

Sha Tin District Council
Minutes of the 2nd Meeting of
the Development, Housing, Environment and Health Committee in 2023

Date : 14 March 2023 (Tuesday)
Time : 2:30 pm
Venue : Sha Tin District Office Conference Room 441
 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 CHOW Hiu-laam, Felix (Chairman)	DC Member	2:30 pm	5:44 pm
Mr MAK Yun-pui, Chris	DC Chairman	3:07 pm	5:44 pm
Mr SIN Cheuk-nam	DC Vice-Chairman	2:30 pm	5:44 pm
Mr CHENG Chung-hang	DC Member	2:33 pm	5:44 pm
Mr CHUNG Lai-him, Johnny	"	2:30 pm	5:44 pm
Mr WAI Hing-cheung	"	2:30 pm	5:44 pm
Ms CHOW Man-kwan, Mandy (Secretary)	Executive Officer (District Council)3, Sha Tin District Office		
<u>In Attendance</u>	<u>Title</u>		
Mr HO Kin-nam, David	Assistant District Officer (Sha Tin)2 (Atg)		
Mr CHAN Chi-ho, Billy	Chief Liaison Officer (Atg), Sha Tin District Office		
Mr SHIU Kan-yun, Roy	Senior Executive Officer (District Council), Sha Tin District Office		
Ms CHAN Yuen-chi, Jess	Housing Manager/Tai Po, North and Shatin 3, Housing Department		
Mr YEUNG Wai-dor	Administrative Assistant/Lands (Atg) District Lands Office, Sha Tin, Lands Department		
Ms YICK Hong-nien, Hannah	Senior Town Planner/Shatin, Planning Department		
Mr CHAN Ka-kui	District Environmental Hygiene Superintendent (Sha Tin), Food and Environmental Hygiene Department		
Mr KAO Hsi-chiang	Chief Health Inspector (Sha Tin)3, Food and Environmental Hygiene Department		
Ms CHAN Hoi-wing	Engineer/New Territories East (Distribution 1), Water Supplies Department		
Ms WONG Pui-wan, Cecilia	Senior Environmental Protection Officer (Regional North)4, Environmental Protection Department		
Ms MAN Pui-shan, Erica	Deputy District Leisure Manager (Sha Tin)2, Leisure and Cultural Services Department		
Ms HO Ka-yi, Karen	Senior Estate Surveyor/Railway Development/Head Office 1, Lands Department		
Mr LAM Sin-yam	Senior Land Executive/Land Control, District Lands Office, Sha Tin, Lands Department		

In Attendance by Invitation

Mr WAI Wah-kei

Mr POON Chi-cheong, Vincent

Mr XING Jiajun

Ms CHAN Man-hung

Mr CHOW Wai-man, Dicky

Mr NG San-keung

Mr LAW Koon-hong

Mr KWOK Yiu-ho

Mr WONG Ho-kwan

Mr LI Sam

Title

District Engineer/Shatin (1),

Highways Department

Engineer/Shatin 2,

Transport Department

Engineer/New Territories East (Customer Services) Inspection,

Water Supplies Department

Housing Manager/Tai Po, North and Shatin 11,

Housing Department

Senior Professional Officer/Joint Office 3,

Buildings Department

Superintendent (Regional Joint Office) New Territories East,

Food and Environmental Hygiene Department

Senior Assistant Shipping Master/North,

Marine Department

Senior Assistant Shipping Master/Harbour Patrol Section (4),

Marine Department

Assistant Marine Officer/Harbour Patrol Section (4),

Marine Department

Assistant Marine Officer/Licensing and Port Formalities (2),

Marine Department

Absent

Mr HUI Lap-san

Dr LAM Kong-kwan

Mr MOK Kam-kwai, BBS

Title

DC Member (Application for leave of absence received)

" (")

" (")

Action**Welcome Remarks**

The Chairman welcomed the members and representatives of government departments to the meeting of the Development, Housing, Environment and Health Committee (DHEHC).

2. The Chairman reminded all attendees that some persons in the public gallery observing the meeting were taking photographs, or making video or audio recordings.

Applications for Leave of Absence

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

Mr Chris MAK

Sickness

Mr HUI Lap-san

Official commitment

Dr LAM Kong-kwan

"

Mr MOK Kam-kwan, BBS

"

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

[Post-meeting note: Mr Chris MAK arrived later to join the meeting, and the above application for leave of absence was therefore cancelled.]

Election of Vice-Chairman of the Committee

5. The Chairman said that by the end of the nomination period, the Secretariat had not received any nomination form for the office of Vice-Chairman of the DHEHC. Since there were no candidates, the Chairman announced that the office of the Vice-Chairman of the DHEHC would remain vacant.

