

**Minutes of the 3<sup>rd</sup> Meeting of  
the Sha Tin District Council in 2023**

**Date :** 25 May 2023 (Thursday)  
**Time :** 2:30 pm  
**Venue :** Sha Tin District Office Conference Room 441  
 4/F, Sha Tin Government Offices

| <b><u>Present</u></b>                | <b><u>Time of joining<br/>the meeting</u></b>                                 | <b><u>Time of leaving<br/>the meeting</u></b> |
|--------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------|
| Chairman : Mr MAK Yun-pui, Chris     | 2:30 pm                                                                       | 4:20 pm                                       |
| Vice-Chairman : Mr SIN Cheuk-nam     | 2:30 pm                                                                       | 4:20 pm                                       |
| Members : Mr CHENG Chung-hang        | 2:30 pm                                                                       | 4:20 pm                                       |
| Mr CHOW Hiu-laam, Felix              | 2:30 pm                                                                       | 4:20 pm                                       |
| Mr CHUNG Lai-him, Johnny             | 2:30 pm                                                                       | 4:20 pm                                       |
| Mr HUI Lap-san                       | 2:30 pm                                                                       | 4:20 pm                                       |
| Dr LAM Kong-kwan                     | 2:42 pm                                                                       | 4:08 pm                                       |
| Mr WAI Hing-cheung                   | 2:30 pm                                                                       | 4:20 pm                                       |
| Secretary : Ms CHAN Cheuk-yu, Cherry | Senior Executive Officer (District Council) (Atg),<br>Sha Tin District Office |                                               |

| <b><u>In Attendance</u></b> | <b><u>Title</u></b>                                                                                   |
|-----------------------------|-------------------------------------------------------------------------------------------------------|
| Ms OR Kar-lok, Carol, JP    | District Officer (Sha Tin)                                                                            |
| Mr NG Wing-keung, Henry     | Assistant District Officer (Sha Tin)1 (Atg)                                                           |
| Mr HO Kin-nam, David        | Assistant District Officer (Sha Tin)2 (Atg)                                                           |
| Mr HUI Kin-fan, Frankie     | Senior Executive Officer (District Management),<br>Sha Tin District Office                            |
| Mr LEUNG Tsz-kin, Percy     | District Commander (Shatin),<br>Hong Kong Police Force                                                |
| Mr TAM Kwan-yi, Wilson      | Police Community Relations Officer (Shatin),<br>Hong Kong Police Force                                |
| Mr CHAN Ka-kui              | District Environmental Hygiene Superintendent (Sha Tin),<br>Food and Environmental Hygiene Department |
| Mr LEE Chun-wai             | Senior Housing Manager/Tai Po, North and Shatin 1,<br>Housing Department                              |
| Ms FUNG Shuk-man, Wendy     | District Social Welfare Officer (Sha Tin),<br>Social Welfare Department                               |
| Mr WONG Kwok-wai, Wilson    | District Lands Officer/Shatin,<br>Lands Department                                                    |
| Mr YEUNG Wai-dor            | Administrative Assistant/Lands (Atg),<br>District Lands Office, Sha Tin, Lands Department             |
| Ms CHAN Hau-yin, Margaret   | District Planning Officer/Shatin, Tai Po and North,<br>Planning Department                            |
| Mr LAU Tin-lap, Daniel      | Senior Engineer/9 (North),<br>Civil Engineering and Development Department                            |
| Ms HUI Yee-mei, Maria       | Chief School Development Officer (Shatin),<br>Education Bureau                                        |

**In Attendance**

Mr CHOW Tik-sang, Dickson

Mr YIP Kam-ming, Dick

Mr NG Hon-lai, Patrick

Mr LAM Yat-hang

**Title**

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  
Engineer/Shatin,  
Drainage Services Department

**In Attendance by Invitation**

Ms CHAN Wing-shiu, May, JP

Ms FUNG Lai-hing, Karen

**Title**

Commissioner for Labour  
Senior Labour Officer (Employment Services) (Operation),  
Labour Department

**Absent**

Mr MOK Kam-kwai, BBS

(Application for leave of absence received)

**Action**

The Chairman welcomed Members and representatives of government departments to the third meeting of the Sha Tin District Council (STDC) in 2023.

**Application for Leave of Absence**

2. The Chairman said that the STDC Secretariat (Secretariat) had received the application for leave of absence in writing from the following Member:

Mr MOK Kam-kwai

Sickness

3. The Council approved the application for leave of absence submitted by the above Member.

**Confirmation of the Minutes of the Meeting Held on 23 March 2023**

(STDC Minutes 2/2023)

4. The Council unanimously endorsed the above minutes.

**Visit of Commissioner for Labour**

(Paper No. STDC 11/2023)

5. The Chairman welcomed the Commissioner for Labour (the Commissioner), Ms May CHAN, JP, to visit the STDC for exchanging views with Members. He invited the Commissioner to briefly introduce the work of the Labour Department (LD).

6. Ms May CHAN, the Commissioner, briefly introduced the work of the LD and the main points were as follows:

- (a) the Government attached great importance to promoting the employment of local labour and protecting the rights and benefits of employees. The LD pursued

various measures to provide diversified employment and recruitment services for job seekers and employers, and continued to enhance the awareness of occupational safety and health (OSH) among employees to protect their well-being;

