

**Minutes of the 3rd Meeting of
the Sha Tin District Council in 2022**

Date : 28 July 2022 (Thursday)
Time : 2:30 pm
Venue : Sha Tin District Office Conference Room 441
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Chairman : Mr MAK Yun-pui, Chris	2:30 pm	4:25 pm
Vice-Chairman : Mr SIN Cheuk-nam	2:30 pm	4:25 pm
Members : Mr CHENG Chung-hang	2:30 pm	4:25 pm
Mr CHOW Hiu-laam, Felix	2:30 pm	4:25 pm
Mr CHUNG Lai-him, Johnny	2:30 pm	4:25 pm
Mr HUI Lap-san	2:44 pm	4:25 pm
Dr LAM Kong-kwan	2:48 pm	3:50 pm
Mr MOK Kam-kwai, BBS	2:48 pm	3:50 pm
Mr WAI Hing-cheung	2:30 pm	4:25 pm
Secretary : Mr SHIU Kan-yun, Roy	Senior Executive Officer (District Council), Sha Tin District Office	

<u>In Attendance</u>	<u>Title</u>
Ms OR Kar-lok, Carol, JP	District Officer (Sha Tin)
Ms LEE Ching-ye, Patty	Assistant District Officer (Sha Tin)1 (Atg)
Mr LEUNG Wai-yuen, Tommy	Assistant District Officer (Sha Tin)2 (Atg)
Mr LIU Wai-man, Raymond	Senior Executive Officer (District Management), Sha Tin District Office
Ms LAI Pik-ngor, Jenny	District Commander (Shatin) (Atg), Hong Kong Police Force
Mr TAM Kwan-yi, Wilson	Police Community Relations Officer (Shatin)1, Hong Kong Police Force
Mr CHEUNG Wai-hang, Jacky	Police Community Relations Officer (Shatin)2, Hong Kong Police Force
Mr CHAN Ka-kui	District Environmental Hygiene Superintendent (Sha Tin), Food and Environmental Hygiene Department
Ms WONG Kam-wah	Chief Manager/Management (Tai Po, North and Shatin), Housing Department
Ms FUNG Shuk-man, Wendy	District Social Welfare Officer (Sha Tin), Social Welfare Department
Mr WONG Kwok-wai, Wilson	District Lands Officer/Shatin, Lands Department
Mr YEUNG Wai-dor, Brian	Administrative Assistant/Lands (Atg), District Lands Office, Sha Tin, Lands Department
Ms CHAN Hau-yin, Margaret	District Planning Officer/Shatin, Tai Po and North, Planning Department
Mr YAN Kay-chi, Joseph	Senior Engineer/5 (North), Civil Engineering and Development Department

In Attendance

Ms WONG Kam-lai

Mr CHAU Chun-wing

Mr CHOW Tik-sang, Dickson

Mr YIP Kam-ming, Dick

Mr NG Hon-lai, Patrick

Title

Chief School Development Officer (Sha Tin),
Education Bureau

Chief Leisure Manager (New Territories East),
Leisure and Cultural Services Department

District Leisure Manager (Sha Tin),

Leisure and Cultural Services Department

Deputy District Leisure Manager (District Support) Sha Tin,

Leisure and Cultural Services Department

Principal Transport Officer/New Territories 1,
Transport Department

Action

The Chairman welcomed Members and representatives of government departments to the third meeting of the Sha Tin District Council (STDC) in 2022.

Application for Leave of Absence

2. The Chairman said that the STDC Secretariat (Secretariat) had not received any application for leave of absence in writing from Members prior to the meeting.

Confirmation of the Minutes of the Meeting Held on 26 May 2022

(STDC Minutes 2/2022)

3. The Council unanimously endorsed the above minutes.

4. The Chairman said that according to the order of agenda items of the meeting, the questions raised by Mr WAI Hing-cheung and Mr HUI Lap-san (Paper No. STDC 25/2022 and Paper No. STDC 26/2022) should subsequently be handled. However, as Mr WAI Hing-cheung said it took time to read the papers and Mr HUI Lap-san had not yet arrived at the conference room, he proposed that the information items and information papers of the agenda should be dealt with before proceeding to the above questions. The Members present did not have objection to the proposal.

Information Items**Reports of Committees under the STDC****Traffic and Transport Committee**

(Paper No. STDC 27/2022)

Culture, Recreation and Sports and Community Facilities Management Committee

(Paper No. STDC 28/2022)

Education and Welfare Committee

(Paper No. STDC 29/2022)

Development, Housing, Environment and Health Committee

(Paper No. STDC 30/2022)

5. The Council noted the above four reports of the committees.

Information Paper

Report of the District Management Committee

(Paper No. STDC 31/2022)

