

Sha Tin District Council
Minutes of the 2nd Meeting of
the Development, Housing, Environment and Health Committee in 2022

Date : 17 May 2022 (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	6:32 pm
Mr MAK Yun-pui, Chris	DC Chairman	2:30 pm	4:15 pm
Mr SIN Cheuk-nam	DC Vice-Chairman	2:30 pm	6:32 pm
Mr CHENG Chung-hang	DC Member	2:30 pm	6:32 pm
Mr CHUNG Lai-him, Johnny	“	2:30 pm	6:32 pm
Mr HUI Lap-san	“	2:30 pm	6:32 pm
Dr LAM Kong-kwan	“	2:38 pm	5:26 pm
Mr MOK Kam-kwai, BBS	“	2:55 pm	5:26 pm
Mr WAI Hing-cheung	“	2:30 pm	6:32 pm
Ms CHOW Man-kwan, Mandy (Secretary)	Executive Officer (District Council)3, Sha Tin District Office		

<u>In Attendance</u>	<u>Title</u>
Ms LEE Ching-ye, Patty	Assistant District Officer (Sha Tin)1 (Atg), Sha Tin District Office
Mr SHIU Kan-yun, Roy	Senior Executive Officer (District Council), Sha Tin District Office
Mr HO Kin-nam, David	Executive Officer I (District Council)1, Sha Tin District Office
Mr YU Ka-lok, Carlos	Executive Officer (Development), Sha Tin District Office
Mr CHAN Ka-kui	District Environmental Hygiene Superintendent (Sha Tin), Food and Environmental Hygiene Department
Mr YAN Ka-kit, Ric	Chief Health Inspector (Sha Tin)3, Food and Environmental Hygiene Department
Ms YICK Hong-nien, Hannah	Senior Town Planner/Shia Tin, Planning Department
Ms CHAN Yuen-chi, Jess	Housing Manager/Tai Po, North and Sha Tin 3, Housing Department
Ms MAN Pui-shan, Erica	Deputy District Leisure Manager (Sha Tin)2, Leisure and Cultural Services Department
Mr WAN Chin-man	Engineer/New Territories East Region (Distribution 1), Water Supplies Department
Mr FAN Chin-hung, Antony	Senior Environmental Protection Officer (Atg), Environmental Protection Department
Mr YEUNG Wai-dor	Administrative Assistant/Lands, District Lands Office, Sha Tin

<u>In Attendance by Invitation</u>	<u>Title</u>
Mr NG Chou-keen	Senior Engineer/Project Management (4), Water Supplies Department
Mr WONG Pak-lim	Engineer/Construction 10, Water Supplies Department
Mr CHUNG Wing-hong, John	Chief Engineer/North 2, Civil Engineering and Development Department

In Attendance by Invitation

Mr CHENG Kin-man, Raymond

Ms LO Chau-ling, Yvonne

Ms WONG Lai-man, Renee

Mr LAM Tin-chun

Ms LUNG, Allison Gar-lok

Mr YEUNG Man-leung

Mr CHEUNG Chun-yin, Joey

Mr LEUNG Ka-yin, Tommy

Ms TONG Mai-mai

Ms TSUI Wai-yi, Cherry

Ms LEE Mei-yee

Ms LAU Wing-chuk, Celine

Mr FONG Tin-chuen, Victor

Ms MAK Siu-kwan

Mr CHEUNG Kwok-fai, Ivan

Ms CHAN Yi-ting, Phoebe

Mr MAN Cheung-kong

Ms WONG Ka-yin, Polly

Mr HONG Tat-yuen, Jason

Ms WONG Elim

Mr LIU Chi-ho, Chris

Mr LO Ka-chi, Lawrence

Ms Pandora TSE

Mr LUI Shu-hei

Title

Senior Engineer/8 (North),

Civil Engineering and Development Department

Senior Engineer/Cavern Projects 1, Drainage Services Department

Engineer/Special Duty 3, Drainage Services Department

Deputy Project Manager,

Meinhardt Infrastructure and Environment Limited

Senior Engineer, Meinhardt Infrastructure and Environment Limited

Senior District Engineer/South East, Highways Department

District Engineer/Shah Tin (1), Highways Department

Engineer 10/Universal Accessibility, Highways Department

Assistant District Social Welfare Officer (Shah Tin)2,

Social Welfare Department

Assistant District Social Welfare Officer (Shah Tin)3,

Social Welfare Department

Senior Librarian (Shah Tin), Leisure and Cultural Services Department

Senior Librarian (Planning and Development),

Leisure and Cultural Services Department

Senior Executive Officer (Planning) 34,

Leisure and Cultural Services Department

Senior Executive Assistant (Planning) 34B,

Leisure and Cultural Services Department

Senior Engineer/Parking Project 1, Transport Department

Engineer/Parking Project 5, Transport Department

Engineer/Shah Tin1, Transport Department

Senior Architect 39, Housing Department

Architect/T306, Housing Department

Planning Officer 8, Housing Department

Senior Project Manager 340, Architectural Services Department

Project Manager 385, Architectural Services Department

Associate Director, Atkins China Limited

Estate Surveyor/Special Duties, District Lands Office, Shah Tin

Action**Welcome Remarks**

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

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

Election of Vice-Chairman of the Committee

3. The Chairman said that the office of Vice-Chairman of the DHEHC of the Shah Tin District Council (STDC) had been vacant since 18 January this year. According to Orders 34(4) and 4(2) of the Shah Tin District Council Standing Orders (Standing Orders), if the office of Vice-Chairman was vacant, the Chairman of the DHEHC must preside at the meeting at which the election took place. The election would be held in accordance with the procedures set out in paragraphs 5-7 and 9-14 of Appendix II (Procedure for the Election of District Council Chairman and Vice Chairman) to the Standing Orders. The STDC Secretariat (Secretariat) had distributed the nomination form and election procedure for the office of Vice-Chairman of the DHEHC to

all members on 6 May this year. Nominations for the DHEHC Vice-Chairman closed at 1:30 pm today.

4. 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 Vice-Chairman of the DHEHC would remain vacant, and the election of the Vice-Chairman would be held at the next DHEHC meeting.

Confirmation of the Minutes of the Meeting

Minutes of the Meeting (Development and Housing Committee) held on 14 December 2021
(DHC Minutes 7/2021)

5. Members unanimously endorsed the above minutes of the meeting.

Minutes of the Meeting (Development, Housing, Environment and Health Committee) held on 18 January 2022
(DHEHC Minutes 1/2022)

6. Members unanimously endorsed the above minutes of the meeting.

Discussion Items

Progress Report on 2022/2023 Major Works Projects in Sha Tin District
(Paper No. DHEH 16/2022)

7. Mr John CHUNG, Chief Engineer/North 2 of the Civil Engineering and Development Department, briefly introduced the paper.

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

- (a) he would like to know the reasons why the site preparation and the access tunnel construction for the relocation of the Sha Tin Sewage Treatment Works to caverns were completed earlier than expected;
- (b) he wanted to know whether the construction of flood walls had been completed along both eastern and western sides of the Shing Mun River;
- (c) he wanted to know whether the Tai Wai Nullah would be open to the public for leisure use after revitalisation and how the revitalisation works would be dealt with in the event of drainage or change in the water level of the nullah; and
- (d) he pointed out that some residents had objected to the Trunk Road T4 project in Sha Tin. He wanted to know how the Department had handled their objections since the works were gazetted.