- (b) the labour market was closely related to the economic performance. Overall, with an upturn in the economic environment, the demand for labour force and employment opportunities would increase, and vice versa. During the period from 2012 to mid-2019, the Hong Kong economy continued to expand and the unemployment rate remained at a low level. However, the economy entered recession in the second half of 2019. Due to the COVID-19 epidemic, the economy in 2020 suffered the most severe contraction on record, and the labour market deteriorated sharply. The unemployment rate (seasonally adjusted) surged from 2.8% in the second quarter of 2019 (the quarter before the recession) to 7.2% in early 2021. The labour market continued to improve alongside the sustained economic recovery and the stabilised local epidemic situation in 2021. The outbreak of the fifth wave of the epidemic in Hong Kong in early 2022 seriously affected the economic activities, resulting in a sharp deterioration in the labour market again. The unemployment rate rose markedly to 5.4% in February to April 2022. Nevertheless, local economic activities subsequently resumed, and the unemployment rate dropped to 3.0% in February to April 2023. The unemployment rate of Sha Tin District in 2022 was 4.7% (with the overall unemployment rate at 4.3%);
- (c) the LD always strived to provide diversified employment services. Over the past few years, the LD received over one million job vacancies from the private sector annually. The COVID-19 epidemic seriously disrupted Hong Kong economic activities, and the number of job vacancies received by the LD dropped sharply in 2020. In 2021 and 2022, the respective numbers of job vacancies from the private sector returned to the level of over one million vacancies. The LD assisted more than 197 000 and 164 000 job seekers in successfully securing employment in 2021 and 2022 respectively;
- (d) at present, the LD set up 13 Job Centres in various districts, and also set up the Recruitment Centre for the Catering Industry, the Recruitment Centre for the Retail Industry, and the Construction Industry Recruitment Centre to provide free recruitment and employment services for employers and job seekers. Job seekers living in Sha Tin District might visit the Shatin Job Centre for the services. Moreover, the LD provided the Telephone Employment Service Centre, the “Interactive Employment Service” website and mobile application to facilitate the search of suitable job vacancies by job seekers. Apart from organising large-scale job fairs at locations easily accessible by transport, the LD also held district-based job fairs as well as thematic job fairs for individual industries or those suitable for ethnic minority job seekers, and elderly and middle-aged job seekers from time to time in its Job Centres. Furthermore, the LD set up two Youth Employment Resource Centres named “Youth Employment Start”, which offered “one-stop” integrated employment and self-employment support services to young people aged 15 to 29;

- (e) the LD implemented the “Employment Programme for the Elderly and Middle-aged”, “Youth Employment and Training Programme” and “Work Orientation and Placement Scheme”, which granted on-the-job training allowance to employers for a period of 3 to 12 months on a case-by-case basis to encourage these employers to hire the elderly and middle-aged, young people and persons with disabilities. The LD commissioned two non-governmental organisations to implement the Racial Diversity Employment Programme since November 2020 to provide “one-stop” employment services for ethnic minority job seekers under a case management approach. The LD would regularise the programme to strengthen employment support for ethnic minority job seekers, and more ethnic minorities would be recruited for appointment as Employment Assistants and General Assistants to enhance their employment opportunities;
- (f) as announced in the Chief Executive’s 2022 Policy Address (the Policy Address), the Government would regularise the Greater Bay Area Youth Employment Scheme. The LD launched the regularised scheme on 1 March 2023. Enterprises were required to employ Hong Kong residents who were awarded bachelor’s degree or above from 2021 to 2023 with a monthly salary of not less than HK\$18,000 in accordance with Hong Kong laws and these employees should be stationed to work in the Mainland cities of the Greater Bay Area (GBA), and provided with on-the-job training. Enhancement measures of the regularised scheme included establishing the GBA Youth Employment Division to strengthen liaison with enterprises and tertiary institutions; early provision of information on employment in the GBA for young people interested in joining the scheme; and commissioning Hong Kong organisations experienced in providing services in the Mainland to strengthen support for the employed young people in the Mainland. As at 12 May this year, 1 284 job vacancies were offered by a total of 135 enterprises. Information of the vacancies were successively uploaded to the website of the scheme after verification for application by eligible young people;
- (g) the LD attached great importance to harmonious labour relations. Over the recent past, some enterprises might need to change their business models in light of the epidemic, and employees might need to adapt to new work arrangements. This inevitably brought challenges to the labour relations. The Labour Relations Division of the LD provided free consultation and voluntary conciliation services for employers and employees to help them resolve employment disputes through the ten branch offices. About 11 000 cases of labour disputes and claims were handled by the LD annually in 2021 and 2022. Over 70% of the cases with conciliation services rendered by the LD were settled;
- (h) the Government was currently reviewing the requirement of “continuous contract” under the Employment Ordinance (EO). Under the requirement, an employee who was employed continuously by the same employer for four weeks or more, and worked for at least 18 hours per week (commonly referred to as “4-18”) was regarded as being employed under a “continuous contract” and was entitled to the basic labour rights and other employment benefits under the EO. The Labour Advisory Board commenced the discussion of relevant issues in November last year;

- (i) statutory holidays under the EO would be increased progressively since 2022 to 17 days in 2030;
- (j) the Statutory Minimum Wage (SMW) rate was raised to \$40 per hour with effect from 1 May this year. The Chief Executive announced in the Policy Address that the Minimum Wage Commission (MWC) was invited to study how to enhance the review mechanism of the SMW rate, including the review cycle, how to improve efficiency, balancing a host of factors such as the minimum wage level and sustained economic development, and to make proposals to the Government. The MWC was conferred the function by the Government to study the review mechanism, and was requested to submit a report on the study to the Chief Executive by end-October this year;
- (k) the Legislative Council (LegCo) passed the legislation in June 2022 to implement the abolition of using the accrued benefits of employers' mandatory contributions under the Mandatory Provident Fund System to "offset" severance payment/long service payment (the "offsetting" arrangement). The Government announced that the abolition of the "offsetting" arrangement would take effect on 1 May 2025. The Government was conducting extensive publicity with easy-to-understand information to enhance the understanding of the abolition of the "offsetting" arrangement among employers and employees;
- (l) the Government would launch a 25-year subsidy scheme totalling about \$33 billion (at 2021 prices) to share out employers' expenses on post-transition portion of severance payment/long service payment, with a view to helping enterprises, in particular the micro, small and medium-sized enterprises, adapt to the policy change. The LD was taking forward the preparatory work of the Government Subsidy Scheme and planned to seek funding from the LegCo in the middle of this year for developing the information technology system. Another supporting measure was the "Designated Savings Account" Scheme. The LD was currently studying the details of the "Designated Savings Account" Scheme and the different views put forward by various sectors of the community during the scrutiny of the bill by the LegCo last year for abolishing the "offsetting" arrangement. A consultant was also commissioned to conduct a detailed study with the updated data, and the study would be released after finalising the way forward;
- (m) currently, there were over 340 000 foreign domestic helpers (FDHs) working in Hong Kong. The LD reminded the FDHs and their employers of their obligations and rights under the EO and the Standard Employment Contract through a range of promotional and educational activities. Twelve language versions were also available on the dedicated FDH Portal for FDHs to learn more about their employment rights. "Employers' Corner" was also introduced on the Portal to provide employers with a "one-stop" platform to understand their obligations and rights. The Government always strived to safeguard the labour rights of FDHs, with a view to maintaining Hong Kong as an attractive workplace for FDHs and addressing the needs of local families;
- (n) the LD organised the Thankful Week for Families with Foreign Domestic Helpers from 15 to 28 May this year to promote mutual respect and harmonious relationships