6. The views of Mr Felix CHOW were summarised below:
- (a) he wished to know how members of the public could learn about the agendas and details of the meetings of the six Area Committees (ACs) under the Sha Tin District Office (STDO);
 - (b) he would like to know how the STDO would co-ordinate with various stakeholders when handling the matters relating to environmental hygiene and shopfront extension in the district in addition to co-ordination of meetings and referring relevant matters to law enforcement agencies for follow-up;
 - (c) he wished to know how the STDO would reach out to various stakeholders in the district when handling the matters relating to shopfront extension in Shek Mun and Tai Wai, and who would be invited among these stakeholders for engagement in addressing relevant issues;
 - (d) he said he had noted the recent downward trend of the crime rate in the district. He asked the Police to assess whether the situation was a long-term or short-term trend; and
 - (e) he wished to know how the Police would combat the deception cases, including the channels for allocating resources to enhance anti-deception publicity efforts, and ways to increase the detection rate of deception cases. He also asked the Police to explain whether the problem had been improved.
7. Ms Patty LEE, Assistant District Officer (Sha Tin)1 (Atg), said that in accordance with the established practice, the STDO would regularly arrange meetings to be held by the ACs under the STDO, and the meeting agendas would be posted at the Home Affairs Enquiry Centre (HAEC) and relevant minutes of the ACs would be available at the HAEC for access by the public.
8. Ms Jenny LAI, District Commander (Shatin) (Atg) of the Hong Kong Police Force, gave a consolidated response as follows:
- (a) she said that the crime figures in Sha Tin District from January to May 2022 were 1 541 cases, representing a decrease of 220 cases or 12.5% over the same period in the previous year (i.e. 1 761 cases);
 - (b) she said that deception cases were the majority of crimes with rising trends. The Police would combat such crimes at different levels. Generally speaking, the Police provided anti-deception information for the general public in Hong Kong through the Anti-Deception Coordination Centre. At the level of Sha Tin Police District, the Police disseminated anti-deception information with emerging trends

of deception through various publicity approaches (including the launch of the project “Shark Net”) and different platforms in the community, and by distributing promotional leaflets to remind the public to stay vigilant against deception; and

- (c) the Police had allocated substantial resources to the investigation of deception cases. Special teams had also been set up in the New Territories South Region and the Sha Tin Police District to handle technology crimes and deception cases.

9. Mr CHAN Ka-kui, District Environmental Hygiene Superintendent (Sha Tin) of the Food and Environmental Hygiene Department, gave a consolidated response as follows:

- (a) he said that shopfront extension fell within the purview of a number of government departments. Maintaining environmental hygiene was a top priority for the Food and Environmental Hygiene Department (FEHD). The FEHD would accord priority to handling the situation involving illegal hawking activities or obstruction to scavenging operations. The FEHD would adopt different strategies, including inspections at designated locations and blitz operations. Where necessary, joint operations would be conducted with other departments from time to time to combat the illegal acts of shopfront extension; and
- (b) the FEHD would issue fixed penalty notices to the offenders of shopfront extension in light of the actual circumstances.

10. Mr Tommy LEUNG, Assistant District Officer (Sha Tin)2 (Atg), said that the Hong Kong Police Force (HKPF) and the FEHD were the main enforcement departments for handling shopfront extension. In addition to assuming a co-ordinating role, the STDO had also invited relevant departments to participate in joint operations on a need basis from time to time. On the premise of ensuring confidentiality of the enforcement process, the STDO would co-ordinate enforcement actions with relevant departments.

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

- (a) he said he was aware that the illegally parked bicycles at several black spots of illegal parking of bicycles at Ma On Shan Town Centre were not yet cleared, which would not only affect the environmental hygiene, but also the public’s normal use of the bicycle parking spaces. He wished to know the locations involved in the previous clearance operations by the STDO against illegally parked bicycles; and
- (b) he wished to learn more about the STDO’s work plan for handling illegally parked bicycles.

12. The views of the Chairman were summarised below:

- (a) it was his understanding that the STDO had not fully consulted relevant district stakeholders when dealing with matters relating to environmental hygiene and shopfront extension in the district;
- (b) he thanked the FEHD, the STDO and the District Lands Office, Sha Tin of the Lands Department (DLO/ST) for clearing the illegally parked bicycles on Sha On Street

on many occasions. Nevertheless, he said that illegal bicycle parking of the location remained severe, and wished to know what follow-up actions would be taken by the departments;

- (c) he said that mosquitoes would breed easily on the canvas covers commonly used for bicycles on the streets at present, which would worsen the mosquito problems in the community; and
- (d) he considered it not cost-effective if relevant departments could not tackle the problem of illegal bicycle parking after expending substantial resources and time. However, if the departments had not allocated sufficient time and resources to tackle the problem, more resources should be allocated to carry out joint enforcement operations.

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

- (a) he was of the opinion that the measures taken by relevant departments to tackle illegal bicycle parking were unable to eliminate the problem and the results were not satisfactory. He suggested that a bicycle licensing system should be implemented to facilitate regulation of the locations of bicycle parking; and
- (b) taking the management of bicycle parking by private housing estates as an example, he said that relevant property management companies (PMCs) would require property owners to register the information of their bicycles before parking them in designated areas of a housing estate. If bicycles were parked haphazardly within the area of a housing estate, or breeding of mosquitoes was caused by the materials of bicycle covers, the PMCs might contact the bicycle owners according to the registered information to follow up the matter concerned. Government departments could only expect the bicycle owners to remove their bicycles within the specified period of time on their own as these departments were currently unable to get hold of the information of bicycle owners who parked illegally in public places. Clearance operations could be taken by relevant departments only when the bicycles were not removed after some time. Such an approach was not efficient.