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

- (a) he said that residents had indicated that there was a stench from the sewage treatment works. He wanted to know whether the relocation works would aggravate the problem;

- (b) he wanted to know when the flood walls would be built along Shing Mun River West; and
- (c) he would like to know the reasons for the removal of the leisure facilities at Tai Wai Nullah and whether similar situations would arise if other facilities were to be added in future.

10. Mr Johnny CHUNG said that the investigation and preliminary design of the Improvement of Lion Rock Tunnel (LRT) was originally scheduled for completion in the third quarter of 2021, but was now delayed until the end of 2022. He wanted to understand the reasons for the delay. In addition, he would like to know how the Electronic Road Pricing (ERP) system to be launched by the Transport Department (TD) would tie in with the project before its completion and the transitional arrangements during the period.

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

- (a) he said that the Tai Wai Nullah near the Tai Wai Industrial Area was partially landscaped in late 2021 and the facilities were subsequently demolished, but the Members were not informed of the works beforehand and he wanted to know the reasons for this. In addition, he was concerned about the cost-effectiveness of demolishing the facilities shortly after completion;
- (b) he said that before the commencement of the Sha Tin Town Centre Pumping Station and Storage Tank works, the departments concerned had arranged to communicate with the relevant housing estates and organisations. During this period, a hotel expressed its views on the location of the project and suggested relocating the refuse collection point. He would like to know whether the Department would incorporate the suggestion into the consultation plan and the progress of the study; and
- (c) he wanted to know how many sets of written comments had been received since the gazettal of the Trunk Road T4 project, including the number of those in favour of and against the project.

12. The views of the Chairman were summarised below:

- (a) he said that the demolition of the seasonal park soon after its opening was not cost-effective and he would like to know if there were similar cases. In addition, he said that the Department had not consulted Members before installing the facilities, and he hoped that the Department would further explain the relevant issues to members;
- (b) he pointed out that some of the places frequently affected by flooding had additional non-return valves, but still saw flooding during spring tides. He wanted to know the effectiveness of the non-return valves; and
- (c) he would like to know the outcome of the Trunk Road T4 project after its gazettal and the follow-up work done by government departments in response to the objections.

13. Mr John CHUNG said that the two-month statutory objection period for the Trunk Road T4 project in Sha Tin expired at the end of January and over 600 objections were received. To address the concerns of the objectors, the Department had communicated or met with them. Some of them had subsequently withdrawn their objections while some were still in discussion with the Department. To address the traffic demand for the highway, the Department would provide information to the objectors as soon as possible in the next few months. If they still objected, the Department would submit the project to the Executive Council for consideration. He said that subject to the final decision, it was hoped that the works could commence in late 2023 so that Trunk Road T4 could support the north-south traffic connections in New Territories East by the end of 2028.

14. Mr YEUNG Man-leung, Senior District Engineer/South East of the Highways Department, said that the Department planned to conduct a district consultation this year. In addition, to tie in with the implementation of the Free Flow Tolling System at the existing LRT, the relevant departments had started to handle the preliminary preparatory work, including temporary traffic diversions, and would announce the specific details and timetable in due course. The preparatory work would not affect the Improvement of LRT.

15. Ms Yvonne LO, Senior Engineer/Cavern Projects 1 of the Drainage Services Department, gave a consolidated response as follows:

- (a) she said that the first phase of the access tunnel works for the relocation of the Sha Tin Sewage Treatment Works to caverns had been completed in April this year and the construction of the main caverns had commenced in July last year, to be followed by the upstream sewerage works and the construction of sewage treatment facilities inside the caverns. Upon completion and commissioning of the new cavern sewage treatment works, the existing sewage treatment works on the site would be demolished and the site was expected to be released for other beneficial uses in 2031. The Department also continued to maintain communication with Members and residents in the vicinity during the works and was grateful to Members for their support in the smooth completion of the first phase of the project;
- (b) on the revitalisation project of the Tai Wai Nullah, she pointed out that the newly completed project was a pilot project to test the effectiveness of various facilities. She would refer Members' views to relevant colleagues for follow-up and continue to communicate with the STDC to provide detailed information on the design and work of the project;
- (c) she said she would ask the relevant colleagues to explain to the STDC the details of the flood walls to be erected in response to the spring tides in Shing Mun River;
- (d) she pointed out that the relocation works were not carried out at the existing Sha Tin Sewage Treatment Works, so the odour problem was not believed to be related to the relocation works and would be relayed to the relevant colleagues to follow up on the odour problem;
- (e) regarding the overall flood protection design and consultation in Sha Tin, she said that it was still at an early stage of design and she would relay the details to the relevant colleagues. The Department would maintain communication with the relevant stakeholders and continue the relevant work; and

- (f) the work plan for the Sha Tin Park Storage Tank was at an early stage. The Department would communicate with Mr WAI Hing-cheung in due course to provide the content of the preliminary plan.

16. The views of the Chairman were summarised below:

- (a) he expressed disappointment at not being able to learn about the details of the revitalisation project of the Tai Wai Nullah, and hoped that representatives from the departments responsible for the revitalisation of Tai Wai and Fo Tan Nullah could be invited to the next meeting to communicate with members. He hoped that government departments would attach importance to local stakeholders and keep them informed of the Government's work plans;
- (b) he hoped that the Highways Department (HyD) would provide Mr Johnny CHUNG with additional information on the Improvement of LRT and explain the progress of the works after the meeting;
- (c) he hoped that the relevant departments would provide information on the future development procedures and other additional written information on the Trunk Road T4 project after the meeting;
- (d) he hoped that the Drainage Services Department (DSD) would in future discuss the odour problem with members of the local community and Members to find out the timing or type of odour so as to review the current process; and
- (e) he opined that the Department had not clearly explained the effectiveness of the non-return valves and flood prevention facilities for Shing Mun River. He wanted to know whether the Department had conducted any evaluation of the effectiveness of the facilities and hoped that the Department would provide data on whether the flood frequency had been reduced after the installation of the additional facilities.

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

- (a) he would like Mr John CHUNG to clarify whether more than 600 objections or written comments were received after the gazettal of the Trunk Road T4 project in Sha Tin, and the number of objections withdrawn after discussion with the Department; and
- (b) he expressed disappointment at the DSD's response on the revitalisation of the Tai Wai Nullah. He was of the view that the DSD had failed to elaborate on the progress of the works and had failed to attach importance to the STDC.

18. Mr Chris MAK said that Members, owners' corporations (OCs) and local stakeholders had indicated that no consultation had been conducted on the revitalisation project of the Tai Wai Nullah, and that DSD had not responded to the objections from nearby housing estates. He was also concerned about the lack of public access to the leisure facilities and wanted to know whether it was safe and appropriate to provide such facilities there. He hoped that in future, work relating to people's livelihood, district administration and the use of public funds could be discussed in the STDC first, so as to reduce resistance to implementation.

19. Mr CHENG Chung-hang would like to invite relevant staff of the DSD to attend the next meeting to explain the revitalisation project of the Tai Wai Nullah. He said that transparent consultation and open information would make the works better.

