevent sewer damage from affecting the operation of the East Rail Line in future, he urged the MTRCL to actively respond to members' demands.

15. Mr LI Tak-pong, Engineer/Shatin of the DSD gave a consolidated response as follows:

- (a) the sewage drainage system of Royal Ascot was designed by approved persons appointed by the developer, and was submitted to the Buildings Department (BD) for approval in accordance with the Buildings Ordinance. The DSD had also provided the BD with professional advice on the matter for reference. As the housing estate was situated within the depot area of the MTRCL, the developer at the time proposed connecting the sewage drainage system to public sewers near the depot. The DSD did not raise any objection to the proposal;
- (b) at the time of approval, the DSD mainly reviewed the connection arrangements and the relevant details of the public sewage system, and provided the BD with professional advice, whereas the internal drainage system was submitted to the BD for approval;
- (c) the DSD had previously emailed Mr Felix CHOW the drawings of the sewer locations; and
- (d) the DSD had set up a sewage drainage system in the west of Royal Ascot, i.e. in the vicinity of Lok Lo Ha and Lok King Street. That system was built only for collecting and draining the sewage of Lok Lo Ha Village and the housing estates near Royal Ascot. However, the sewage drainage system was almost saturated at present and could not absorb the discharge from Royal Ascot. Lok King Street remained in the depot area of the MTRCL, and it was technically difficult to set up the relevant facilities there.

16. Ms Rosseter HO pointed out that the land lease conditions of Royal Ascot stipulated that owners needed to build and maintain the sewers at their own expenses to the satisfaction of the DLO/ST. In case of disputes arising from the division of maintenance fees among owners, the DLO/ST was not in a position to comment.

17. Mr Felix CHOW asked the Secretariat to forward his question (e), "to ask the MTRCL about the shortest distance between the lot periphery of its property development projects in Sha Tin and the closest government sewage manhole", and to ask the MTRCL to reply in writing.

18. Mr Michael YUNG urged the DSD and the MTRCL to provide the committee with relevant information such as the sewer drawings within the railway protection areas in order to resolve the problem.

19. Mr LI Tak-pong said that the drawings of sewer locations near Royal Ascot would be provided after the meeting.

20. Mr Felix CHOW made the following proposal:

“The Development and Housing Committee of the Sha Tin District Council proposes to

1. request the MTR Corporation Limited (MTRCL) to shoulder its corporate responsibility, keep in touch with stakeholders of Royal Ascot and respective housing estates, come up with a solution to the sewer problem together, and commit to future works.
2. request the MTRCL and government departments to thoroughly investigate whether the sewer problem of Royal Ascot was attributed to faulty design, and to actively explore other possible alternatives to further lower the difficulty and costs of repairs in the future.
3. request the Drainage Services Department to study the possibility of setting up a new manhole near Racecourse Station in Fo Tan in order to collect sewage from Ho Tung Lau Depot and Royal Ascot as a long-term solution to the repair and maintenance problem of sewers under the railway tracks.”

21. The Chairman asked the Secretariat to relay members’ opinions to the MTRCL.

22. Members noted the above paper.

Information Paper

Population of Public Housing Estates and Private Sector Participation Scheme Courts in Sha Tin

(Paper No. DH 35/2020)

23. Members noted the above paper.

24. Mr Michael YUNG said that his question raised at the fifth meeting of the DHC was not included in the agenda, so he wrote to the department for enquiry. He would like to know the progress of reply from the department.

25. The Chairman was dissatisfied that Mr Michael YUNG’s question was deemed not in compliance with the District Councils Ordinance and was therefore not included in the agenda.

26. Ms Katy CHENG, Chief Liaison Officer of the STDO said that the Government considered that Mr Michael YUNG’s question concerned matters beyond the district level of Sha Tin District, hence not in compliance with the functions stipulated in Section 61 of the District Councils Ordinance, and not included in the agenda.

27. Mr Michael YUNG asked the STDO to reply in writing which part of the question was not in compliance with the District Councils Ordinance and what the justifications were.

28. Mr CHAN Pui-ming would like to know the bureaux and departments contacted by the STDO, and the government official who had decided that part of the question was contrary to the District Councils Ordinance.

29. The Chairman found it strange that the Government would provide a reply despite claiming that Mr Michael YUNG's question was contrary to the District Councils Ordinance.

Date of Next Meeting

30. The next meeting was scheduled to be held at 2:30 pm on 5 January 2021 (Tuesday).

31. The meeting was adjourned at 6:55 pm.

Sha Tin District Council Secretariat
STDC 13/15/50

December 2020