between FDHs and their employers. A FDH and his/her employer only needed to record together a short video clip of 20 seconds to express gratitude and appreciation for each other, and the LD would give each participating household four Ocean Park admission tickets for sharing the joy;

- (o) the LD always processed applications for issue and renewal of licences of employment agencies (EAs) in accordance with the requirements in the EO, the Employment Agency Regulations, and the Code of Practice for Employment Agencies (CoP). After a licence was issued, staff of the LD would conduct regular and surprise inspections at the EAs to combat irregularities in their business operation. The LD would initiate prosecution where there was evidence to substantiate an offence committed by an EA. If an EA breached the CoP, the LD might consider revoking or refusing to issue/renew its licence, or issue warnings for rectification, in order to safeguard the interests of job seekers and employers. To enhance the transparency of EAs' track records, and enable job seekers and employers to make informed decisions when using EA services, the LD systematically published on the Employment Agencies Portal the records of EAs convicted of overcharging of commission and unlicensed operation, the records of EAs whose licences were revoked/refused renewal, and the records of EAs which were issued written warnings. After reviewing the implementation of the CoP, the LD put forth preliminary proposals for revising the CoP. The major proposals included requiring EAs to set out in the service agreements the amount of fees charged for each category of services to enhance transparency and protect consumers; and requiring EAs to explain clearly to FDH job seekers that under the prevailing policy, an application for change of employer in Hong Kong within the two-year contract period would normally not be approved save for exceptional circumstances, such that FDHs would understand the consequence of "job-hopping". An eight-week public consultation was concluded, and the LD was currently collating and studying the views received in a bid to promulgate the revised CoP after the review;
- (p) the LD conducted a review of the application and processing procedures of the Protection of Wages on Insolvency Fund (PWIF), and enhanced and rationalised the work procedures and workflow to expedite the process for issuing ex gratia payment. Besides, the PWIF Board agreed to the provision of legal services by the PWIF to assist PWIF applicants in filing bankruptcy or winding-up petitions against insolvent employers, so as to save the procedures for the applicants to apply for legal aid and undergo means test at the Legal Aid Department. It was estimated that the application procedures could be shortened by up to 12 weeks. Since the introduction of the new application mechanism in the fourth quarter of 2022, ex gratia payment from the PWIF could be released within three months upon receipt of applications by the PWIF Application Office for simple and straight-forward applications;
- (q) to tie in with the requirement of extension of the statutory maternity leave under the EO from 10 weeks to 14 weeks, the Reimbursement of Maternity Leave Pay Scheme (RMLP Scheme) was open for applications from 1 April 2021. Employers might submit applications for reimbursement of the statutory maternity leave pay for the additional four weeks required to be paid under the EO, subject to a cap of \$80,000

per employee. As at end-April 2023, 15 152 applications were approved under the RMLP Scheme;

- (r) the LD attached great importance to the OSH of employees, and always strived to enhance the protection of employees' OSH through inspection and enforcement, publicity and promotion, as well as education and training. There were over 32 000 cases of occupational injuries in total in 2022, representing a drop by 10.9% when compared with 2018. The number of fatal industrial accidents was hovering at the level of about 20 cases in recent years, and the number of fatal industrial accidents in the construction industry was always far higher than that of other industries. There were 25 fatal industrial accidents in 2022, of which 17 cases involved the construction industry;
- (s) in view of this, the LD introduced a range of targeted measures to enhance the OSH performance of various industries, especially that of the construction industry, including raised penalties of OSH legislation. The LegCo passed the amendment ordinance in April 2023 to overall increase the maximum fines under the OSH legislation, including, among others, pitching the maximum fines for extremely serious OSH offences at \$10 million to increase the deterring effect of the OSH legislation. After the amendment ordinance was in effect, the LD launched a comprehensive publicity campaign, including carrying out publicity work via the LD's website, and broadcasting television and radio announcements through the media, thereby strengthening the OSH awareness among members of the public;
- (t) the LD and the Construction Industry Council (CIC) reviewed the content of the trade tests for bamboo scaffolders (including truss-out scaffolding) on the use of fall arresting equipment. The CIC launched in January this year the 3-day (18 hours in total) certificate programme in safety enhancement to erection and dismantling of truss-out bamboo scaffolds as well as the half-day safety training certificate programme, with a view to enhancing work safety involving truss-out scaffolding;
- (u) the LD was revising the Code of Practice for Bamboo Scaffolding Safety to specify in more detail the requirements of "Competent Person" when supervising workers performing scaffolding work (including truss-out scaffolding) and to require that only truss-out scaffolders holding valid safety training certificates were allowed to carry out truss-out scaffolding work. Currently, contractors who undertook construction works lasting for six weeks or longer and engaging more than ten workers were required to notify the LD of such works. The LD was working on legislative amendments to require contractors to notify the LD of works in shorter durations or engaging less workers but carrying higher potential risks (including truss-out scaffolding works), so as to enable LD to conduct surprise inspections as early as possible. Under the prevailing regulations, contractors were only required to notify the LD of the works within seven days after the commencement of the works. The LD proposed adjusting the deadline for notification of construction works to "before the commencement of the works" to facilitate early inspections;
- (v) the LD launched the three-year "Pilot Rehabilitation Programme for Employees Injured at Work" (Pilot Programme) which adopted a case management approach in providing prompt private out-patient rehabilitation treatment services for the