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

- (a) he said that the Improvement of LRT was an important project. He hoped that the relevant departments would provide supplementary information on the latest progress of the investigation in writing after the meeting; and
- (b) he would like to know if there was an interim report on the site formation and infrastructure works for the public housing developments at Ma On Shan Tsuen Road and when it would be announced. He opposed the construction of public housing and schools on the site and hoped that the impact of the project on the natural environment and local residents could be minimised. He also wanted to know if it could be open to public engagement or consultation at the STDC meetings.

21. The supplementary information provided by Mr John CHUNG were summarised below:

- (a) he said that more than 600 objections to the Trunk Road T4 improvement and related road improvement works had been received within the statutory period and the Department would communicate with the parties concerned and provide information on their concerns. About 10 objections had been withdrawn so far. The Department would submit the views received, the relevant assessments and the Department's views to the Government within the statutory time limit. If the Government approved the commencement of the works in accordance with the law, the works would be formally gazetted and implemented, and the results would be announced in due course; and
- (b) regarding the site formation and infrastructure works for the public housing developments at Ma On Shan Tsuen Road, he said the relevant departments were collecting information for technical assessment and would invite the responsible officers to attend a meeting to explain the details in due course.

22. Mr YEUNG Man-leung said that he noted members' views and would provide additional information on the investigation of the Improvement of LRT after the meeting.

[Post-meeting note: The HyD had provided supplementary information in writing to Mr Johnny CHUNG on 25 May regarding the progress of the investigation of the Improvement of LRT.]

23. Ms Yvonne LO said that the DSD noted members' concerns about the revitalisation works of the Tai Wai Nullah and would forward the views and questions to the relevant staff for follow-up.

24. The Chairman announced that the agenda item was concluded.

Tolo Harbour Sewerage of Unsewered Areas, Stage 2 – Chek Nai Ping, Sha Tin
(Paper No. DHEH 17/2022)

25. Ms Renee WONG, Engineer/Special Duty 3 of the DSD and Mr LAM Tin-chun, Deputy Project Manager of the Meinhardt Infrastructure and Environment Limited, briefly introduced the paper.

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

- (a) he wanted to clarify whether the works would involve the construction of a pumping station or a system that were connected to the village houses in Chek Nai Ping or to the existing sewerage system;
- (b) he wanted to know about the current situation of sewage discharge from Chek Nai Ping;
- (c) he would like to know whether there would be any damage to the new or old sewerage system during the course of the works, resulting in “bursting” of pipes, and how this would be handled; and
- (d) he wanted to know whether the transfer of the old sewerage system to the new pumping station would lead to “bursting” of pipes and how villagers could express their views.

27. The views of Mr MOK Kam-kwai were summarised below:

- (a) he hoped that the representatives would clarify the meaning of “acquisition of private land”. He pointed out that the land involved in the works was villagers’ assets and considered that the Department should provide details to the villagers; and
- (b) he wanted to know if there were any existing houses in Chek Nai Ping that could not be connected to the main drain. For some of the old houses in the village that could not benefit from the works, he wanted to know if the Department would help the households concerned.

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

- (a) he would like to learn more about other villages involved in this phase of the works and the reasons for introducing only Chek Nai Ping Village at the meeting;
- (b) he wanted to know whether the houses to be built on the site would benefit from the works;
- (c) he wanted to know whether there would be any impact on the daily lives of the villagers during the works; and
- (d) he wanted to know how many trees would need to be felled in the village during the works.

29. The views of the Chairman were summarised below:

- (a) he wanted to know whether the public sewers to be laid in the works would include the existing septic tanks and the houses to be built in Chek Nai Ping, and whether they could be connected to Yalesville;
- (b) he pointed out that the location of the proposed new pumping station involved land acquisition. He wanted to know the procedures for implementation and whether the land after completion of the works would be government land; and
- (c) he wanted to know how long it would take to acquire the land, when land acquisition would commence after the gazettal of the works, and what difficulties were expected to be faced in the acquisition process.

30. Ms Renee WONG gave a consolidated response as follows:

- (a) she said that Chek Nai Ping was one of the villages involved in the Tolo Harbour Sewerage Stage 2 works. As several villages covered by Stage 3 were still at the design stage, and information on the design and land acquisition of Chek Nai Ping Village were more mature, thus it would be better to let the STDC discuss the project concerned first. The Government would also expedite the situation of the remaining parts of Sha Tin Tau Village and Kau To Village;
- (b) she pointed out that there was no proper sewerage system in Chek Nai Ping Village. To improve the sanitary conditions, sewers would be laid underneath the village to collect and channel sewage to a pumping station and then pumped to an additional drainage pipe at Tai Po Road to divert the sewage to the public sewers. At present, villagers used septic tanks as connections, so there would be no “bursting” of pipes;
- (c) she said the Department would seek information from the Lands Department (LD) to extend the works design to as many houses as possible. She added that the Department had been checking with the LD for information on the small house applications being processed and had included the known areas in the works design. The Department also liaised closely with the village representative to find out the location of the houses to be built in the village, so that space could be reserved for houses that could not be included in the project area to have small wells built at their nearest locations to facilitate alternative connections;
- (d) she said the works would cover as many new houses as possible. She said the Department had received views from residents that old village houses could not be connected to the sewers of Stage 1 works and the Department would review the designs of the locations. Some cases of non-connection of sewers were due to geographical constraints or unforeseen underground conditions during the construction period, but the modification of the works design involved additional land acquisition work that could not be completed during the contract period, resulting in the works not covering the sites concerned. The Department would continue to follow up on these cases;
- (e) she said that most of the houses in Chek Nai Ping Village could be connected to the main drain. During the earlier consultation period, the Department was

informed that for a small number of houses, the sewers could not connect directly to the septic tank in front of the house due to technical constraints. The Department had been discussing with the parties concerned to assess whether the site could be connected to a nearer location so that the houses could extend the septic tanks to a drainage pipe in the future;

- (f) she said the works was expected to be gazetted in the middle of the year, and district consultations would be conducted beforehand to address the objections as soon as possible. After the expiry of the post-gazettal objection period, the works would continue with detailed design, funding application and tendering, with construction expected to commence in late 2023 at the earliest. The tender would cover Chek Nai Ping and other villages. The actual works in Chek Nai Ping might not take four years;
- (g) she understood that the villagers would be affected during the construction period. The works involved the construction of village sewers underground. The excavation area would be minimised, with access reserved at the side and the excavated areas covered with plastic or iron plates for public and vehicular access. The Department and the consultant would carry out preliminary surveys to understand the underground conditions of the site. The Department had explained to the village representatives that small works vehicles and small equipment would be used to reduce the damage to the road surface as much as possible. The preliminary works would enable the subsequent works to proceed more smoothly;
- (h) she said that the area involved in the works would be resumed as government land, and the LD would be mainly responsible for the land resumption work. The relevant compensation mechanism could be found in the Development Bureau's press release dated 3 May for the enhanced compensation arrangements for government land resumption and clearance projects;
- (i) she added that tree investigation was a type of surveying, and the Department had engaged professionals to carry out tree investigation during the epidemic and would assess the situation upon receipt of the report; and
- (j) she said that she had discussed the sewer issue with Yalesville. Due to the geographical constraints of the climbing terrain, the works would reach the nearest point to the housing estate to facilitate its future connections.