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

- (a) he considered that the results of the current joint enforcement operations on clearance of illegally parked bicycles were not satisfactory;
- (b) he suggested that standards should be set by relevant departments for law enforcement officers to ascertain whether the illegally parked bicycles were unusable and the FEHD could clear such abandoned and broken bicycles as early as possible;
- (c) he hoped that the clearance operations against illegally parked bicycles could be conducted on a more frequent basis; and

- (d) he was of the view that members of the public parked their bicycles haphazardly for the sake of convenience, and therefore publicity and education were not effective solutions to solve the problem of illegal parking of bicycles.

15. Mr Raymond LIU, Senior Executive Officer (District Management) of the STDO, gave a consolidated response as follows:

- (a) he said that the Working Group on Tackling Illegal Bicycle Parking in Sha Tin District (Working Group) would conduct joint enforcement operations about twice a month at different locations in the district;
- (b) he said that various departments would arrange clearance operations according to their respective purviews. The Transport Department (TD) was responsible for clearing bicycles illegally parked at covered public transport interchanges. The District Lands Offices (DLOs) concerned would clear bicycles illegally occupying unleased government land. The FEHD would clear broken bicycles abandoned on the streets. The HKPF would remove bicycles which might pose immediate danger to road users. The STDO would co-ordinate, where appropriate, joint operations with such departments as the DLOs concerned, the TD, the HKPF and the FEHD so as to clear the illegally placed bicycles;
- (c) he said that the Working Group planned to continue to conduct joint enforcement operations twice a month at different locations in the district, and the number of bicycles to be cleared each time was subject to the actual circumstances;
- (d) he pointed out that whenever illegally parked bicycles were found, the DLO/ST would post a statutory notice at the location concerned, and the FEHD would clear the illegally parked bicycles;
- (e) he said that apart from enforcement operations, the STDO would also promote messages against illegal bicycle parking through different publicity approaches, such as colouring competitions and slogan competitions. The STDO also planned to organise seminars at primary schools in the district this year to raise the awareness of primary students against illegal bicycle parking; and
- (f) he said that the proposed introduction of bicycle licensing system put forward by Members would be relayed to relevant departments.

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

- (a) he said that the FEHD had been working with other departments to tackle the problem of illegally parked bicycles at public places. In conducting inter-departmental operations to remove the bicycles locked at railings, the FEHD would provide manpower/vehicles to support the operations and the bicycles seized would be moved to the storage locations at DLOs;
- (b) the FEHD would conduct clearance work wherever feasible if refuse was found on the streets during its inspections;

- (c) if obviously broken and abandoned bicycles were found during inspections, the FEHD would arrange clearance as far as possible. However, if it was impossible to determine whether the bicycles were abandoned, the FEHD would assist in clearing the bicycles concerned when an inter-departmental operation was conducted; and
- (d) the FEHD would, as far as possible, work in co-ordination with the relevant departments for inter-departmental operations.

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

- (a) he wished to learn more from the Housing Department (HD) about the detailed rules of keeping service dogs (including, inter alia, working dogs like guide dogs, and therapy dogs) in public housing estates, such as whether the dog concerned could not exceed 20 kilograms in weight;
- (b) he wished to learn more from the TD about the inter-company bus-bus interchange concession schemes as mentioned in the paper, including the number of bus routes in the Sha Tin District and the number of bus routes operating via Tate's Cairn Tunnel Bus Interchange covered under the scheme;
- (c) he wished to learn more from the FEHD about the number of illegal refuse dumping cases involved in successful crackdowns with the aid of the Internet Protocol (IP) cameras installed at the six locations as mentioned in the paper;
- (d) concerning the cases of illegal refuse dumping on A Kung Kok Shan Road, he learnt that the FEHD was aware that the closed-circuit televisions (CCTVs) installed by the social welfare agencies (SWAs) near the location concerned might have captured footage of some scenes of illegal refuse dumping. He wished to know whether the FEHD had obtained the video footage from the above agencies;
- (e) he said that despite the limited number of illegal refuse dumping cases on A Kung Kok Shan Road, serious implications would be caused. As the location concerned was in the proximity of the SWAs and the road section involved was a single-way road, he was worried that if the road section was obstructed by refuse, emergency vehicles might not be able to access the road section in case the Government's emergency services were required by such SWAs, hence affecting rescue efforts. He hoped the FEHD could actively tackle this issue; and
- (f) he hoped the HKPF could distribute the anti-deception publication "Scam Brief • End Scam" at locations other than Shatin Police Station for reference by more people in the community.

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

- (a) he said some members of the public relayed to him that they had not enjoyed any interchange concessions when interchanging between different modes of transport during non-peak hours for travelling between Ma On Shan area and the Science Park; and

- (b) he said that while members of the public could choose to take the bus of Route No. 274P during peak hours to travel between Ma On Shan and the Science Park, the fare of the route was expensive. He asked the TD to consider expanding the interchange concession scheme to green minibuses.