Confirmation of Minutes

Minutes of the Meeting Held on 17 January 2023
(DHEH Minutes 1/2023)

6. Members unanimously endorsed the above minutes.

Matters Arising

Responses of Government Departments to Matters Arising from the Previous Meeting
(Paper No. DHEH 9/2023)

7. The Chairman would like to know the details of the vegetation clearance work stated by the Special Duties Task Force (the Task Force) of the Lands Department (LandsD) in the paper and its follow-up progress of the case concerned.
8. Mr YEUNG Wai-dor, Administrative Assistant/Lands (Atg), District Lands Office, Sha Tin of the LandsD, said that the contractor of the Task Force had deployed staff to the site earlier to study the works environment. Workers had to stride across Kau To Hang if they needed to reach the site under complaint for commencement of the works. However, sedimentation of soil arising from erosion by river water in part of the riverbed of Kau To Hang adjacent to the location concerned made it difficult to estimate the water depth of the river channel, and rocks on both sides were also covered with moss. This increased the difficulty for workers to access the location, their delivery of tools, clearance of vegetation waste, and setting up of construction platforms. In view of the geographical and technical constraints and after taking into account employees' safety, the contractor indicated that the vegetation at the site could not be completely removed from the outside. Only excessively long tree branches would be regularly trimmed, and workers had to be allowed during the works to carry tools and vegetation waste to access the site under complaint via the complainant's house.

9. Members unanimously endorsed the above paper.

Questions

Question to be Raised by Mr WAI Hing-cheung on Management of a Footbridge Located in Tai Wai
(Paper No. DHEH 10/2023)

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

- (a) he wished to know whether the relevant departments and organisations had consulted the District Council Members in the constituencies concerned in 2010 about the proposed permanent closure and demolition works for the northern end of the covered footbridge at the junction of Che Kung Miu Road and Mei Tin Road;
- (b) he wished to know the reasons for proposing the works at that time and whether such reasons were still applicable at present;
- (c) he pointed out that according to the reply from the MTR Corporation Limited (MTRCL), the developer was required to demolish part of the footbridge within a prescribed period. He wished to know the relevant details;
- (d) he wished to ascertain whether details of the proposed road works could be amended after being gazetted; if they could be amended, what procedures would be involved;
- (e) he said that after demolishing the staircase at the location, only lifts and escalators were available nearby for use by the public. He was concerned about the public access issue in case the power supply to the facilities was affected; and
- (f) he said that the access to the shopping centre would be narrower after the modification works. He was of the view that the existing covered pedestrian link could be concurrently retained to facilitate public access.

11. Mr Johnny CHUNG said that the design details of the connection to the shopping centre after the modification works were not mentioned in the STDC consultation papers and the Gazette in 2010. He opined that it was inconvenient for members of the public to walk a longer distance to access their destinations at present. Besides, some local community members raised objections to the closure of the footbridge's exit/entrance connecting to the ground level. He hoped that the relevant departments and organisations would consider suspending the demolition works.

12. The views of the Chairman were summarised below:

- (a) he said that a district organisation had collected signatures from members of the public in opposition to the demolition plan. He wished to know whether opposing comments were received in relation to the proposed works during the consultation period and the numbers of such comments, as well as the reasons for the relevant units to decide to take forward the works;
- (b) he wished to know whether an access would be provided at the location concerned after the modification to facilitate public access to and from the shopping centre and MTR Tai Wai Station; and
- (c) he wished to know the necessity and urgency of taking forward the demolition works.

13. Ms Karen HO, Senior Estate Surveyor/Railway Development/Head Office 1 of the LandsD, said that the details of the proposed road works gazetted for the topside property development at MTR Tai Wai Station were about the nature of the works project, and the works were authorised by the Chief Executive in Council. The relevant land lease was executed in 2015, which specified that the grantee was required to modify the existing footbridge to reflect the requirement of the master layout plan, and the deadline for completing the modification works mentioned therein was extended to 30 September 2023. Besides, she said that amendments could be made to the works proposals through gazettal.

14. Mr Vincent POON, Engineer/Shatin 2 of the Transport Department, said that the Transport Department (TD) offered advices on the proposed development project from the traffic perspective. He said he noted that an exit/entrance connecting to the platform(s) of MTR Tai Wai Station would be provided in the shopping centre under the development project. A staircase was also available for emergency use.

15. Mr WAI Wah-kei, District Engineer/Shatin (1) of the Highways Department, said that the Highways Department was responsible for the repair and maintenance of the footbridge, and offered technical advice on proposed modifications to the footbridge in terms of repair and maintenance.

16. Ms Hannah YICK, Senior Town Planner/Shatin of the Planning Department, said that the topside property development at MTR Tai Wai Station was approved with conditions by the Town Planning Board on 18 December 2009. One of the conditions stipulated that the applicant had to provide footbridge connections to the existing footbridge system above the roundabout at Che Kung Miu Road/Mei Tin Road according to the requirements of the TD. She said that no comments on the demolition of the existing pedestrian link/staircase were received during the public consultation of the planning application.

17. Mr WAI Hing-cheung opined that the emergency staircase might not be adequate to meet the needs of the existing pedestrian flow. With the future tenants of the shopping centre starting to move in, renovations works of shops might also affect passers-by. He hoped that the demolition of the covered pedestrian link of the footbridge could be suspended, and that the existing access would be retained to ease pedestrian flow. Besides, he would like to further discuss relevant matters in the future DHEHC meetings for seeking a resolution with the consensus of various stakeholders, and for providing views on the gazettal of the amended development project.