31. Ms Allison LUNG, Senior Engineer of the Meinhardt Infrastructure and Environment Limited, gave a consolidated response as follows:

- (a) “acquisition of private land” meant the resumption of private land for government land projects under the general resumption ordinances and procedures; and
- (b) she said that after completing the survey of the number and species of trees in the village in mid-May, the relevant information and the construction drawings would be considered altogether. Firstly, to avoid trees as far as possible; secondly, to consider whether trees should be felled or relocated. The relevant information would be supplemented later.

32. The Chairman hoped that the Department would provide supplementary written information on the works after the meeting and maintain communication with the residents and village representatives. He also indicated that members had no further comments. He took it as unanimous endorsement to proceed with the project and announced that the agenda item was concluded.

Joint-user Complex at Tsuen Nam Road, Tai Wai
(Paper No. DHEH 11/2022)

33. Ms Polly WONG, Senior Architect 39 of the Housing Department, briefly introduced the paper.

34. The views of Mr MOK Kam-kwai were summarised below:

- (a) he said that Tai Wai Tsuen was opposed to the construction of the captioned Complex because the proposed location was the only place in the village where Da Chiu could take place. He pointed out that Tai Wai Tsuen had never been consulted on the Complex previously, and the villagers considered that the project was not feasible as it would affect the traditions of the village;
- (b) he said that there were traffic congestion and inadequate parking spaces in Tai Wai. There were no designated parking spaces in Tai Wai Tsuen, and the parking spaces in the proposed Complex were so few that not even the parking needs of Tai Wai Tsuen could be met. There was only one one-way road into the location of the ball court. He opined that the existing traffic in Tai Wai could not absorb the needs of the future Complex upon its completion. In addition, he said that he had made enquiries with the TD on the improvement of traffic in Tai Wai and was told that there was no specific mitigation plan. He wanted to know how the Housing Department (HD) could build the Complex and solve the traffic congestion as well as the problem of insufficient parking spaces in Tai Wai at the same time; and
- (c) he had been approached by the HD earlier about hoping to conduct ground investigation at the ball court, and he disapproved of it. He hoped that the HD would explain whether there were potential problems with the development. Furthermore, illegal parking was common in Tai Wai. He said the villagers of Tai Wai Tsuen were worried that the completion of the Complex would aggravate the traffic problem in Tai Wai.

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

- (a) he said that when the STDC was first consulted on the project, there was no mention of public housing being built on top of the Complex, and he wanted to know if there were any relevant precedents or if there would be similar projects in the future. He suggested the Department to proceed with the project or submit an application to the Town Planning Board (TPB) only after full consultation, otherwise he would not support the project. He would like to know which Tai Wai district stakeholders the Department had consulted;
- (b) he pointed out that the proposed height of the Complex was higher than the buildings in the vicinity. He wanted to know whether the Complex had violated the height restriction of the land and whether it was necessary to apply to TPB for

an extension; and

- (c) he pointed out that the Complex would include a number of facilities which would increase the population of Sha Tin District upon its completion. He wanted to know whether the Complex met the planning criteria, whether it could meet the future needs of the district, and whether the authorities concerned could handle the traffic problems arising from the large volume of people flow in the district in future.

36. The views of Mr HUI Lap-san were summarised below:

- (a) he said that both Kam Fai Court in Ma On Shan and the proposed Complex were developed with reference to the Hong Kong Planning Standards and Guidelines. However, the number of parking spaces in both were insufficient to meet the demand of the residents. He had enquired with the HD about the situation and was informed that the temporary outdoor car park adjacent to the development could be used temporarily by the tenants, but there were no such temporary facilities in the vicinity of the proposed Complex;
- (b) he pointed out that there was a serious shortage of parking spaces in Tai Wai, and illegal parking was common, but the proposed Complex only had public car parks and parking spaces ancillary to community facilities, and there was no residential car park. He said he was in favour of residential development, but no parking spaces had been provided for the future occupants. He was concerned about how the traffic problems arising from the completion and intake of the Complex could be resolved;
- (c) he was concerned that the development might not be able to sustain the tradition of Da Chiu in Sha Tin District;
- (d) he was concerned about where the entrance to the Complex would be located at Tsuen Nam Road; and
- (e) he wanted to know whether the Department had assessed the impact on the Tung Wah Group of Hospitals Sin Chu Wan Primary School during the construction period and what sound insulation measures would be adopted.

37. The views of the Chairman were summarised below:

- (a) he said that there was a gap between the facilities to be covered by the proposed Complex and the residents' expectations, and the facilities were very different from what was on the project when the STDC was originally consulted;
- (b) he said that he had been informed that 240 parking spaces would be provided in the Complex, and he would like to know the reason for not mentioning the relevant figure in this paper. In addition, he was concerned that the number of parking spaces in the Complex did not meet the needs of the population in the area. He would like to know the location of the parking spaces;
- (c) he said the Department should consider providing alternatives or compensatory proposals for the Da Chiu problem at Tai Wai Tsuen, understanding local needs

and communicating with the public;

- (d) he said that the proposed Complex was much taller than its neighbouring buildings. He was concerned about whether the development would obstruct the view of the local area and would like to know whether the height of the development would need to be approved by other departments; and
- (e) he said the development would include both public facilities and housing, and he wanted to know whether the housing would be public housing or Home Ownership Scheme housing. If the housing were to be sold, there might be disputes over subdivision and ownership, and he would like to know how the future management issue of the properties would be resolved.

38. Ms Patty LEE, Assistant District Officer (Sha Tin)¹ (Atg) of the STDO, gave a consolidated response as follows:

- (a) she said that a total of \$8 billion had been earmarked to expedite the implementation of the much-anticipated works projects for the benefit of the public, and that the various District Offices would coordinate the implementation of the proposals with the relevant departments. The STDC was consulted on the development of the Complex in 2018 and 2020, and Members supported the community facilities project at that time. The Department had reviewed the facilities covered by the proposal, taking into account Members' views;
- (b) she said the proposal would need to respond to local needs for public facilities and housing. The proposed development site would be a residential site and, following the principle of "single site, multiple use", the development proposal would include both community facilities and housing;
- (c) she understood that the development would affect the decennial Da Chiu arrangements of the indigenous residents. She said that the Government respected and valued the traditions and views of the indigenous residents, and the initial view was that the nearby Chui Tin Street Soccer Pitch could be used as a venue for Da Chiu, but coordination with the indigenous residents, Rural Committee and relevant organisations would still be required and the Government was open to discussing other possible venue options for Da Chiu; and
- (d) there were currently 13 community centres/halls in Sha Tin, among which the Lung Hang Estate Community Centre, Mei Tin Community Hall and Chun Shek Community Hall were located near the development, about 15 minutes away from the proposed Complex. They should be able to meet the needs of the local residents and therefore the STDO had no plan to build additional community halls in the project. However, in recognition of the community's need for activities and meeting facilities, the STDO had added multi-purpose function rooms and conference rooms to the proposed Complex, in addition to the existing STDO Tai Wai Sub-office and the Home Affairs Enquiry Service Counter. The STDO would review the usage of the community centres/halls from time to time and explore the situation with the STDC when necessary in future.