participating employees in the construction industry who were injured at work. Having regard to the experience gained and effectiveness of the implementation of the Pilot Programme, the Government would explore its future development in a timely manner;

- (w) with increasingly hot weather during summer in Hong Kong, employees working in a hot environment were at a higher risk of heat stroke. The LD developed the more specific Guidance Notes on Prevention of Heat Stroke at Work (Guidance Notes on Prevention of Heat Stroke) based on the Hong Kong Heat Index of the Hong Kong Observatory to require employers to take preventive measures under hot weather in accordance with prescribed criteria, including developing suitable work and rest schedules to prevent employees from heat stroke at work. Having consulted stakeholders on the new guidance notes, the LD introduced the new guidelines starting from 15 May this year. The LD would review the guidance notes in a timely manner;
- (x) the LD would continue to enhance its participation in site safety management committee meetings of public works projects; to conduct more in-depth surprise inspections targeting at work sites with high-risk processes or poor safety performance; and to promote the adoption of Construction Design and Management to stakeholders of the construction industry in planning and designing construction projects, so as to eradicate or mitigate the OSH risks that might arise during construction and maintenance of these projects at source; and
- (y) the LD, in collaboration with the Occupational Safety and Health Council, the property management industry and the construction industry, launched the Promoting the Use of Light-Duty Platform Scheme to provide proper light-duty working platforms free of charge to contractors and workers who carried out small-scale renovation and repair works in residential buildings, in order to avoid the use of ladders for above-ground works.

7. The Chairman asked Members to express views and raise questions on the briefing of the Commissioner in one round, and reminded Members that they should speak concisely as far as possible and avoid repetition of points.

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

- (a) since the outbreak of the epidemic, the “work-from-home arrangement” became a trend in the workplace. He considered that such a flexible work arrangement could encourage women to join the workforce. He wished to know whether the LD had developed relevant guidelines on the “work-from-home arrangement”;
- (b) he was concerned about women employment and wished to know whether the LD had developed guidelines on breastfeeding to recommend that private enterprises should provide a breastfeeding-friendly environment for working mothers who returned to work. He hoped that the Government could set an example in promoting the “Breastfeeding Friendly Workplace” policy (e.g. including lactation breaks in the working hours) for encouraging private enterprises to implement the same policy; and



- (c) he suggested that the LD could provide incentives for government departments and private enterprises to implement carer-friendly measures, so that carers could return to workplaces.

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

- (a) he said that the “4-18” requirement had been adopted for years. To save labour costs, quite a lot of unscrupulous employers took advantage of the legal loophole in the past by arranging less duty rosters for the employees a week before the final settlement, making them unable to enjoy the entitled labour benefits. He suggested that the LD should take note of the situation when reviewing the “4-18” requirement;
- (b) he opined that the increase in SMW could not keep up with the inflation; and
- (c) he was worried that with the introduction of the Guidance Notes on Prevention of Heat Stroke, when workers in the construction industry were provided with rest breaks after the Heat Stress at Work Warning was in effect and as required under the said Guidance Notes, some sub-contractors might handle the situation by way of suspension of work without pay, which would affect workers’ income as a result, or workers might be requested to catch up with the works progress after suspension of work. He wished to know how the LD would urge employers to comply with the requirements of the said Guidance Notes.

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

- (a) he hoped that the LD could inform Members as early as possible before organising job fairs to enable them to convey the message to the public;
- (b) he suggested that the LD could organise briefings in the district to enhance the understanding of the abolition of the “offsetting” arrangement among employers and employees;
- (c) he suggested that the LD should step up inspections at construction sites to ensure the compliance of the regulations of the Guidance Notes on Prevention of Heat Stroke by the employers; and
- (d) taking the property management industry as an example, he said that given the difficulty in recruiting suitable security guards, quite a few property management companies commissioned intermediaries (commonly known as “snakeheads”) to recruit part-time security guards. However, as the “snakeheads” did not enter into employment contracts with the part-time security guards, these part-time security guards were often left helpless in case of labour disputes. He wished to know what response measures were taken by the LD to address the labour disputes between “snakeheads” and part-time employees.

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

- (a) he said that he received publicity materials from the LD from time to time, but the event concerned was imminent whenever he received the publicity materials. He

hoped that the LD could send the publicity materials by post as early as possible. He also said that he had received more publicity materials from the LD in recent years, and the LD had also organised more job fairs when compared with the past;

- (b) he opined that people always found it difficult to secure jobs. However, it was now more common that employers of various industries and sectors found it difficult to recruit staff. He wished to know the cause of the problem and how the LD would offer assistance to employers; and
- (c) he wished to know the number of employees successfully hired through the recruitment services provided by the LD.

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

- (a) he suggested that the Government should implement the family-friendly policy, such as resumption of provision of the individual-based transport subsidy and additional child care services, thereby encouraging women to return to workplaces for unleashing more labour force; and
- (b) he considered that unleashing of more labour force was conducive to enabling local families to rely less on FDHs. He was aware that some FDHs engaged in part-time work, such as assisting fellow helpers in packing goods in public places for mailing to their hometowns, which not only breached their conditions of stay, but also affected the normal use of community facilities by members of the public. He suggested that the LD should step up patrols at the gathering places of FDHs.