18. The views of Mr CHENG Chung-hang were summarised below:

- (a) he said that the original ramp allowed cyclists to go to the ground level from the footbridge directly, while the current cycle ramp required cyclists to dismount before walking to the parking area. He wished to know whether the cycling track would be fully open after the completion of the modification works, and how the TD would follow up the design issues of the cycle ramp after the modification;
- (b) he said that the two escalators were inadequate to address the pedestrian flow in the area. He hoped that the relevant departments and organisations could conduct site inspections with District Council Members as early as practicable to

understand the accessibility for the residents;

- (c) he opined that various departments should monitor the MTRCL in a more stringent manner to ensure that it would properly handle the road connection issues when developing its properties, and should discuss with the MTRCL a comprehensive alternative proposal after the modification for facilitating public access; and
- (d) he hoped that the relevant matters could be included in the future DHEHC meeting agendas, and that representatives of the MTRCL could be invited to the meetings for further thorough discussion with the members.

19. Mr SIN Cheuk-nam said that as remarked by one of the then District Council Members in a meeting of the Traffic and Transport Committee in 2010, it was unreasonable to demolish the facilities which provided access to the footbridge from the areas within the MTRCL's properties. He wished to know how the Department followed up the views put forward by the relevant District Council Member at that time. Besides, he said that the office of District Council Member in the constituency concerned was currently vacant, and he was concerned that the views of the public might not be effectively conveyed. He expected that relevant departments would consider suspending the demolition works.

20. Mr Chris MAK wished to learn about the positive and negative impacts of the modification works on the community, so that the STDC could review the necessity of taking forward the plan. He opined that the footbridge facilitated the access for the local community and a majority of the members of the public were against the demolition works. He was also of the view that the existing access on the footbridge should be retained. He hoped that relevant departments and organisations could conduct public consultation again on the entire development plan and invite relevant units to conduct site inspections with District Council Members, in order to understand the needs of the district and the impacts of the demolition works on the surrounding residents.

21. The Chairman wished to learn more about whether the cycle ramp after modification would meet the requirements of the TD.

22. Mr Vincent POON said that the cycle ramp under the development project was the last section connecting the end of a branching-off section of an existing cycling track to the bicycle parking area. In view of the relatively sharper bends of the cycle ramp, it was safer for cyclists to push their bicycles to and from the bicycle parking area at this final section as arranged under the development project.

23. Ms Mandy CHOW, Executive Officer (District Council)³ of the Sha Tin District Office, said that the Secretariat noted the members' view and would follow up the issues and arrange site inspections with relevant units after the meeting.

24. The Chairman asked the Secretariat to approach relevant units after the meeting for conducting a joint inspection at the site with District Council Members. He announced the end of discussion of the agenda item.

[Post-meeting note: A site inspection was conducted on 31 March 2023.]

Question to be Raised by Mr CHOW Hiu-laam, Felix on Persistent and Severe High-frequency Noise Problem of Fresh Water Pressure Reducing Valves and Water Meters in Choi Wo Court (Paper No. DHEH 11/2023)

25. The views of the Chairman were summarised below:

- (a) he wished to know whether the original equipment was non-compliant with the standards, the expenses of the Housing Department (HD) in replacing all pressure reducing valves of the buildings concerned, and the differences between the new and old valves;
- (b) he wished to know whether the high-frequency noise caused by the fresh water pressure reducing valves in the housing estate fell within the regulatory purview of the Water Supplies Department (WSD), and how the Department could take law enforcement actions against relevant improper acts; and
- (c) he asked if the situation concerned was a type of noise nuisance. If so, he wished to know whether the Environmental Protection Department (EPD) could institute prosecutions against these cases and their follow-up actions.

26. Ms CHAN Man-hung, Housing Manager/Tai Po, North and Shatin 11 of the HD, gave a consolidated response as follows:

- (a) she said that detailed supplementary information on the relevant works would be provided after the meeting;
- (b) she said that the noise of fresh water pressure reducing valves in Choi Wo Court was an isolated case, and there was no problem with the relevant works design of the housing estate. The HD would strengthen inspections in newly completed housing estates in future to ensure that the sounds of pressure reducing valves of fresh water pipes would not cause nuisance to residents; and
- (c) she said that relevant comprehensive improvement works of the housing estate were completed on 2 March 2023, the results of which showed that the pressure reducing valves no longer emitted abnormal sounds after replacement. The owners of the five flats in Choi Wo Court who earlier requested to approach the EPD for measuring sound level in their flats also said that the problem had been solved. Besides, she said that the HD had conducted a testing in the corridor outside the flats on the 27th floor, during which the sounds measured did not exceed the standards. The Department would continue to strengthen inspections to ensure that the valves would not emit disturbing sounds.

27. Mr XING Jiajun, Engineer/New Territories East (Customer Services) Inspection of the WSD, said that in accordance with the Waterworks Ordinance (Cap. 102), the WSD requested that during construction of buildings, licensed plumbers had to make declarations and submit water supply drawings to the Department for its assessment of whether the water pipes and fittings (including pressure reducing valves) complied with the list of pipes and fittings approved by the WSD. After the works were permitted to commence and upon their completion, the WSD would supply fresh water to the building after ensuring that the inside service and other

relevant commissioning requirements were in compliance with the standards. Furthermore, the WSD would examine the water pipes and fittings after completion of a building. Regarding the case in Choi Wo Court, the Department confirmed after inspection that the water pipes and pressure reducing valves were both in compliance with the locations and designs endorsed at the stage of construction, and the pressure reducing valves after the replacement also complied with the list approved by the WSD. It was believed that the problem was related to the batch of fittings concerned.