39. Ms Polly WONG gave a consolidated response as follows:

- (a) she said that in line with the Government's housing supply target and to meet the demand for public housing, the departments concerned would actively identify sites in various districts for public housing development, and would conduct feasibility studies, including technical assessments, to optimise the use of land for public housing development in the most cost-effective and sustainable manner. In addition, the Department would maximise the ratio of residential to non-residential plots to provide public housing units and suitable facilities. On the precedent of public housing built on integrated community facilities, she said that public housing was provided on the community health centre and social welfare facilities currently under construction in Tuen Mun;
- (b) on the issue of building height, she said that the Hong Kong Housing Authority (HA) had adopted a "site-specific" design for the proposed public housing developments to integrate residential and community welfare facilities as much as possible. Different elements were also considered to mitigate the visual and ventilation impacts of the development. She pointed out that the preliminary findings indicated that the height of the current proposed building would be about 155 metres above Principal Datum, i.e. 41 storeys, including the ground floor. Compared with the Principal Datum of the surrounding private developments, the HA considered the height of the building acceptable. In addition, the plot ratio and height of the proposed development site did not have any relevant restrictions in the outline zoning plan and therefore the project would calculate the plot ratio and height in accordance with the maximum domestic plot ratio of nine times and non-domestic plot ratio of 15 times under the Building (Planning) Regulations (Cap. 123F) using the composite building formula. There would be no need to apply to the TPB for a relaxation of the height restriction, except for public car parks, for which a separate planning application would be required; and
- (c) she said that in Annex III of the discussion paper, there was a reference to parking facilities for residents. In addition, the HA would provide corresponding open space to cater to the population of the project. However, due to the small size of the site and the presence of underground facilities such as drains and cables, after reviewing the number of car parks that could be built in the basement, the cost and the time required, the department concerned did not recommend the construction of a car park in the basement.

40. Mr Ivan CHEUNG, Senior Engineer/Parking Project 1 of the TD, said that in order to address the shortage of parking spaces in Tai Wai, the TD had requested for an additional car park for public use in this development project. After weighing all aspects, the preliminary design of the proposed car park would provide about 105 parking spaces for private cars, vans or taxis, and about 30 motorcycle parking spaces. In addition, the Department would continue to identify other suitable sites for additional parking facilities.

41. Mr Lawrence LO, Project Manager 385 of the Architectural Services Department, said that a traffic consultant had been engaged to conduct a preliminary traffic review of the development, including assessment of the capacity of the nearby junctions and footpaths, and the locations of vehicular and pedestrian entrances and exits to the development. According to the review, the development would not have an unacceptable impact on the road networks in the vicinity if appropriate road improvement measures were taken. The preliminary proposed

measures included increasing the cycle time of the traffic light signal at the junction of Tai Po Road (Tai Wai section) / Shing Chuen Road and adjusting the traffic signs at the junction of Tsuen Nam Road / Chik Luk Lane, for example, to give priority to Chik Luk Lane. As the project developed, a traffic impact assessment would be conducted by the relevant departments to further study the impact of the development on the road networks in the vicinity.

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

- (a) he said he had no recollection of previous proposals made by Members on residential development on the site, and that the proposed public housing would appear to be out of place in the neighbourhood, making it difficult for residents to benefit from it;
- (b) he said he had suggested that the market at Grandeur Garden be cancelled and replaced by a new market in the Complex to release the current site of the market at Grandeur Garden for the construction of a car park, but the Department had not considered it. He considered that markets were basic community facilities and suggested that they should be incorporated into the Complex;
- (c) he said that the traditional Da Chiu in the New Territories would never “go beyond the village”, and that the Da Chiu in Tai Wai Village had always been held in the village. Therefore, although the Chui Tin Street Soccer Pitch was a suitable venue for the Da Chiu, it might not be suitable for Tai Wai Village to hold the Da Chiu there; and
- (d) he said the Department should consult different stakeholders in the vicinity of the development and consider their views.

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

- (a) he was concerned about the impact of the Complex on the natural lighting of the Tung Wah Group of Hospitals Sin Chu Wan Primary School. He wanted to know whether the school had been consulted; and
- (b) he was concerned about the existing wall effect in Tai Wai and wanted to know if any study had been conducted on the impact of the Complex on the air flow or ventilation in the area. He would like to discuss the issue when he had more views and data from different stakeholders in hand.

44. The views of the Chairman were summarised below:

- (a) he was concerned that there were only 105 parking spaces in a development with over 400 households and was worried that the shortage of parking spaces in Tai Wai could not be alleviated; and
- (b) he wanted to know why the development of the Tai Wai Complex was co-ordinated by the STDO while the Fo Tan Complex was co-ordinated by the Government Property Agency (GPA).

45. The supplementary information provided by Ms Patty LEE were summarised below:
- (a) she said that district consultation would be conducted as soon as possible as planned to consult stakeholders in the vicinity of the project. Consultees included neighbouring residents, indigenous residents of Tai Wai Village, Rural Committee and neighbouring schools, etc. The views collected would be forwarded to the relevant departments for consideration; and
 - (b) she said she was aware of the indigenous residents' need for Da Chiu. The Department respected the tradition and would actively discuss with the villagers and the Rural Committee to find a solution.
46. The supplementary information provided by Ms Polly WONG were summarised below:
- (a) she said the HA would make reference to the Hong Kong Planning Standards and Guidelines when planning public housing developments and would design them to the highest standards. After consultation with the TD, the preliminary design provided about 38 ancillary private car parking spaces for public housing, about two parking spaces for light goods vehicles and minibuses, two loading/unloading spaces for heavy goods vehicles, three motorcycle parking spaces and about 26 bicycle parking spaces;
 - (b) she said an environmental impact assessment study would be conducted when the project was taken forward, and the report would be submitted to the Environmental Protection Department (EPD) for approval. Mitigation measures, including the use of acoustic windows, would be implemented if necessary to effectively reduce traffic noise; and
 - (c) she said the HA would retain the flexibility in the housing mix of the development to meet the community's demands for public housing, Green Form Subsidised Home Ownership Scheme and other subsidised housing for sale, and would make timely adjustments to respond to changes in market conditions as appropriate.
47. The supplementary information provided by Mr Ivan CHEUNG were summarised below:
- (a) he said that according to the preliminary design of the Complex provided by the relevant departments, the proposed public car park could provide about 105 parking spaces for private cars, vans or taxis, and about 30 motorcycle parking spaces. This was the maximum number of parking spaces possible having taken into account the various constraints of the site. He said the Government would follow the principle of "single site, multiple use" and provide public parking spaces at suitable government offices or community facilities. In addition, where new private developments were feasible, the Department would also require the relevant developers to provide additional public parking spaces according to local needs. As for some suitable government sites which were left idle for the time being without long-term development use, the Department would liaise with the relevant departments to convert the sites into temporary car parks or other ancillary parking facilities; and
 - (b) he said that the parking spaces in the development could be used by anyone in the community to alleviate the shortage of parking spaces in Tai Wai and the problem

of road congestion caused by illegal parking.

48. Mr CHAN Ka-kui, District Environmental Hygiene Superintendent(Sha Tin) of the Food and Environmental Hygiene Department (FEHD), said that he had nothing to add to Mr WAI Hing-cheung's suggestion for the time being. When further information became available, he would explain further.

[Post-meeting note: The FEHD had replied to Mr WAI Hing-cheung after the meeting.]