19. The views of the Chairman were summarised below:

- (a) he asked the FEHD to provide supplementary information after the meeting on whether the FEHD had, with the aid of the footage captured by the IP cameras, successfully arrested offenders who illegally dumped refuse and the relevant figures concerned; and
- (b) he requested that the FEHD and DLO/ST should enhance co-operation to address the issue of illegal dumping of refuse.

20. Ms WONG Kam-wah, Chief Manager/Management (Tai Po, North and Shatin) of the HD, gave a consolidated response as follows:

- (a) she said that the rules of keeping dogs in public housing estates remained unchanged. Tenants were currently allowed to keep small dogs without any impact on environmental hygiene; and
- (b) she said that the detailed information of keeping service dogs in public housing estates would be provided after the meeting.

[Post-meeting note: The HD provided supplementary information after the meeting, and the information concerned was relayed to the STDC on 26 August 2022.]

21. Mr Patrick NG, Principal Transport Officer/New Territories 1 of the TD, gave a consolidated response as follows:

- (a) he said that the TD had been encouraging bus franchisees to introduce more bus-bus interchange concession schemes depending on their business situations. The majority of the 137 inter-company bus-bus interchange concession schemes stated in the paper were offered by the New World First Bus Services Limited and Citybus Limited;
- (b) he would, after the meeting, learn more about that the information of the bus routes operating via Tate's Cairn Tunnel Bus Interchange under the bus-bus interchange concession scheme, and provide relevant supplementary information;
- (c) he said that the views of Mr HUI Lap-san would be relayed to the bus franchisees. Meanwhile, the bus franchisees would continue to be encouraged to introduce more bus-bus interchange concession schemes in light of their business situations; and
- (d) he said that the operator of the green minibuses would be encouraged to offer fare concessions where operational condition permitted.

[Post-meeting note: The TD added that as many franchised buses provided cross-district services, the TD had not maintained any information on the number of bus routes involved under the bus-bus interchange schemes in individual districts.]

22. Mr CHAN Ka-kui gave a consolidated response as follow:

- (a) he said that the FEHD had currently installed IP cameras at six blackspots of illegal refuse dumping in Sha Tin District;
- (b) he said that the FEHD had recently received complaints about illegal refuse dumping on A Kung Kok Shan Road, and believed the possible reason for the situation was that some refuse collection vehicles dumped refuse on A Kung Kok Shan Road for the sake of convenience as A Kung Kok Shan Road was in the vicinity of Sha Tin Refuse Transfer Station. The FEHD had cleared the refuse at the location once it was informed of the incidents;
- (c) as the CCTVs installed at the SWAs in the proximity of the location concerned might have captured footage of some scenes of illegal refuse dumping, the FEHD would approach relevant agencies to try to obtain the footage to facilitate the following-up action on the issue;
- (d) the FEHD would, after taking into account the circumstances of illegal refuse dumping at different locations, consider making changes to the installation locations of the six IP cameras; and
- (e) he said that the supplementary information about the follow-up situation regarding the illegal refuse dumping on A Kung Kok Shan Road would be provided after the meeting.

[Post-meeting note: The FEHD provided supplementary information after the meeting, and the information concerned was relayed to the STDC on 26 August 2022.]

23. Mr Wilson WONG, District Lands Officer/Shan Tin, indicated that if fly-tipping of construction waste on unleased and unallocated government land was involved, the DLO/ST would arrange clearance of the locations as soon as practicable.

24. Ms Jenny LAI gave a consolidated response as follows:

- (a) she said that the anti-deception publication “Scam Brief. End Scam” issued by the Regional Crime Prevention Office of New Territories South Region would be distributed to various housing estates in the New Territories South. The electronic version of the publication would also be available at the Facebook pages of the HKPF, Junior Police Call Shatin and Senior Police Call Shatin;
- (b) as old-style telephone deception cases re-emerged recently, the Police had sent officers to various housing estates to distribute anti-deception promotional leaflets.

She also took the opportunity to ask the Members to remind the public of the need to view anti-deception information more often; and

- (c) she said that more anti-deception publications would be arranged for distribution to various housing estates.

25. Mr Johnny CHUNG said that as far as he knew, the Draft Ma On Shan Outline Zoning Plan No. S/MOS/23 (the draft OZP) included rezoning a site in the vicinity of Shun Yee San Tsuen, Ma On Shan for use by school, in which several squatters were involved. He wished to know the land resumption procedures concerned and the expected schedule.

26. Ms Margaret CHAN, District Planning Officer/Shia Tin, Tai Po and North of the Planning Department, said that the draft OZP was already an approved plan, and that the land resumption procedures were under the purview of DLO/ST.

27. Mr Wilson WONG gave a consolidated response as follows:

- (a) he said that the DLO/ST had been maintaining close liaison with the works departments, and had also assessed, upon confirmation of the works area, the number of people to be affected and drawn up an expected schedule for the works. Besides, initial registration for affected residents would be arranged; and
- (b) he said that the relevant supplementary information would be provided after the meeting.

[Post-meeting note: The DLO/ST gave a written reply to the Chairman and Mr Johnny CHUNG on 18 August 2022.]