28. Ms Cecilia WONG, Senior Environmental Protection Officer (Regional North)⁴ of the EPD, said that the EPD, after receiving an email about the Choi Wo Court case from the Chairman in late December 2022, immediately enquired about the situation from the HD and urged it to adopt effective noise reduction measures as soon as possible. Besides, she said that the EPD had repeatedly deployed staff to conduct inspections in Choi Wo Court at different periods of time. After high-frequency sounds from fresh water pressure reducing valves were detected, the EPD immediately informed the HD and the management office of Choi Wo Court of the investigation findings, and letters were sent to urge them to take prompt actions. Subsequently, the EPD learnt that the HD would complete fresh water pressure reduction valve replacement works in the buildings in early March. The Department conducted an inspection in Choi Wo Court again in early March and found that the situation relating to the sounds was greatly improved. In addition, she said that the HD, the management office of Choi Wo Court and the ward office of the Chairman were asked to inform affected occupants that they might contact the EPD for deploying its staff to their residences for noise assessment so as to collect evidence for prosecution work. However, the relevant occupants indicated to the Department on 13 March that no assessment was required to be arranged.

29. The Chairman was pleased to see that the Department had actively responded to and resolved the case. He also hoped that the Department would note the relevant views and closely monitor the situation of pressure reduction valves in buildings. He announced the end of discussion of the agenda item.

Question to be Raised by Mr SIN Cheuk-nam on Water Seepage Investigation Procedures in Sha Tin District
(Paper No. DHEH 12/2023)

30. The views of Mr SIN Cheuk-nam were summarised below:

- (a) he thanked the Department for providing information on the staffing establishment of the New Territories East Regional Joint Office. Furthermore, he wished to know about whether the Department would increase its manpower in the future for handling water seepage problems in buildings;
- (b) he suggested that the Department should, when setting out statistical figures on water seepage of buildings for information papers, clarify whether the information was derived from the data of a single month or on a cumulative basis;
- (c) he would like to learn more about the details about adverse performance reports issued by the Buildings Department (BD) to consultants with poor performance, and the prohibition of such consultants bidding for new work contracts;

- (d) he expressed support for the BD's plan to adopt new testing technologies in Sha Tin District in the third quarter of 2023; and
- (e) he wished to know whether the Joint Office (JO) of the BD and the Food and Environmental Hygiene Department (FEHD) would consider adopting the recommendation made by the Office of The Ombudsman (the Ombudsman) that a lead department should be appointed for investigation of the cases.

31. The views of Mr Chris MAK were summarised below:

- (a) he said that requests for assistance from a number of residents had been received. It was alleged that as the sources of water seepage in their units could not be identified, such problems persisted. He wished to know the number of cases of water seepage in buildings successfully handled by the Department in the last two years, the effectiveness of the prevailing investigation method, and whether there were alternative ways to deal with water seepage problems more promptly; and
- (b) he wished to know whether the Department would, in the event that the flat owners or occupants were uncooperative during the investigation, consider providing the informants with a greater variety of professional assistance, to enable the water seepage or compensation issues after the works to be handled more effectively.

32. The Chairman opined that the WSD had set a high threshold for handling suspected cases of water wastage due to water seepage in buildings. Consequently, some of the referral cases were not properly followed up. He suggested that uniform legislation should be introduced to regulate relevant problems to facilitate the handling of cases by various departments and the formulation of penalties.

33. Mr NG San-keung, Superintendent (Regional Joint Office) New Territories East of the FEHD, gave a consolidated response as follows:

- (a) he said the JO, comprising staff from the FEHD and the BD, offered one-stop services for handling water seepage in buildings. As the number of water seepage cases had been increasing year by year, the JO would review the allocation of manpower from time to time for water seepage investigation work;
- (b) he said that there were 262 cases with investigation concluded in October 2022, while the cumulative number for the year was 3 422 cases. There were 230 cases with investigation concluded in November, while the cumulative number of cases was 3 652. He said that the way of presentation of the paper would be reviewed; and
- (c) he said that the main objective of the JO was to set up a working team with both the legal authority of the FEHD to handle sanitary nuisances as well as the building surveying and maintenance expertise of the BD, so as to facilitate the handling of water seepage in buildings. The JO, under the joint steer of the FEHD and BD according to their specialised expertise and experience,

effectively supported and monitored the different stages of investigation and enforcement actions. Meanwhile, the JO also provided one-stop services for members of the public regarding handling complaints about water seepage. Given their expertise and role, if staff from either department were appointed as the “case manager”, it might render monitoring of progress difficult. For this reason, appointment of a lead department and establishment of a “case manager” system would not be considered at the moment. Nevertheless, the JO would review its internal structure from time to time. To ensure effective communication with the informants, the JO would provide names and contact details of case officers from both departments in the interim replies to the informants so that they could contact the relevant officers of the FEHD and BD for enquiries about the progress of different stages of the investigation.