49. The supplementary information provided by Mr MOK Kam-kwai were summarised below:

- (a) he said that as most of the roads in Tai Wai were one-way roads, the existing on-street parking spaces were fully utilized. He did not consider that the TD could find additional parking spaces in Tai Wai; and
- (b) he pointed out that some departments said they would provide 135 parking spaces while others said they would provide 105 spaces. He hoped that the departments would do a better job of planning and communication before discussing with members.

[Post-meeting note: The HD added that as mentioned in Paragraphs 40 and 46(a) above, the number of parking spaces in the current study options included about 38 parking spaces for private cars ancillary to public housing and about 105 parking spaces for public private cars.]

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

- (a) he objected to the “squeeze” planning and considered that the project lacked analysis and information on the traffic, population and living habits of the area;
- (b) he said that the Department should compare the availability of parking spaces with the number of applications for parking spaces after intake in order to deduce the actual number of parking spaces required at public housing. In addition, he anticipated that there would be a large number of vehicles blocking the traffic in Tai Wai after the occupation of the project, causing obstruction to residents' commute; and
- (c) he pointed out that The Pavilia Farm probably did not have an OC yet. He would like to know how the STDO would consult the residents concerned.

51. Mr WAI Hing-cheung wanted to know if the Government had set standards to regulate the height of buildings outside Tai Wai Village. If so, he would like to know whether the Complex met the relevant standards. He also wanted to know when the district consultation would be conducted, whether residents consultation sessions would be held and whether details of the consultation would be reported to the Committee after the consultation.

52. Ms Patty LEE gave a consolidated response as follows:

- (a) she said she would consult the stakeholders around the project site, including households, schools and villages. For some buildings without OCs, consultation

would be conducted through the relevant property management companies;

- (b) the development plan for the Complex was disclosed to the STDC a few years ago. As a mark of respect, it was decided that the STDC would first be briefed at this meeting and that the remaining consultation would then commence, with the consultation document expected to be issued by the end of this week or early next week. The issuance of consultation papers had been the established practice of districts for conducting district consultations. It was the established practice of districts to issue consultation papers to relevant stakeholders in accordance with the mechanism, and provide a period of not less than two weeks for stakeholders to provide written responses. She was open-minded about the arrangements for consultation visits to the villages and would discuss and work with the relevant departments as necessary; and
- (c) as mentioned above, the Tai Wai Complex development project originated from the Government's earmarking of a total of \$8 billion in 2018 to expedite the implementation of the much-anticipated projects in the communities, which were coordinated by the various District Offices, unlike the Fo Tan Complex development project.

53. Mr Ivan CHEUNG said he understood that space was limited in the Tai Wai Complex, and the TD would strive to provide additional public parking spaces as many as possible.

54. Ms Hannah YICK, Senior Town Planner/Shia Tin of the Planning Department, said Tai Wai Village was located in a "Village Type Development" zone with a height restriction of three storeys (8.23m). The heights of the older private housing estates at the peripheral of the village ranged from 60 to 80 metres above Principal Datum (mPD). The public housing on the hillside would be taller, while the buildings at Tai Wai Station would be the tallest in comparison. It was estimated that the development history of Tai Wai started from Tai Wai Village and expanded outwards. In addition, the development site was zoned "Residential (Group A)" with no specified plot ratio or height restrictions. She said that the departments concerned had made the best use of the land for development in accordance with the principle of "single site, multiple use", and had used the maximum domestic plot ratio of nine times and the maximum non-domestic plot ratio of 15 times in accordance with the Building (Planning) Regulations (Cap. 123F) to calculate the project using the composite building formula, which was in line with the planning intention, aiming for high-density development, of the "Residential (Group A)" zone on the outline zoning plan.

55. The Chairman invited the departments to take note of and follow up on members' views and to provide supplementary information after the meeting. The Chairman announced that the agenda item was concluded.

Public Toilet Refurbishment Programme in Wo Liu Hang Village
(Paper No. DHEH 18/2022)

56. Mr CHAN Ka-kui briefly introduced the paper.

57. The views of the Chairman were summarised below:

- (a) he would like to know whether the cleaning staff of this public toilet were the same as those of the Wo Liu Hang Road Public Toilet;

- (b) he wanted to know whether there were storage and staff rest areas in the public toilet. If so, whether they would be located inside or outside the public toilet; and
- (c) he pointed out that the facilities in the Wo Liu Hang Road Public Toilet were relatively new and clean. He wondered if this neighbouring public toilet would be proposed for use during the works.

58. Mr Ric YAN, Chief Health Inspector (Sha Tin)³ of the FEHD, said that unlike the Wo Liu Hang Road Public Toilet, the planned improved Wo Liu Hang Village Public Toilet would not have on-site cleaners. In addition, the Wo Liu Hang Village Public Toilet was converted from pit latrines in the early years. Other facilities could not be added due to the limitation of structural area. Therefore, there would be no staff rest room in the public toilet in question.

59. The Chairman announced that the agenda item was concluded.

Strategy and Work for Improvement of Environmental Hygiene in Hong Kong
(Paper No. DHEH 19/2022)

60. Mr CHAN Ka-kui briefly introduced the paper.

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

- (a) he pointed out that the Department had recently taken an active role in dealing with two licensed hawkers in On Luk Street Park, Ma On Shan. He said the area was fenced off and the two hawkers later moved to other locations for hawking. He wanted to know if this arrangement was a new approach; and
- (b) on the issue of water seepage in buildings, he wanted to know if the Department would introduce a new method of testing water seepage in Sha Tin District.

62. The views of the Chairman were summarised below:

- (a) he pointed out that more and more shops were being extended to operate in the public area off the Shek Mun Kings Wing Plaza and wondered how the Department would follow up on this;
- (b) he pointed out that a staircase from Sui Wo Court leading to the MTR station was heavily infested with mosquitoes and biting midges, and there were squatter huts and illegal farming in the vicinity. He wanted to know how the Department would deal with this and how it would work with other government departments to perform land management duties;
- (c) he wanted to understand the methodology for determining the “specific site” in the paper; and
- (d) he pointed out that there were frequent fly-tipping at the refuse collection point at the entrance of Chek Nai Ping Village. He wanted to know the implementation time of the improvement works and whether the Department would strive to commence the works within this year.

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

- (a) he said the paper did not contain information on the illegal or unlicensed hawkers. He said he had witnessed an elderly person hawking old items underneath the overpass on Sai Sha Road near The Waterside in the afternoon. The hawker had been stealing used items collected by charitable organisations, blocking access and causing street obstruction with his goods. He said that if the problem was not rectified in time, it would become a vicious cycle; and
- (b) according to the information provided in the paper, the number of prosecutions for feeding wild animals had been very low. He hoped that the Department would step up its efforts in the coming year as the situation would affect environmental hygiene, reduce wild animals' ability to feed and survive, and possibly lead to animal attacks on humans.