13. Mr HUI Lap-san thanked the LD for always providing professional advice and services to assist the public in dealing with labour disputes and claims for compensation for work injuries. Taking a request for assistance related to work injuries received by him last year as an example, he said that the employee seeking assistance eventually received reasonable compensation from the employer concerned after the LD's conciliation.

14. The Chairman considered that increasing child care services would help encourage women's employment. Nevertheless, having regard to the ineffectiveness of the Neighbourhood Support Child Care Project of the Social Welfare Department (SWD), he suggested that the LD should assist in encouraging women to join the home-based child care service, so as to make good use of the remaining workforce of the community.

15. Ms May CHAN, the Commissioner, gave a consolidated response as follows:

- (a) she said that women's employment was always a matter of concern of Members. The LD had been striving to assist women in returning to the job market. She understood that women usually had to fulfill family responsibilities at the same time, and therefore might only engage in part-time or temporary jobs with more flexible working hours. The Department would consider organising more job fairs on the theme of part-time jobs and would also work with organisations and Members of various districts to organise district-based job fairs at the Job Centres of the LD, with a view to assisting local community members to secure employment. She said that the LD would organise a large-scale job fair in July this year for hotel, retail

and catering industries. The Department would actively assist job seekers and employers in job matching, and hoped that the situation of “job vacancies remaining unfilled” could be improved;

- (b) the LD would continue to disseminate information about job vacancies through various channels, so as to help job seekers secure employment. In 2022, the LD assisted over 164 000 job seekers in successfully securing employment;
- (c) various sectors in Hong Kong were facing severe manpower shortages. The Chief Executive also mentioned in the Policy Address that relevant bureaux would review the labour shortage situation in the construction and transport sectors. It was believed that relevant bureaux would announce solutions in the near future;
- (d) she said that provision of home-based child care services was under the service scope of the SWD. The LD would continue to provide employment services for employers and job seekers through its Job Centres;
- (e) the LD always encouraged employers to implement family-friendly employment practices, including flexitime and flexible working arrangements, etc. However, considering different characteristics of various sectors and varying arrangements made by different employers, the LD did not have any plan at the present stage to introduce uniform guidelines on family-friendly practices or enact legislation to regulate the situation. The LD would, through various channels, continue to encourage employers to enhance communication with employees and reach a consensus with them on work-related arrangements;
- (f) the LD noted the rapid development of some of the emerging modes of work arrangements (such as digital platform work) in Hong Kong in recent years. However, such emerging modes of work arrangements might be different with the conventional employment relationship. The LD was stepping up efforts to conduct relevant studies to consider developing suitable measures for these emerging modes of work arrangements, including enhanced accident insurance coverage for digital platform workers;
- (g) she said that apart from the property management sector, there were also cases in various sectors where no employment contracts were signed between employers and employees. The LD always reminded employees of the need to understand clearly their mode of co-operation and clarify their identities as employees or self-employed persons for ascertaining their entitled and necessary protection, so that in case of disputes, both parties were able to handle such disputes properly. The LD would continue to strengthen the publicity in this respect;
- (h) she noted Members’ request for the LD’s early delivery of publicity materials to them, and she would convey the message to relevant colleagues;
- (i) the LD would further consider organising briefings at district level to introduce the abolition of the “offsetting” arrangement. Moreover, the LD would conduct extensive publicity with easy-to-understand information through different media (such as television and radio advertisements) to deepen the understanding of the

abolition of the “offsetting” arrangement among employers and employees. To facilitate calculation of the severance payments and long service payments by employers and employees, a calculating tool was also made available on the LD’s website;

- (j) as for some Members’ concern that workers might need to catch up with the works progress as a result of the rest arrangements, she said that the Guidance Notes on Prevention of Heat Stroke set out some other measures to reduce the required rest periods, including provision of portable fans, setting up of covers, etc. Moreover, the situation under the Heat Stress at Work Warning, which was usually in force during a period of time at noon, was different from that under inclement weather warnings such as the Black Rainstorm Warning and Typhoon Signal No. 8 or above. She therefore considered that the rest arrangements under the Heat Stress at Work Warning would not trigger the need to catch up with the works progress. Besides, the LD made it clear to the employers that the rest arrangements should not affect the salaries of the workers;
- (k) prior to the promulgation of the Guidance Notes on Prevention of Heat Stroke, some of the employers would allow employees to take a rest for a longer time at noon. She also noted that the measures adopted by some employers were even more diversified than the requirements under the Guidance Notes on Prevention of Heat Stroke. She said that the LD would step up inspections in future and employees might also lodge complaints against their employers through the hotline. While the Guidance Notes on Prevention of Heat Stroke was of no legal effect, the Department could, in case the employers refused to comply with the regulations despite repeated reminders, invoke the “employer general duty provisions” under the OSH legislation to institute prosecutions; and
- (l) as the provision of individual-based transport subsidy was not within the policy area of the LD, the LD would convey the views of Members to relevant decision-making departments.

### Question

Question to be Raised by Mr WAI Hing-cheung on the Matters Concerning Desilting Work at Shing Mun River

(Paper No. STDC 12/2023)

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

- (a) he said that the gross weight of silt removed by the Drainage Services Department (DSD) along a section of Shing Mun River near Man Lai Court in 2020 was far less than that in the subsequent two years. He wished to know the reasons involved;
- (b) he said that as at March 2023, only about 26.7 tonnes of silt were removed from the said river channel by the DSD, which were far less than the average weight of silt removed in each desilting operation in 2021 and 2022. He wished to know the reasons involved;

- (c) as far as he knew, the DSD would arrange works vehicles and dredgers to remove the silt in the said river channel every three months. He wished to know the reasons involved. He would like to know whether the DSD could increase the frequency of desilting work in the said river channel;
- (d) he wished to know whether the DSD conducted dredging and desilting work for Shing Mun River through contractors of outsourced services, and whether the DSD had monitored their work effectiveness;
- (e) he said some of the surrounding residents found that workers had placed the silt dredged from the river bed along both sides of the Shing Mun River without removing it immediately, and in time of high tides, the silt would be washed back into the Shing Mun River. He considered this approach ineffective; and
- (f) he said the management office of Man Lai Court relayed to him that it had recently witnessed that the workers of outsourced services of the Food and Environmental Hygiene Department (FEHD) brushed the leaves along the Shing Mun River into the river. He would like to learn about the details from the FEHD.