34. Mr Dicky CHOW, Senior Professional Officer/Joint Office 3 of the BD, gave a consolidated response as follows:

- (a) he said that the BD would assess the work performance of consultants on a quarterly basis every year and monitor their work progress in handling cases. The consultants would also be required to take actions to expedite handling of prolonged cases. If the performance of a consultant did not show improvement, the BD would issue reminders and warnings to the consultant in a timely manner, and requested the consultant to expedite the progress of investigation. For underperforming consultants, the BD would step up random audits and issue warning letters as well as adverse performance reports to demand rectification and performance improvement. If a consultant received consecutively two or three adverse performance appraisal reports under the same contract, the BD would demand an explanation from the consultant at the Department’s regular Consultant Review Committee and require it to proactively improve its performance and services. The BD would also suspend the consultant’s eligibility for bidding for similar works for at least 3 or 12 months in accordance with the established mechanism. Besides, he said that the BD would strengthen monitoring and timely review the relevant assessment criteria;
- (b) he said that conventional methods (including ponding test for floor slabs and water spray test for walls) were mostly adopted in Sha Tin District at present to test water seepage in buildings. After taking into account the supply of service providers in the market, the BD planned to promote the use of new testing technologies in Sha Tin District in the third quarter of 2023. Meanwhile, the BD would also enhance technical training of JO staff on water seepage investigation and testing, while stepping up the monitoring of the performance of consultants to ensure that investigation and testing were conducted by the consultants in compliance with contract requirements; and
- (c) he said if it was ascertained that water seepage in a flat had posed a sanitary nuisance, the FEHD staff of the JO would issue a Nuisance Notice to the person concerned. As for cases of water seepage in which communal external walls or drainage pipes were involved, the JO would, subject to circumstances, issue letters to the owners’ corporations or management companies of the buildings to request follow-up actions on relevant issues. Furthermore, staff of the JO could

also apply to the court in respect of uncooperative persons for “Warrants to Effect Entry into the Premises” to enter the units concerned for investigation. He said that the JO and consultants would continue to work closely to expedite the handling procedures.

35. The views of Mr SIN Cheuk-nam were summarised below:

- (a) he understood that various departments might be involved in the investigation of water seepage, but members of the public might not be aware of the internal work allocation of the JO. He hoped that the JO could consider setting up a system to centrally follow up relevant situations with informants; and
- (b) he wished to know more about whether the JO would consider public views when assessing the performance of consultants.

36. Mr Dicky CHOW added that after the JO issued a warning letter to an underperforming consultant, a BD directorate officer (non-JO officer) would meet with the project director of the consultant and demanded rectification including implementing improvement measures to expedite the handling of prolonged cases. The officer would, depending on the situation, consider the need for an adverse performance appraisal report on the consultant. Besides, the JO had been closely monitoring the performances of consultants as well as the effectiveness and progress of their water seepage investigations. Random site audits were also conducted to check whether the consultants had complied with the contract requirements and relevant technical guidance. In addition, JO staff would conduct questionnaire surveys with the flat owners or occupants concerned to evaluate the service quality of a consultant.

37. Mr XING Jiajun said that the investigation of water seepage was mainly conducted by the JO, while the WSD was responsible for law enforcement against cases of water wastage.

38. The Chairman announced the end of discussion of the agenda item.

Question to be Raised by Mr HUI Lap-san on Management of Permitted Burial Grounds in Sha Tin District by Various Government Departments
(Paper No. DHEH 13/2023)

39. Mr HUI Lap-san had, as approved by the Chairman, entrusted the Chairman in writing to raise the question on his behalf.

40. The views of the Chairman were summarised below:

- (a) he wished to know whether graves outside permitted burial grounds (PBGs) were illegal occupation of government land. Besides, he wished to know whether the LandsD would, in light of the existing burials outside PBGs, adjust the boundaries of PBGs, the respective numbers of complaints received by the Department in relation to burials outside PBGs and cases of illegal occupation of government land, as well as the relevant follow-up work;

- (b) he wished to know the details of the PBG inspection conducted by the Sha Tin District Office (STDO) and follow-up actions on the recommendations made by the Ombudsman;
- (c) he wished to know the details of the FEHD's follow-up actions on removal and exhumation work for graves/urns; and
- (d) he hoped that various departments could review and improve the management of PBGs.

41. Mr Chris MAK said he noted from the paper that the District Lands Office, Sha Tin (DLO/ST) did not have any prosecution or rectified cases of burials outside PBGs in the past five years as well as the prosecution figures on illegal occupation of government land due to hillside burials over the same period. He expressed discontent over the situation and opined that it would abet members of the public to violate the law. He wished to know the reason involved. Besides, he said that illegal hillside burials, removal of trees or destruction of vegetation had adverse visual impacts on nearby residents. He hoped that the Department could take enforcement actions according to relevant ordinances and actively follow up such cases. He requested the STDO to further urge relevant departments to enforce the law, and would like to know whether the STDO had instructed the DLO/ST to follow up the cases.