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

- (a) he said that the two hawkers at On Luk Street were itinerant hawkers holding FEHD hawker licences and were allowed to hawk in the New Territories. The Department took a series of prosecution actions after finding that the hawkers concerned were hawking in an area that was too large, and even affecting environmental hygiene or not operating the stalls by themselves. The two hawkers did not hawk there again thereafter;
- (b) he said the Joint Office (JO), New Territories East Regional Joint Office, which was responsible for investigating water seepage complaints, came into full operation in December last year, focusing on water seepage cases in New Territories East (including Sha Tin District). A water seepage investigation would normally be carried out in three stages, with the first two stages being carried out by staff of the JO and the third stage being carried out by staff of the consulting firm engaged by the JO. He added that the Buildings Department would assess individual cases to decide whether to adopt the new equipment for testing;
- (c) regarding the illegal extension of business in Shek Mun, he said that the shop concerned commenced business on 23 April this year, and two banners reminding shopkeepers not to leave articles in public places had been put up there by the FEHD in advance. The Department found the violations at the shops on the following day and took enforcement action. Although part of the site was a private lot, the Department would conduct daily sweeping and patrolling in the public area of the site and take enforcement action when the shops extended their trading in the public area or breached the cleanliness laws. From 23 April to mid-May, a total of 11 fixed penalty tickets were issued in the area, including for street obstruction and littering. The Department also took joint enforcement action with the Police on 24 and 28 April respectively;
- (d) he said that he would send staff to follow up the hawker issue on Sai Sha Road as mentioned by Members; and

- (e) he said the public fed wild birds at different times of the day, which made it more difficult for the Department to prosecute. He said that this year, an additional dedicated enforcement team would be deployed to take charge of the relevant prosecution work, which could strengthen enforcement at different black spots.

65. Mr Ric YAN gave a consolidated response as follows:

- (a) he said that “specific site” referred to some inaccessible sites. In the case of Sha Tin District, “specific site” included the waterfront around Ma On Shan, Shing Mun River Channel and along Sha Tin Hoi to the Pak Shek Kok Promenade near the university. The sites were generally seaside or coastal areas, except for the roadside U-channel at the seaside area around Sui Cheung Street in Item 9 of the Appendix to the paper, and therefore it was specifically mentioned in the paper;
- (b) he said that the Department, the residents’ representatives and the management company had jointly visited the common areas of Sui Wo Court to provide technical advice on the mosquito problem. In addition, staff were sent to the squatter huts on the hillside next to the housing estate to provide advice to residents on mosquito prevention and control. Land titles would also be checked to facilitate joint efforts with relevant departments to tackle the mosquito problem; and
- (c) he said that the Department would visit Chek Nai Ping together with the Chairman later and discuss options to improve the refuse collection point taking into account the views of the residents.

66. The Chairman announced that the agenda item was concluded.

Questions

Question to be Raised by Mr CHOW Hiu-laam, Felix on Private Columbaria in Sha Tin
(Paper No. DHEH 12/2022)

67. The views of the Chairman were summarised below:

- (a) he said that two applications for columbaria, one at Fo Tan Village and the other at Chek Nai Ping Village, had been approved at the past two TPB meetings. Both applications were in breach of lease conditions, but the rezoning applications were approved in principle by the TPB. One of the columbaria was converted from a village development into a columbarium, while the other was converted from a green belt site. He cited the example of the columbarium in Chek Nai Ping where structures had been built on agricultural land in the past. He wanted to know whether the District Lands Office/Shia Tin (DLO/ST) had enforced the law and wrote to the owner to seek rectification. In addition, he said that the DLO/ST had admitted that the project had occupied government land. He wanted to know whether the DLO/ST had followed up or charged for the temporary rental of the land previously occupied;
- (b) he wanted to know whether the DLO/ST had condoned the situation of “develop first, apply later” and whether the way it was handled had violated the relevant provisions;

- (c) he would like to know how the FEHD Private Columbaria Affairs Office (PCAO) would consider applications in future if the LD's requirements could not be met;
- (d) he said that Shatin Ching Yuen was situated next to Tai Po Road, but there was no parking space or temporary parking space for vehicles, so visitors had to get off on the road. He wanted to know how the additional traffic generated by the columbaria could be addressed. It was understood that the management plan of the site was to use shuttle buses to transport people to and from Fo Tan Station and Shatin Ching Yuen, but he considered that some people who drove to the site would park their vehicles illegally on the highway and block the traffic. Moreover, the above shuttle buses would be parked at the Chak Cheung Street Car Park next to the CUHK Medical Centre when not in use. He said that it was far away from Shatin Ching Yuen, and he did not understand why the proposal was approved. He considered that the TD should put in place a mechanism to penalise private columbarium operators when they did not comply with the management rules; and
- (e) he wanted to know how the Planning Department (PlanD) would deal with the traffic and environmental problems arising from the columbaria in the district.

68. Mr LUI Shu-hei, Estate Surveyor/Special Duties of the DLO/ST, gave a consolidated response as follows:

- (a) he said that prior to the commencement of the Private Columbaria Ordinance (Cap. 630) (the Ordinance), if a columbarium breached the land lease or unlawfully occupied government land, the DLO/ST would issue a warning letter to the operator concerned, and in some cases, a fine would be imposed. Upon the implementation of the Ordinance, any pre-existing irregularities in columbaria would be rectified and regularised in accordance with the Ordinance. Therefore, if these columbaria could meet the requirements of other departments concerned and the Private Columbaria Licensing Board (PCLB) agreed in principle to their applications for a licence, the DLO/ST would consider their applications for a waiver or occupation of government land. In addition, if the relevant policy bureaux provided policy support for the relevant land regularisation applications, the DLO/ST would consider issuing waivers or short term tenancies to regulate breaches of land leases and/or unlawful occupation of government land; and
- (b) upon the implementation of the Ordinance, in respect of the waiver of fees or short term tenancy rentals involved in the regularisation of the land concerned, he said that the fees for the pre-existing columbaria which had been put up for sale before the cut-off date could be waived if policy support was provided by the relevant policy bureaux. For columbaria not yet sold before the cut-off date, the full market value would be used to calculate the relevant fees.

69. Mr CHAN Ka-kui said that private columbaria applying for a licence must meet all the application requirements before the PCLB would consider whether to grant the application. Under the Ordinance, operators of private columbaria would be required to submit a management plan when applying for a licence. If a private columbarium was granted a licence by the PCLB, the PCAO would work with other relevant departments to monitor the licensee's implementation of the approved management plan, take enforcement actions under the Ordinance as appropriate and report to the PCLB.

70. Ms Hannah YICK gave a consolidated response as follows:

- (a) she pointed out that if a planning application had to be submitted for the relevant “columbarium”, the applicant would have to submit an assessment report to prove that the venue would not cause adverse traffic and environmental impacts, and that some management measures would have to be proposed to address the impacts. The PlanD would advise the TPB, taking into account the professional advice of the Department, the site conditions of individual applications, land compatibility, etc.; and
- (b) she pointed out that in the two planning applications recently approved by the TPB, there were separate accesses to the relevant “columbaria”, and the applicants had submitted traffic flow and crowd management plans with no unfavourable comments from the relevant departments, and the TPB had therefore approved the two planning applications after taking into account all relevant factors.

71. The views of the Chairman were summarised below:

- (a) he pointed out that the Ordinance required that private columbaria should comply with planning and land regulations, but when the operators breached the regulations, the DLO/ST explained that the applications would be regularised if agreement from the Departments were obtained. He said that the DLO/ST had granted exemption for the operators concerned who breached the Ordinance or occupied the land and it failed to act as a gate-keeper of the Ordinance;
- (b) he considered that granting exemptions to some columbaria might cause injustice; and
- (c) he pointed out that some private columbaria claimed that they did not burn joss paper or joss sticks, but the public still smelled the odour when they passed the site. He wanted to know how the EPD would enforce against pollution from columbaria and what legislation would be used to regulate such acts.