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

- (a) he said that according to a complaint from resident(s) received, after the publicity banners in celebration of the 25th anniversary of the establishment of the Hong Kong Special Administrative Region hung over the Sand Martin Bridge and Banyan Bridge were recently cleared by the service contractor of the STDO, many straps were left behind on the road at the location concerned. He earlier conducted a site visit at the Banyan Bridge and found that straps were left behind on the road of the location concerned. Therefore, he had written to the FEHD to request a follow-up. However, as the straps had been cleared already at the time when he revisited the Banyan Bridge before the meeting, the FEHD no longer needed to further follow up the issue. The STDO was requested to remind the service contractor that refuse should not be left behind at the site concerned when clearing the publicity materials;
- (b) he said he had recently received a request for assistance from a tenant of a housing estate regarding an incident involving discord with neighbour(s). The tenant concerned was worried that the incident involving discord would eventually lead to serious conflicts between residents. He would like to know if the HD would take the initiative to approach the tenants concerned upon receiving similar cases, or notify the Police or the Social Welfare Department (SWD) to follow up the cases; and

- (c) he hoped that the Buildings Department (BD) would provide supplementary information to explain what the “statutory orders” referred to as in “the Buildings Department inspected a total of six mini-storages in the Sha Tin District in 2021, and issued statutory orders to three of such mini-storages” mentioned in the paper, and the specific details involved.

[Post-meeting note: The BD provided supplementary information after the meeting, and the information concerned was relayed to the STDC on 26 August 2022.]

29. The views of the Chairman were summarised below:

- (a) he wished to know if the FEHD was responsible for clearing the straps on the road along the Sand Martin Bridge and Banyan Bridge as mentioned by Mr WAI Hing-cheung, and how would the STDO dispose of the trash concerned;
- (b) he said that he had recently received a case involving serious disputes between tenants of Yan On Estate, and indicated that the HD failed to effectively address the issues involving discord among tenants; and
- (c) he asked the Secretariat to convey the views of Mr WAI Hing-cheung to the BD.

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

- (a) he said that if the staff of the FEHD found refuse on the roads, clearance work would be arranged immediately; and
- (b) he understood the message of Mr WAI Hing-cheung that the straps on the Banyan Bridge had been cleared and hence the FEHD did not need to follow up the issue.

31. Ms Patty LEE thanked Mr WAI Hing-cheung for relaying the issue, and it was reckoned that the straps might be left behind by the service contractor when clearing the banners. The STDO would remind the service contractor in future that similar issues should be handled prudently.

32. Ms WONG Kam-wah said that the HD attached great importance to the issues involving discord among tenants, and would refer relevant cases to the Police and the SWD when necessary. She asked Mr WAI Hing-cheung to provide her with the details of the case concerned at a later juncture for the HD to follow up the issue.

33. Ms Wendy FUNG, District Social Welfare Officer (Sha Tin) of the SWD, said it was believed that the HD would, when dealing with cases involving disputes among tenants, first arrange mediation for them, and if tenants required emotional counselling or other welfare services, the SWD would assist in the follow-up upon receiving the referred cases. If situations such as urgent and dangerous acts were involved, it was believed that the HD would seek assistance from the Police.

Questions

Question to be Raised by Mr WAI Hing-cheung on the Matters Concerning Shopfront Extension in Sha Tin

(Paper No. STDC 25/2022)

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

- (a) he noted that the FEHD had received the most complaints about shopfront extension over the past three years, which showed that members of the public were aware that the issues were mainly followed up by the FEHD;
- (b) he considered that the enforcement actions of the FEHD failed to improve shopfront extension, which might be related to the mild relevant penalties or comparatively lower number of prosecutions. He wished to know the details of the penalties;
- (c) he would like to know whether the FEHD would conduct a review to see if the prevailing relevant legislation and penalties were sufficient to deter shop operators involved in illegal acts of shopfront extension; if not, the reason involved;
- (d) he said that Chik Fai Street in Tai Wai was commonly known as “market street”, not because of a market nearby, but because serious shopfront extension at Chik Fai Street had made the entire street being just like a market. The situation was not satisfactory;
- (e) he would like to know under what circumstances would the Police conduct joint enforcement operations with the FEHD, the number of such joint operations over the past three years, and which departments initiated such operations;
- (f) while the situation of shopfront extension in Sha Tin District was less serious than other districts, such problems warranted attention. He said that the FEHD issued about 100 fixed penalty notices against shopfront extension in Tai Wai in each of the past three years. However, the FEHD had received 65 complaints about shopfront extension at Kings Wing Plaza, Shek Mun from mid-April to late June this year, and the situation was serious. He wished to know if the FEHD had enforced the laws strictly at relevant locations;
- (g) he said that if the common areas involved in business operation of shopfront extension were jointly owned by a large number of minority owners, the DLO/ST would consider taking lease enforcement action. However, minority owners were normally unable to bear the high costs of legal follow-up actions. He would like to know how the STDO would assist such minority owners; and
- (h) he wished to know the specific plans and actions to be taken by other departments on the issue in addition to the follow-up work taken by the Police to improve street order and environment.