42. Mr LAM Sin-yam, Senior Land Executive/Land Control (DLO/ST) of the LandsD, gave a consolidated response as follows:

- (a) he said that burials in graves outside PBG boundaries after 1983 were cases of illegal burials and occupation of government land, which were in contravention of the Land (Miscellaneous Provisions) Ordinance (Cap. 28). He said that the DLO/ST would, upon receiving suspected cases of burials outside PBGs, deploy staff to conduct site inspections to confirm the burial locations concerned and to gather their cadastral information, and would refer the case information to relevant departments for follow-up concurrently. Moreover, he said that the DLO/ST would, according to the prevailing mechanism, conduct joint enforcement actions with the FEHD after the STDO issued a written consent to the FEHD for removing the human remains from the tomb concerned. He said that no written consent had yet been received for the cases currently followed up by the DLO/ST, and therefore relevant figures on rectification and removal of graves were not available at the moment; and
- (b) he said that if relevant departments applied for adjusting the PBG boundaries, the DLO/ST would review and follow up such applications.

43. Mr Billy CHAN, Chief Liaison Officer (Atg) of the STDO, gave a consolidated response as follows:

- (a) he said that an inter-departmental working group had been established as recommended by the Ombudsman to implement a pilot scheme at PBGs (the Pilot Scheme) and to take forward relevant measures progressively and review their effectiveness from time to time. He said that a PBG in Sha Tin District was included under the Pilot Scheme, where boundary markers had been installed

and record surveys had been conducted. Boundary markers were also installed in other 29 PBGs. He said that the STDO would review the Pilot Scheme on an on-going basis and continue to implement other recommendations made by the Ombudsman; and

- (b) he said that to assist the applicants of Burial Certificates (the Certificates) in identifying PBG boundaries, the Home Affairs Department (HAD) had implemented a range of measures with relevant departments, including uploading information about PBG boundaries to “MyMapHK” mobile application for public viewing and confirmation of locations, so that they could ensure that a burial site was within a PBG when applying for the Certificates.

44. Mr CHAN Ka-kui, District Environmental Hygiene Superintendent (Sha Tin) of the FEHD, said that the FEHD would, upon receiving a referral from the HAD and obtaining consent from the District Officer, post a removal notice on the grave/urn concerned and notice boards of the relevant rural committee. Upon the expiration of the period stated in the removal notice, the FEHD would seek consent from the Secretary for Home and Youth Affairs to remove the grave/urn in the presence of the staff of the DLO/ST and STDO, if no objection was received from its owner, after expiration of the prescribed period.

45. The Chairman said that some graves located outside PBG boundaries were built after 1983, while there were no graves within the PBGs nearby. He wished to know whether local customs would be taken into account when demarcating the boundaries. In addition, he suggested that relevant departments should give clear instructions to holders of the Certificates on the permitted burial locations lest the remains of the deceased were mistakenly buried outside the boundaries. He said that he would provide information for the DLO/ST after the meeting and hoped that relevant departments could clearly delineate their responsibilities. He was also concerned about the level of enforcement actions against illegal burials.

46. The views of Mr CHENG Chung-hang were summarised below:

- (a) he expressed support for the Department’s use of information technology for the Certificate applicants to identify locations of PBGs. He also thanked the FEHD for clearly delineating its responsibilities as well as the elaboration of the follow-up actions; and
- (b) he wished to learn more about the difficulties encountered by the DLO/ST when initiating prosecution against cases of burials outside PBGs and the Department’s follow-up actions on cases of illegal occupation of government land involving hillside burials in the past five years.

47. Mr LAM Sin-yam added that after inspecting a suspected case of burials outside PBGs, the DLO/ST would approach the STDO to enquire about whether the grave had been granted a Burial Certificate, and relevant information would be referred to the STDO for follow-up. If the STDO revoked the Certificate and agreed to remove the grave, the DLO/ST would conduct a joint enforcement action with the FEHD.

48. The supplementary information provided by Mr Billy CHAN were summarised below:

- (a) he said that on the receipt of a complaint involving a suspected case of burial outside PBGs and illegal burial, the STDO would verify if a Certificate had been issued to the grave concerned, and inform relevant departments that enforcement action should be taken in accordance with relevant legislation and procedures. If the grave in question was granted a Certificate, the STDO might consider revoking the Certificate in light of the circumstances;
- (b) he said that the STDO was not the enforcement department with regard to burials outside PBGs and illegal burials. Upon receiving relevant cases, the STDO would follow up the cases with relevant departments. If it was confirmed that burial outside PBGs was involved in a case, the LandsD might require related persons to cease occupation of the government land pursuant to the Land (Miscellaneous Provisions) Ordinance (Cap. 28), and the FEHD could post a removal notice in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). If the related persons did not remove the grave before the expiration of the prescribed period, the LandsD and the FEHD could conduct a joint operation, in which the LandsD would demolish and remove the property or structures on the government land, and the FEHD would remove human remains, urns or other containers at the location upon obtaining the consent of relevant departments; and
- (c) he said the STDO would consider if the grave in question was constructed before 1983 when deciding whether to agree to the removal of the grave. If so, such a case would be deemed tolerable. Furthermore, he said that the STDO would notify relevant Village Representatives, Rural Committees and descendants of the deceased of the complaint and require the holder of the Certificate to relocate the grave to a PBG. He said that six complaints about confirmed burials outside PBGs with the Certificates were received by the STDO in the past five years. Handling of one of these cases was completed and the case was also rectified, while a Certificate holder in another case agreed to relocate the grave concerned to a PBG. The remaining four complaints were still being followed up.