17. The Vice-Chairman said that in an earlier discussion about the implementation of a small-scale floating photovoltaic system at a small area on the Shing Mun River near Sha Tin Town Hall during the meeting of the Health and Environment Committee, the DSD mentioned that if the pilot project was contaminated by bird droppings and litter, the DSD would follow up the issues and arrange cleansing in a timely manner. He wished to know the frequency of cleansing work to be conducted for the pilot project.

18. Mr LAM Yat-hang, Engineer/Shatin of the DSD, gave a consolidated response as follows:

- (a) the DSD learnt that Members expressed concerns over the silt problems in the river channel of the section of Shing Mun River near Man Lai Court, and therefore the DSD had, starting from 2021, instructed the contractors to deploy more machinery to the section of Shing Mun River near Man Lai Court whenever conducting dredging and desilting work. As a result, the gross weight of silt removed annually increased since 2021 when compared with that in 2020;
- (b) dredging and desilting work were required to be conducted on dates when low tides of larger range and longer periods occurred during daytime. Since shorter periods of low tides with larger range occurred during daytime on the dates mentioned, the weight of silt removed was less than the average weight in the past;
- (c) the DSD engaged term contractors to enter the said river channel regularly to conduct dredging and desilting work. The DSD would continue to explore with the contractor concerned whether the frequency of desilting work in the river could be increased;
- (d) as the silt was of high water content, workers would normally place the silt dredged at the upstream locations of Shing Mun River, which were not affected by the tides, for a short period of time. After the water in the silt was drained, the dewatered silt

would be grabbed away by grab lorries. The DSD would remind the contractor concerned to make arrangement for taking away the silt as early as possible; and

- (e) he noted the question raised by the Vice-Chairman, and would refer it to relevant Working Group.

19. Mr CHAN Ka-kui, District Environmental Hygiene Superintendent (Sha Tin) of the FEHD, said he noted the views of Mr WAI Hing-cheung that workers of outsourced services of the FEHD were witnessed to have brushed the leaves along both sides of the Shing Mun River into the river. He would conduct investigation after the meeting and inform Mr WAI Hing-cheung of the findings of the investigation.

[Post-meeting note: The FEHD staff learnt more about the routine cleansing work of the workers of the outsourced service and conducted a surprise visit at the relevant management office after the meeting, during which no aforementioned irregularities were found. Nevertheless, the staff of outsourced service were verbally warned by the FEHD staff to avoid such irregularities. Besides, the FEHD staff also inspected the relevant section with Mr WAI Hing-cheung after the meeting, and the cleanliness condition of the location was satisfactory. The FEHD would continue to keep in view the situation and take appropriate actions.]

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

- (a) he would like to learn about how the remuneration of the contractors of outsourced services of the DSD was determined. If the remuneration of contractors was calculated based on the frequency of work, he was worried that the contractors might deliberately place the silt dredged from the Shing Mun River along both sides of the river, so that an additional amount of remuneration could be earned by arranging for transporting the silt away. He said that quite a number of members of the public relayed to him that they had witnessed that workers placed the silt dredged along both sides of the river. He reminded the DSD again to pay attention to this issue;
- (b) he said that as he recalled, he raised the issue in a STDC meeting that as the contractors of the DSD failed to timely remove the silt accumulated along both sides of the Shing Mun River, the silt was washed back into the river channel during high tides consequently. However, the problem was not yet improved even after many years;
- (c) he wished to know whether the silt of the section of the Shing Mun River near Man Lai Court was carried from upstream locations to downstream locations, or caused by the litter carried from the open sea to the river channel due to high tides. He once suggested that air cushions could be provided at the section of the Shing Mun River opposite Sha Tin Government Secondary School to separate the litter accumulated due to rising water;
- (d) he learnt that dredging and desilting work were required to tie in with the tidal changes, and observed that low tides of longer periods occurred in March and April this year and there was also more silt in the river bed of the Shing Mun River. He did not understand why the DSD failed to get hold of the information and arrange

for contractors to conduct desilting work at the said river channel in a timely manner. He would like to learn about how the DSD would get hold of the times of high and low tides; and

- (e) he considered that the odour problem of the Shing Mun River was improved. However, quite a number of members of the public also relayed that there was a larger amount of silt in the Shing Mun River recently when compared with the previous years. He asked the DSD to keep in view the issue.

21. The views of the Chairman were summarised below:

- (a) he would like to know whether the remuneration of contractors of DSD's outsourced services was calculated based on the frequency of work;
- (b) he learnt that the Department noted the situation that the silt placed along both sides of Shing Mun River might be carried back into the river channel due to high tides. He hoped that the Department would actively handle the situation; and
- (c) he wished to know whether the Department would arrange for contractors to conduct additional desilting work in the said river channel according to the need of the community.