35. The views of the Vice-Chairman were summarised below:

- (a) as far as he knew, many residents in Tai Po District, when being aware that the chain retail stores and market stalls were involved in illegal shopfront extension, intended to record the scene as evidence or reason with the shop owners/assistants, during which people with suspected triad background often obstructed them from doing so. He asked the Police to keep in view whether such situations occurred in Sha Tin District;
- (b) he agreed with the views of Mr WAI Hing-cheung that shopfront extension was serious outside Kings Wing Plaza. Noting that some shops were close to the public places like the roads and the MTR station, he asked the relevant departments to obtain the footage of CCTVs from various stakeholders to help with identification of non-compliant shop operators;
- (c) he understood that recyclables like styrofoam boxes might need to be stored in public places temporarily. Nevertheless, he asked the relevant departments to co-ordinate and plan for the arrangements, such as providing areas for the shop operators to temporarily store the styrofoam boxes. The basic principle was that public places should not be occupied by storage of goods; and
- (d) he opined that the FEHD should review whether the prevailing relevant legislation and penalties were insufficient to deter shop operators from illegal acts of shopfront extension and consider introducing a penalty mechanism with a sliding scale. He considered that shopfront extension was unfair to the law-abiding shop operators and members of the public.

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

- (a) he wished to know the work plans of relevant departments in relation to shopfront extension blackspots in Tai Wai and Kings Wing Plaza for the coming three months, and the expected outcome to be achieved;
- (b) he considered that the prevailing legislation and penalties against shopfront extension were not adequate, in particular for shop operators in need of pedestrian flow to boost sales volume. At present, small amounts of fines imposed were inadequate in terms of deterrent effect. He agreed that it was necessary to introduce a penalty mechanism with a sliding scale; and
- (c) he said that the Government put emphasis on standardised workflows of enforcement. He would like to learn more about the standardised workflows adopted by relevant departments in relation to shopfront extension.

37. The Chairman hoped that the Government could provide information on the locations and relevant data concerning shopfront extension for the entire Sha Tin District.

[Post-meeting note: The DLO/ST gave a written reply to the Chairman and Mr WAI Hing-cheung on 18 August 2022. The FEHD, the STDO and the HKPF provided

supplementary information after the meeting, and the information concerned was relayed to the STDC on 26 August 2022.]

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

- (a) he said that the number of complaints about shopfront extension were obtained from various means, among which some of the complaints were duplicated, and hence the largest number of complaints were received by the FEHD. He indicated that some cases involved complaints against the shops occupying private places on Mei Tin Road and Chik Fai Street in Tai Wai, which were not under the purview of the FEHD;
- (b) the FEHD's primary concern was to maintain the environmental hygiene. Where illegal hawking activities were involved, the FEHD would take priority enforcement action. If the shops placed goods at locations beyond the area of private places and verbal warnings given were unheeded, the FEHD would issue fixed penalty notices. For any shop with repeated contraventions, the FEHD would also issue summons to the person of non-compliant shops, and the person concerned might need to attend trials in courts, with the amounts of penalties to be decided by the judge;
- (c) the FEHD would inform the Police of the schedule of joint operations every three months, and continue to strengthen liaison with various departments while increasing the frequency of joint operations whenever necessary;
- (d) the FEHD had, since July this year, included the shopfront extension blackspots in Shek Mun under the joint operations with the Police; and
- (e) he noted that the shops would place styrofoam boxes in public places at night time. If the staff of the FEHD found that the styrofoam boxes were still placed in public places and obstructed the clearance work by the staff of the FEHD during day-time inspections, notices would be affixed on the articles concerned to request their owners to remove such articles within a specified period. If the articles were found after the period, the FEHD might seize such articles.

39. Ms Jenny LAI gave a consolidated response as follows:

- (a) she said that the Police would join inter-departmental joint operations from time to time to combat acts of shopfront extension and maintain the on-site order;
- (b) the Police would, upon receiving complaints about shopfront extension, send officers to the locations concerned for inspection. If the situation was found to pose danger or seriously obstruct the streets, the Police would take enforcement action immediately. If it was considered to be a general case involving street obstruction, the Police would refer the case to the FEHD for handling. After arriving at the locations, the Police would also deal with other illegal acts like illegal parking; and
- (c) if it was noted that manipulation by members of the triad societies was involved in street obstruction, the Police would conduct criminal investigations promptly.

40. Mr Wilson WONG said that the DLO/ST had earlier received a complaint about the shopfront extension at Grandway Garden in Tai Wai. After studying the land lease concerned, on-site inspection and seeking legal advice, the DLO/ST issued warning letters to 14 shop operators which were involved in extension of business by shops at common areas of the buildings and in breach of lease conditions, requesting them to rectify the lease breach within specified period of time. As the shop operators failed to make improvement within the specified period of time, the DLO/ST had “imposed an encumbrance” against the properties concerned. He said that the DLO/ST would closely keep in view of the situation and consider taking other suitable lease enforcement actions.

41. Mr Tommy LEUNG gave a consolidated response as follows:

- (a) the FEHD and the HKPF had all along taken joint operations regularly to give advices to non-compliant shop operators and institute prosecution against them. The STDO would invite relevant departments to participate in the joint operations when necessary from time to time, and such enforcement operations were conducted confidentially; and
- (b) as for assisting minority owners in dealing with shopfront extension, he said that under the prevailing legislation, the FEHD already had sufficient power to tackle shopfront extension, and the STDO would also provide assistance where necessary.