49. The Chairman said that unclear demarcation of PBG boundaries would make it difficult for members of the public to clearly determine legal burial locations. He hoped that relevant departments could make improvements and continue to follow up the complaint cases. He announced the end of discussion of the agenda item.

Question to be Raised by Mr CHUNG Lai-him, Johnny on Environmental Issues of Wu Kai Sha Beach

(Paper No. DHEH 14/2023)

50. The views of Mr Johnny CHUNG were summarised below:

- (a) he wished to know the reasons for the DLO/ST to reduce the number of inspections at Wu Kai Sha Beach between 2019 and 2022. Besides, he said that moving the rocks around and excessive clam digging on the beach would cause long-term damage to the ecological environment. He hoped that the DLO/ST

could clarify what land control actions could be taken against such acts;

- (b) he wished to know how the FEHD would define and follow up complaint cases about storage of miscellaneous articles;
- (c) he thanked the Marine Department (MD) for sending representatives to the meeting. He wished to know the details and follow-up progress of complaint cases received by the MD about improper mooring activities, whether the vessels berthed at the breakwater connecting to Wu Kai Sha Pier were managed by the MD, and how the MD would follow up cases of erection of mooring posts on the shore by some of the vessels;
- (d) he wished to know how the Agriculture, Fisheries and Conservation Department (AFCD) would, upon receipt of complaints about clam digging, follow up such cases, and whether the AFCD would consider deploying staff to the location to distribute leaflets on discouraging clam digging. Besides, he would like to ascertain whether the mangrove at Wu Kai Sha Beach fell within the inspection and investigation areas of the AFCD;
- (e) he wished to learn about the maintenance and repair works conducted by the Civil Engineering and Development Department at Wu Kai Sha Pier in the past three years; and
- (f) he wished to know more about whether the designation of the area from Wu Kai Sha Beach to the vicinity of To Tau as “Conservation Area” would restrict the discharge of duties by other departments at the location.

51. Mr WONG Ho-kwan, Assistant Marine Officer/Harbour Patrol Section (4) of the MD, gave a consolidated response as follows:

- (a) he said that the MD had received three complaints about improper mooring activities, which were all suspected cases of illegal berthing of vessels. The MD had deployed staff to conduct inspection, and handled such cases in accordance with relevant ordinances. Also, replies were given to the complainants; and
- (b) he said that the MD was responsible for overseeing the use of Wu Kai Sha Pier by vessels in accordance with relevant marine legislation. However, the breakwater fell outside the regulatory purview of the MD.

52. Mr LAM Sin-yam gave a consolidated response as follows:

- (a) he said that the DLO/ST would deploy staff to conduct site inspection in response to complaints. The DLO/ST received a greater number of complaints about Wu Kai Sha Beach in 2017 and 2018, and therefore more inspections were conducted, during which illegal structures (including temporary structures) on the beach were also cleared; and

- (b) he said that the legislative intent of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) was mainly to deal with long-term occupation of government land. The DLO/ST would inspect locations involved in the complaints and review the actual circumstances. If members of the public were found to have occupied government land, the DLO/ST would take enforcement action according to the ordinance. Besides, he said that the DLO/ST would also, in accordance with the ordinance, handle cases of illegal cultivation, soil excavation and occupation of government land, as well as the construction of roads, etc. In general, public recreational activities such as rocks piling and clam digging on the beach would not be regarded as illegal occupation of government land, and therefore the DLO/ST had not invoked the ordinance to take land control actions.

53. Mr CHAN Ka-kui said that the FEHD had received complaints about storage of miscellaneous articles, which involved, among others, abandoned boards, sofas and tents at the location.

54. Ms Hannah YICK said that a major part of Wu Kai Sha Beach was zoned as “Open Space”, with a small part of the area zoned as “Conservation Area” and “Government, Institution or Community” sites. The planning intention was mainly to extend the Ma On Shan Promenade to Wu Kai Sha Beach. She said that the location concerned was government land with natural beach/rocky shore, where the majority of vegetation cover at the location was common coastal plants, and their habitats were affected by general human activities.

55. Mr Johnny CHUNG said that “illegal occupation” and “illegal excavation” were subject to regulation by different provisions. Some of the excavation acts might not necessarily constitute occupation of government land. He wished to know the definition of “illegal excavation”. Furthermore, he considered that the DLO/ST should clarify the coverage of the relevant ordinances and flexibly invoke suitable ordinance for law enforcement in light of the actual circumstances of the cases.

56. Mr Chris MAK expressed regret at the DLO/ST’s failure to clarify the ordinances. He opined that the department should have more comprehensive preparation for responding to the questions raised by the members at the meeting.

57. Mr CHENG Chung-hang would like to know whether members of public using rocks to pile up extensive patterns in the area administered by the DLO/ST would be considered as in breach of the law by cultivation on government land or illegal erection of structures.