22. Mr LAM Yat-hang gave a consolidated response as follows:

- (a) under normal circumstances, the silt dredged from the river channel would be placed along the river bank of the Shing Mun River for a short period of time before moving to the upstream locations of the Shing Mun River which were not affected by the tides. After the water in the silt was drained, the dewatered silt would be grabbed away by grab lorries. The DSD would enhance communication with the contractors and urge them to ensure that the silt would be transported from the river bank of the Shing Mun River to the upstream locations of the Shing Mun River which were not affected by the tides, and the dewatered silt would be removed as early as possible;
- (b) he said that the remuneration of contractors was calculated based on the gross weight of silt removed by them from the said river channel;
- (c) given the location of the Shing Mun River in intertidal zones, marine deposits (including silt) usually accumulated at the bottom of the river. Moreover, with the wide surface of the section of the Shing Mun River near Man Lai Court and its relatively slower river flow rate, the sand and silt as well as miscellaneous articles in the river would easily accumulate at the river bends;
- (d) the DSD would, with reference to the Tide Tables issued by the Hong Kong Observatory, arrange for contractors to conduct regular desilting work at the said river channel on dates when low tides of larger range and longer periods occurred during daytime;

- (e) he said that the gross weight of silt removed by the DSD annually from the said river channel in 2021 and 2022 increased when compared with that in 2020. It showed that the Department had allocated more resources to tackle the problem. He said that the Department would regularly deploy staff to measure the depth of sediments in the river bed of the Shing Mun River to ensure the maintenance of sufficient flood discharge capacity of the Shing Mun River; and
- (f) the DSD would step up efforts to explore with the contractor concerned whether the frequency of desilting work in the river could be increased.

## **Information Items**

### Reports of Committees under the STDC

#### Traffic and Transport Committee (Paper No. STDC 13/2023)

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

- (a) he commended the Police for actively tackling the illegal parking along On Chun Street;
- (b) he said that recently, some persons likely to be from the Mainland frequently appeared in Ma On Shan and claimed to passers-by on the streets that they lost their ways or wallets and needed to ask for money to purchase food or to take transportation. He requested the Housing Department (HD), Link Real Estate Investment Trust and the Police to follow up the issue. He also repeatedly appealed to members of the public that assistance should be sought from the security personnel or the Police in case of such a situation. Nevertheless, the problem was yet to be improved. He hoped that the Police would follow up the issue;
- (c) he said quite a number of members of the public recently told him that they had received suspected fraudulent messages. Given that the Real-name Registration Programme for Subscriber Identification Module Cards had been implemented for a period of time, he would like to know whether the Police would assist in investigation of the cases concerned if members of the public provided the telephone numbers of the suspected fraudsters to the Police, and whether the Police had successfully prosecuted the fraudsters through tracking down their telephone numbers; and
- (d) he learnt that the Transport Department (TD) and the District Lands Office, Sha Tin (DLO/ST) would provide parking facilities for motorcycles in the vicinity of Chung On Estate. He would like to know the progress and completion time of the works concerned.



24. Mr Percy LEUNG, District Commander (Shatin) of the Hong Kong Police Force, gave a consolidated response as follows:

- (a) the Police would closely keep in view the recent allegations made by passers-by that deception cases of borrowing money occurred in the vicinity of New Town Plaza, Citylink Plaza, the “Hundred-Step Staircase” in front of Sha Tin Town Hall, On Luk Street Park, MOSTown, Hong Kong College of Technology (HKCT) (HKCT Jockey Club Ma On Shan Campus). Despite the fact that it was not necessarily unlawful to obtain money from passers-by, the Police would step up patrols and interception of suspicious persons in order to reduce nuisance caused to the public. He said that the Police arrested four men and women, who were wanted persons holding Two-way Exit Permits, at Heng On Station on 5 April this year. Members of the public who found such cases of borrowing money in other places were welcome to provide relevant information for the Police to facilitate its manpower deployment to step up patrols at the locations concerned;
- (b) he said that members of the public who received suspicious fraudulent messages sent from local physical telephone numbers might report relevant details to the Police. The Police would refer the details to relevant departments for intelligence analyses. He said that over the past three months, the Police did not have any record on successful prosecution against fraudsters through tracking down their telephone numbers; and
- (c) he briefed Members on the latest anti-deception publicity leaflets of Sha Tin Police District. He said that the design of the publicity leaflets was similar to admission tickets of concerts, and hoped that it would heighten the vigilance of the public against deception cases to avoid falling into the traps of frauds involving online purchase of admission tickets of concerts. In view of the ever-evolving deceptive practices of fraudsters, the Sha Tin Police District would continue to introduce innovative publicity approaches to enhance the anti-deception awareness of the public.

25. Mr Wilson WONG, District Lands Officer/Shatin, said that as for the provision of parking spaces for motorcycles in the vicinity of Chung On Estate as mentioned by Mr HUI Lap-san, he did not have relevant information of the works currently, and would give a reply to Mr HUI Lap-san after the meeting.

[Post-meeting note: The Highways Department (HyD) and the DLO/ST made a reply to Mr HUI Lap-san on the proposed parking spaces for motorcycles on 1 and 15 June 2023 respectively. The HyD expected that the works of the parking spaces for motorcycles would be completed in end-July this year.]

26. Mr Patrick NG, Principal Transport Officer/New Territories 1 of the TD, said that as for the provision of parking spaces for motorcycles in the vicinity of Chung On Estate as mentioned by Mr HUI Lap-san, he did not have relevant information of the works currently, and would give a reply to Mr HUI Lap-san after the meeting.

[Post-meeting note: Having looked into the matter, it was learnt that the HyD was responsible for the works of the parking spaces for motorcycles on Hang Hong Street near

Chung On Estate. The TD relayed relevant matters to the HyD on 29 May 2023 for follow-up actions.]

27. The Chairman said that if necessary, relevant departments might conduct a site visit with Mr HUI Lap-san in Chung On Estate to follow up the works of provision of parking spaces for motorcycles.