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

- (a) he said that the number of fixed penalty notices issued by the FEHD was small, and hoped that the FEHD would not issue fixed penalty notices to non-compliant shop operators only when conducting joint operations with the Police;
- (b) he hoped that the joint operations conducted by FEHD and the HKPF would be increased from once every three months to once every two months;
- (c) he said that the shop operators outside Kings Wing Plaza not only stored goods at public places during night time, but did so for the whole day. He also noted that some shop operators would store goods at the public places in the vicinity of Tai Wai MTR Station overnight. He asked the relevant departments to take note of the situation;
- (d) he said that after enforcement actions were taken by the DLO/ST, the issue of shopfront extension in Grandway Garden had been improved. However, the situation along Mei Tin Road remained the same. He asked the relevant departments to further share how the issue of shopfront extension along Mei Tin Road was dealt with;
- (e) he understood that if a common area involved in the extension of business by shops were jointly owned by a large number of minority owners, the DLO/ST would also consider other suitable lease enforcement actions. He hoped that the DLO/ST would explain the specific details of such other suitable lease enforcement actions; and

- (f) he learnt that if non-compliant shops were not co-operative, the FEHD would clear the styrofoam boxes placed in the public places as garbage. He opined that such styrofoam boxes were without recycling value, and non-compliant shops might be pleased that the FEHD assisted in clearing the styrofoam boxes. He asked the FEHD to consider other more deterrent enforcement actions.

43. Mr Wilwon WONG gave a consolidated response as follows:

- (a) the DLO/ST would, prior to issuing warning letters to shop operators in breach of the lease conditions, send officers to conduct site inspection to see if the shop operators concerned were in breach of the land lease conditions. Legal advice would be sought before issuing warning letters to the shop operators who were confirmed to be in breach of the lease conditions. The DLO/ST would also inspect the locations concerned on a regular basis; and
- (b) for shop operators with repeated contraventions, the DLO/ST would consider repossessing properties or other suitable lease enforcement actions depending on the nature of the cases and after consulting legal advice, including making application to the court for writs of execution or injunction order, etc.

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

- (a) he further explained that the FEHD would inform the Police of the schedule of joint operations every three months, and at least one joint operation would be conducted every week;
- (b) he said that the FEHD would not issue fixed penalty notices to non-compliant shop operators only when conducting joint operations with the Police. The FEHD would, during daily patrols, issue fixed penalty notices to non-compliant shop operators; and
- (c) he said that the FEHD had allocated more resources to arrange staff to clear the styrofoam boxes occupying public places.

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

- (a) he considered that the FEHD was the main department for tackling the problem of shopfront extension. He said that members of the public would choose to shop at these stores because of the more affordable prices of goods available. Even if the shop operators were fined for shopfront extension, there was room to pass on the costs incurred to the consumers. Therefore, increasing the penalty level by the FEHD was not helpful to address the problem of shopfront extension. Instead, conflicts between the general public and the Government might be deepened; and
- (b) he opined that inadequate provision of public markets was the factor leading to shopfront extension. He suggested that the FEHD should construct more public markets, and considered that this would help regulate the shop operators in placing goods as well as loading and unloading of goods.

46. The views of the Vice-Chairman were summarised below:

- (a) he disagreed to the views of Mr CHENG Chung-hang and considered that it was necessary to increase the penalties to be imposed against the shop operators involving illegal acts of shopfront extension. According to his observation, in the past, there had been many shops with sales modes similar to those non-compliant shops frequently involved in shopfront extension at Kings Wing Plaza, but all such shops could properly arrange placing and disposal of goods;
- (b) he opined the FEHD could not identify the shop operators placing styrofoam boxes in public places and hence was not able to issue fixed penalty notices to them. The FEHD could only help with clearing such styrofoam boxes. However, the DLO/ST and the FEHD could often promptly identify the owners of unauthorised publicity banners when discovering such banners, and issued demand notes to the offenders. He did not understand why the FEHD was unable to deal with the refuse of the shop operators as efficient as handling such banners; and
- (c) he suggested that the FEHD should consider increasing manpower to deal with shopfront extension.

47. The views of the Chairman were summarised below:

- (a) he said he learnt from the sharing of relevant departments that multiple approaches could be adopted to deal with shopfront extension, but he was unclear about the specific details of such approaches. He asked the relevant departments to note the views of Mr WAI Hing-cheung and enhance the enforcement action;
- (b) he said that the FEHD's clearing of the styrofoam boxes placed in public places would only encourage shopfront extension, and hoped that the FEHD could take enforcement actions with deterrent effect;
- (c) he asked the FEHD to provide supplementary information to explain why the situation of shopfront extension had not been improved significantly and the relevant prosecution figures remained comparatively low even when joint enforcement operation was taken at least once a week;

[Post-meeting note: The FEHD provided supplementary information after the meeting, and the information concerned was relayed to the STDC on 26 August 2022.]