58. Mr LAM Sin-yam added that the DLO/ST had not discovered any illegal occupation or evacuation of government land after conducting inspection at Wu Kai Sha Beach recently. The DLO/ST would keep in view cases of Wu Kai Sha Beach, and would follow up and handle the cases in light of its actual circumstances. He said that if cases of cultivation of government land or illegal erection of structures were received, the DLO/ST would consider invoking suitable provision to take enforcement action as and when appropriate.

59. The Chairman asked the DLO/ST to note the views of the members and to improve the problem, in addition to providing supplementary information on clarification of land regulation provision after the meeting. He announced the end of discussion of the agenda item.

Information Papers

Statistical Overview of Sha Tin District Environmental Hygiene Service (as at 31 January 2023)
(Paper No. DHEH 15/2023)

Achievements of Sha Tin District Year-end Clean-up 2023
(Paper No. DHEH 16/2023)

Sha Tin District Anti-mosquito Campaign 2023 (First Phase)
(Paper No. DHEH 17/2023)

Population of Public Housing Estates and Private Sector Participation Scheme Courts in Sha Tin District
(Paper No. DHEH 18/2023)

60. The Chairman suggested that the “Statistical Overview of Sha Tin District Environmental Hygiene Service (as at 31 January 2023)”, “Achievements of Sha Tin District Year-end Clean-up 2023”, “Sha Tin District Anti-mosquito Campaign 2023 (First Phase)”, and “Population of Public Housing Estates and Private Sector Participation Scheme Courts in Sha Tin District” should be discussed together.

61. Members unanimously agreed to the above suggestion.

62. Mr Chris MAK thanked the FEHD for having striving to handle the environmental hygiene issue of the Sha Tin District, and sparing no effort in following up anti-rodent work, thereby alleviating the rodent infestation in the community. He said that the FEHD, along with the District Council Members, trapped the rodents at the rodent black spots during the night on 17 February this year and in the next morning, through which the Members could better understand the work of the department. He would present a thank you letter jointly signed by the Members to the FEHD at a meeting of the full council. Moreover, he said he noted that the packages of rodent bait placed by the DLO/ST remained sealed, and considered that various departments should work with one another to enhance the effectiveness of relevant operations.

63. Mr SIN Cheuk-nam thanked the FEHD for directly responding to the views of the members. He said that while the problems of stagnant water or dark places were not found in the vicinity of On Luk Street Park, the nuisances of mosquitoes/biting midges were very serious. He hoped that the FEHD would follow up the situation.

64. The Chairman thanked the FEHD for arranging several inspections for the members in the past and allocating resources to set up an overnight rodent control team in an effort to resolve the environmental problem in the district. He said that with summer approaching, he hoped that the FEHD would continue to strengthen anti-mosquito work in different locations in the district. Besides, he hoped that the departments could maintain collaboration and exchanges to jointly improve the hygiene condition of the Sha Tin District.

65. Mr WAI Hing-cheung wished to know whether the toilet at Sha Tin Market was one of the “public toilets with high utilisation rates” as indicated by the FEHD in Annex II of Paper No. DHEH 15/2023. He said that the shop tenants, customers and engineering staff in the surrounding area would use the facilities, and he hoped that the FEHD would handle the

environmental hygiene condition of the location prudently. Moreover, he said he noted that the manpower involved in providing cleansing services at Sha Tin Market had been reduced since 1 February this year. He wished to know whether the arrangement was only applicable to the location concerned or the entire Sha Tin District or all districts across Hong Kong. He also wished to learn about the factors to be considered by the Department when making resources allocation.

66. Mr Johnny CHUNG expressed thanks to the FEHD for their anti-rodent work. He said that part of the rodent nuisance originated from the acts of feeding, and considered that civic-mindedness of the public was also very crucial. Moreover, he said that “the place at which the feeding of any wild animal is prohibited” designated under the Wild Animals Protection Ordinance (Cap. 170) had been expanded to the entire territory of Hong Kong. He wished to know whether the FEHD had enforced the law in accordance with relevant legislation and whether it would work with the AFCD to conduct joint operations.

67. Mr CHAN Ka-kui gave a consolidated response as follows:

- (a) he expressed thanks to the members for their compliments, and said that he would convey the messages to the relevant sections of the FEHD for encouraging his colleagues to keep up their good efforts;
- (b) he said that the FEHD would deploy staff to On Luk Street Park mentioned by the members to understand the situation and to take corresponding follow-up actions;
- (c) he said that the toilet at the Sha Tin Market was not a general public toilet located at public places, and the cleansing service at the market was taken up by the new contractor starting from 1 February this year while its terms of contract were also updated. He said that the FEHD had, after considering various factors, reduced the manpower involved in cleansing toilets at markets in the Sha Tin District. However, the FEHD would flexibly deploy relevant cleansing staff and increase the frequency of cleansing services, while continuing to closely review the situation in order to maintain the level of hygiene; and
- (d) he said that the FEHD would continue to handle the feeding of feral pigeons according to the prevailing ordinance and its established practices. When necessary, joint operations with the AFCD were welcomed.

68. Members noted the above papers.

Date of Next Meeting

69. The next meeting was scheduled to be held at 2:30 pm on 16 May 2023 (Tuesday).

70. The meeting was adjourned at 5:44 pm.

Sha Tin District Council Secretariat
STDC 13/15/60

May 2023