Culture, Recreation and Sports and Community Facilities Management Committee  
(Paper No. STDC 14/2023)

Education and Welfare Committee  
(Paper No. STDC 15/2023)

Development, Housing, Environment and Health Committee  
(Paper No. STDC 16/2023)

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

- (a) he would like to follow up the issue on illegal occupation of government land in the vicinity of Wu Kai Sha Beach and To Tau Wan Village. He learnt that the DLO/ST conducted a joint operation with the Sha Tin District Office (STDO), the Fire Services Department, the Hong Kong Police Force and FEHD at the location concerned last Sunday, during which a notification was issued to the persons who illegally occupied government land, requesting them to remove the articles within a specified time. He would like to learn more about the follow-up actions of relevant departments; and
- (b) he said that apart from dumping of refuse at the said locations, dumping of cement and unlawful business operation were also found at such locations. He asked the relevant departments to keep in view the issues.

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

- (a) regarding the relevant works on the footbridge at the junction of Che Kung Miu Road and Mei Tin Road in Tai Wai (commonly known as the “octopus bridge”), he wished to know when the MTR Corporation Limited (MTRCL) would attend the meeting of the Development, Housing, Environment and Health Committee (DHEHC) to discuss the issue with the members. He opined that the issue should be discussed in the meeting of the DHEHC; and
- (b) he considered that public interest was involved in the relevant works of the “octopus bridge”, and therefore the DLO/ST and the TD had to perform the gate-keeping role effectively to safeguard the right of the public to use community facilities.

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

- (a) the Secretariat, upon learning about the views of the members, invited the MTRCL to attend the meeting of the DHEHC as advised to discuss the issue of the relevant works of the “octopus bridge” with the members. He also discussed the issue with

the MTRCL after an earlier meeting. However, the MTRCL responded that it was currently considering the arrangement of attending the meeting of the DHEHC and a written reply would first be given in response to the discussion of the members in the previous meeting; and

- (b) he wished to follow up the case involving a resident found dead at home in Shui Chuen O Estate. As the resident concerned was a recipient under the Comprehensive Social Security Assistance Scheme, he would like to learn more from the SWD about the follow-up actions in this respect.

31. The Chairman considered that the MTRCL had to attend the DHEHC meeting to discuss the issue about the works of the “octopus bridge” with the members. He asked the Secretariat to assist in inviting the MTRCL to attend the DHEHC meeting.

[Post-meeting note: The Secretariat provided assistance for the Chairman of the DHEHC on 30 May 2023 to invite the MTRCL to attend the DHEHC meeting. The meeting was held on 30 June 2023.]

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

- (a) he said that the STDO, in collaboration with relevant departments, conducted a joint operation at Wu Kai Sha Beach and the beach of To Tau Wan on 21 May this year to tackle the cases involving occupation of government land;
- (b) the DLO/ST, pursuant to the Land (Miscellaneous Provisions) Ordinance (Cap. 28), gave notices to persons who illegally occupied government land under the said operation, in which such persons were requested to remove the miscellaneous articles occupying the government land as early as possible. Upon the expiry of the deadline, various departments revisited the location and found that some of the miscellaneous articles remained in their original state. Relevant departments removed some of such miscellaneous articles immediately. The DLO/ST also expected that arrangement could be made for a contractor to clear the abandoned sampans at the location in the coming week; and
- (c) he said that the relevant works of the “octopus bridge” were handled by the Railway Development Section. He would relay the views of the Members to the Railway Development Section.

33. Mr David HO, Assistant District Officer (Sha Tin)2 (Atg), said that the STDO had coordinated the joint operation of relevant departments to tackle the above situation at Wu Kai Sha Beach and the beach at To Tau Wan. The STDO would provide appropriate assistance for relevant departments when necessary.

34. Mr CHAN Ka-kui said that the FEHD participated in the joint operation on 21 May this year, during which 1.5 tonnes of garbage were cleared.

35. Mr Percy LEUNG said that the Police, when participating in the said joint operation, issued fixed penalty notices to offending vehicles causing traffic obstruction to the surrounding area, while assisting other departments in law enforcement. Moreover, the Police also distributed 96 anti-deception publicity leaflets to members of the public on-site.

36. Ms Wendy FUNG, District Social Welfare Officer (Sha Tin) of the SWD, gave a consolidated response as follows:

- (a) in respect of the case in which a resident was found dead at home in Shui Chuen O Estate, the Sha Tin (North) Integrated Family Service Centre (the Centre) contacted various government departments and provided suitable follow-up services for the family members of the resident. The Centre also immediately placed service leaflets at the counters at the lobbies of all building blocks and the estate office in Shui Chuen O Estate, so that the residents might have access to the relevant service information and sought assistance where necessary;
- (b) the SWD approached the HD and coordinated the launch of operation by the HD staff and relevant Neighbourhood Elderly Centre to visit elderly singletons and families of elderly doubletons in Shui Chuen O Estate, with a view to approaching the hidden elderly who seldom participated in community activities and encouraging them to participate in such activities. The SWD also planned to progressively extend the care visits from Shui Chuen O Estate to other housing estates in Sha Tin District, such as Chun Yeung Estate which was completed in recent years. As considerable manpower was required to provide support, the SWD would mobilise volunteers and staff members of non-governmental organisations as well as the HD or estate management offices of housing estates to conduct such visits;
- (c) the Social Security Field Units in Sha Tin District would also distribute leaflets about the elderly and family services to elderly singletons or families of elderly doubletons on a need basis, so as to encourage them to make good use of the community support services; and
- (d) she appealed to Members, the HD and non-governmental organisations to notify the SWD when identifying hidden elderly, so that the Department could follow up the cases.

37. Mr Patrick NG said that the TD kept an open mind to retaining part of the covered footbridge, escalator, pedestrian ramp and staircase of the “octopus bridge”. If relevant departments decided to amend the gazetted scheme or other land lease conditions and submit proposals, the TD would provide advice from the point of view of traffic.

38. The Council noted the above four papers of the committees.

**Date and Time of Next Meeting**

39. The next meeting was scheduled to be held at 2:30 pm on 27 July 2023 (Thursday).
40. The meeting was adjourned at 4:20 pm.

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

July 2023