- (d) he indicated that the problem of shopfront extension was not found in Shek Mun in the past. With the completion of Kings Wing Plaza, illegal shopfront extension was getting worse. He did not understand why the FEHD could efficiently tackle unauthorised publicity banners, but was unable to handle shopfront extension which led to long-term hygiene issues as efficient as handling such banners. He asked the FEHD to actively tackle the problem;
- (e) he said that while there was a public market in Tai Wai, the Chik Fai Street was commonly known as a "market street" and members of the public would choose to

shop at Chik Fai Street. He hoped that the FEHD would reflect on the reason for such a situation; and

- (f) he hoped that relevant departments would take the initiative to discharge their duties and work in collaboration with one another so as to address shopfront extension proactively and effectively.

Question to be Raised by Mr HUI Lap-san on the Matters Concerning Mosquito Breeding in Ma On Shan

(Paper No. STDC 26/2022)

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

- (a) he said that despite the anti-mosquito efforts made by the FEHD, the anti-mosquito work was not remarkably effective. He said that the gravidtrap index in Ma On Shan area over the past few years were among the top three indexes of Hong Kong. Although the FEHD had, starting from May this year, introduced the use of robotics foggers and conducted a range of anti-mosquito work in Ma On Shan area, the gravidtrap index only dropped slightly in June by 5%. The results were not satisfactory. He wished to understand the reason and whether other feasible anti-mosquito measures were available;
- (b) he said that the open space between Vista Paradiso and Kam Fung Court was owned by the DLO/ST, and the leisure facilities at the said open space were provided by the Leisure and Cultural Services Department. Although the FEHD said that it would conduct anti-mosquito work in collaboration with other government departments, he did not see any installation of mosquito trapping devices or arrangement of anti-mosquito work by the FEHD at the above location; and
- (c) he said that the FEHD did not give a definite response to his question about the problem of biting midges in Ma On Shan.

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

- (a) he said that the stagnant water was a breeding place for mosquitoes. The total rainfall in May this year was 50% higher than normal. It was not possible to use the foggers to spray pesticides during raining periods, and mosquito larvicidal oil and sand applied to the environment would easily be washed away in continuous rainy days, hence resulting in higher gravidtrap index in May;
- (b) the weather remained unstable in June this year, during which thunderstorm warnings were issued by the Hong Kong Observatory on 19 days in that month for a total of 33 times. He said that the FEHD could only use the ultra-low volume foggers to spray the pesticides on the remaining non-rainy days in that month. As a matter of fact, the FEHD had increased the frequency of pesticides spraying in June. Therefore, the gravidtrap index in Ma On Shan dropped from 42.5% in May to 37.5% in June;

- (c) the total rainfall decreased in July this year, and the FEHD had also stepped up anti-mosquito work, such as pesticides spraying. Therefore, the gravidtrap index dropped to 28.4% in July. He considered that during stable weather condition, the use of the large robotics ultra-low volume foggers to spray pesticides could alleviate the problem of mosquitoes;
- (d) he said that it was suitable to use the large robotics ultra-low volume foggers in heavily wooded areas. However, as the pesticides sprayed were toxic to a certain degree, it was not suitable for such foggers to be used in densely populated places. As a result, there were only a few locations suitable for using the above foggers in Ma On Shan. In general, the FEHD would also arrange removing stagnant water in public places regularly, spraying of mosquito larvicidal oil at places with stagnant water and placing larvicidal sands, so as to reduce mosquito breeding; and
- (e) biting midges would lay eggs on surface of wet soil. Ploughing the soil and trimming luxuriant plants on a regular basis would help reduce the breeding of biting midges. He said that the anti-mosquito pesticides could get rid of biting midges at the same time. Therefore, anti-mosquito work and environment improvement measures could concurrently reduce the breeding places for the larvae of biting midges, so as to achieve the purpose of prevention of biting midges.

50. Mr CHENG Chung-hang said he noticed that potholes were found in many roads in Ma On Shan, which might easily cause stagnant water and breeding of mosquitoes. He suggested that the FEHD should strengthen co-operation with the Highways Department to inspect the road surface of various areas and make improvements in a timely manner.

51. The Chairman said his impression was that the FEHD's responses to the problem of mosquitoes were similar over the past few years, but such a problem had not been fully mitigated so far. He agreed to the views of Mr CHENG Chung-hang and hoped that the FEHD could strengthen co-operation with other departments. He also hoped that new approaches would be adopted by the relevant departments to address the problem of mosquitoes in Ma On Shan area.

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

- (a) he said he was disappointed that the robotics foggers were unable to operate during rainy days. He hoped that the FEHD would conduct research and development on new anti-mosquito technologies by making reference to the Mainland and overseas situation;
- (b) he agreed to the views of Mr CHENG Chung-hang and hoped that the relevant departments would address the issue of stagnant water easily caused by uneven road surfaces;
- (c) he hoped that the FEHD would conduct research and development on new pesticides to reduce the chance of biting midges to lay eggs; and
- (d) he expected that the total rainfall would reduce in August and hoped that the robotics foggers would be effective in lowering the gravidtrap index in Ma On Shan area by then.

Date and Time of Next Meeting

53. The next meeting was scheduled to be held at 2:30 pm on 29 September 2022 (Thursday).
54. The meeting was adjourned at 4:25 pm.

Sha Tin District Council Secretariat
STDC 13/15/15/1

September 2022