72. Mr LUI Shu-hei gave a consolidated response as follows:

- (a) prior to the commencement of the Ordinance, the DLO/ST had issued warning letters to operators for improvement in cases of lease breaches or unlawful occupation of government land by the columbaria, and had also imposed fines in cases of unlawful occupation of land. Upon the commencement of the Ordinance, the DLO/ST would regularise the non-compliance in accordance with the Ordinance to meet the land requirements; and
- (b) as regards the waiver of fees, the practice involved the approval of the DLO/ST, subject to the decision of the Executive Council, to waive the rents or waiver fees incurred during and before the validity period of the relevant instruments for niches sold before the cut-off date and receiving policy support.

73. Mr Antony FAN, Senior Environmental Protection Officer (Atg) of the EPD, gave a consolidated response as follows:

- (a) he said that if the EPD received complaints about air nuisance caused by joss paper

burning in columbaria, it would conduct investigations to find out whether the places concerned had caused any nuisance to nearby residents or the air. If found to be so, the Department would issue a notice under the powers conferred by the Air Pollution Control Ordinance (Cap. 311) to require the columbarium concerned to make improvements by the deadline; and

- (b) he said if private columbaria were allowed to burn joss paper on site, one of the licensing conditions would be to require private columbaria to set up environmentally friendly joss paper furnaces with built-in air pollutant abatement equipment. If the equipment operated properly, the air emitted would not have a serious impact on the vicinity. If the columbaria were in breach of the relevant requirements, he believed that the FEHD would follow up.

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

- (a) he wanted to know why no representative from the PCAO attended the meeting. He pointed out that the PCAO was the main responsible department for the question and should have sent representatives to the meeting;
- (b) he pointed out that the papers showed that many applications were being processed, and he wanted to know why the relevant licensing procedures took time to process;
- (c) he said that some applications had been withdrawn for fear of objections, and he would like to find out from the PlanD whether this was a common phenomenon; and
- (d) he pointed out that some places (whether licensed, non-licensed or not applying for a licence) had had cremated ashes deposited and wanted to know if there was any legislation on how to handle the ashes.

75. Ms Mandy CHOW, Executive Officer (District Council)³ of the STDO, advised that representatives from relevant departments had been invited to attend the meeting prior to the meeting. If members would like to receive supplementary information from the PCAO, the Secretariat would follow up after the meeting.

76. The views of the Chairman were summarised below:

- (a) he considered that the PCAO was more familiar with the details and should send its staff members to attend the meeting;
- (b) he wanted to know why it took time to process applications from private columbaria in the district; and
- (c) he would like to know how the PCAO would assess and evaluate the above applications if they had adverse records in respect of land administration, land or housing, and what mechanism would be used to consider the applications. In addition, he would like to know whether all of the original breaches in relation to land administration by the columbaria in the past could be exempted due to the licensing mechanism.

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

- (a) he said there were a number of reasons that would affect the progress of the applications, such as unauthorised building works in private columbaria and issues involving ownership; and
- (b) the Ordinance set out the procedures for handling cremains discarded in columbaria. The persons concerned were required to follow a series of handling procedures in the legislation.

[Post-meeting note: The FEHD had submitted supplementary information after the meeting on circumstances that would affect the progress of an application for a specified instrument, and the supplementary information had been conveyed to the DHEHC.]

78. Ms Hannah YICK said that the circumstances of the above applications were different. Some of the applications were withdrawn because the persons concerned had to take a longer time to conduct assessments in response to the Department's comments. As there was a time limit for considering planning applications under the Town Planning Ordinance (Cap. 131), the applicants considered that the time limit could not be met and the number of extensions allowed had been exceeded, so the applicants might withdraw the applications.

79. The Chairman announced that the agenda item was concluded and his summary was as follows:

- (a) he hoped that the Secretariat would convey members' views to the PCAO so that it could respond to members' concerns; and
- (b) he told the DLO/ST that the current practice of approving private columbaria was unfair and he hoped that the Department would make improvements.

Information Papers

Sha Tin District Anti-mosquito Campaign 2022 (Second Phase)
(Paper No. DHEH 20/2022)

Statistical Overview of Sha Tin District Environmental Hygiene Service (as at 31 March 2022)
(Paper No. DHEH 21/2022)

Population of Public Housing Estates and Private Sector Participation Scheme Courts in Sha Tin
(Paper No. DHEH 22/2022)

80. The Chairman suggested that the “Sha Tin District Anti-mosquito Campaign 2022 (Second Phase)”, “Statistical Overview of Sha Tin District Environmental Hygiene Service (as at 31 March 2022)” and “Population of Public Housing Estates and Private Sector Participation Scheme Courts in Sha Tin” be discussed together. He asked if members had any views on the papers.

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

- (a) referring to Paper No. DHEH 21/2022, he said that there were 602 raids on hawkers, but the number of successful arrests and confiscations was relatively small. He would like to know the reasons for this;
- (b) he pointed out that the situation of illegal extension of business by shops in Tai Wai was serious, but the relevant enforcement figures in the paper did not fully reflect the situation; and
- (c) regarding the five prosecutions for removal of publicity boards/banners/leaflets/posters, he would like to know what type of cases were prosecuted.

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

- (a) he referred to the number of hawker operations as the number of inspections of blackspots by the hawker control teams in the districts. If there was no illegal activity by the hawkers on site at the time, it would be included in the action figures but no prosecution would be instituted. If illegal situations were found, the Department would take action. In February and March, there were three cases of detention of unlicensed hawkers and two cases of confiscation of goods;
- (b) he said that Chik Fai Street/Mei Tin Road was one of the black spots for illegal extension of business by shops in the district, and hawker control teams were often stationed there. However, the front part of the shops was private area and the Department could only institute prosecution when placing the goods in public places were involved; and
- (c) if the Department witnessed the posting of bill such as a for-rent poster on the spot, prosecution would be initiated. However, the action of the persons concerned was at irregular intervals and the posting was quick. As a result, the records showed that over 17 000 pieces of publicity materials were removed and only five prosecutions were brought. The Department would continue to step up inspections. This year, an additional team of staff would be deployed to carry out the relevant prosecution work as appropriate.

83. Mr WAI Hing-cheung said that if the actual operation was a patrol, he suggested that the word “raid” in the paper should be changed to “patrol”.

84. Mr Johnny CHUNG pointed out that verbal warnings were usually given to offenders first and suggested adding the figures to the paper.

85. Mr CHAN Ka-kui said that the relevant part of the paper was “enforcement action” and therefore only the figures for detentions and confiscations were shown. He said Mr Johnny CHUNG’s suggestion would be considered.

[Post-meeting note: The FEHD had replied to Mr Johnny CHUNG, who made the suggestion.]

86. Members noted the above paper.

Date of Next Meeting

87. The next meeting was scheduled to be held at 2:30 pm on 19 July 2022 (Tuesday).
88. The meeting was adjourned at 6:32 pm.

Sha Tin District Council Secretariat
STDC 13/15/60

July 2022