

**Summary of Minutes of the 5th Meeting of
the Commerce, Industry and Housing Committee (2014-2015)**

Meeting

The Commerce, Industry and Housing Committee (“CIHC”) held its 5th meeting on 4 August 2014.

Occupation of Government Land by Altered Shopping Centre of The Link Management Limited (“The Link”)?

2. A Member was dissatisfied with The Link for not properly consulting the Tuen Mun District Council (“TMDC”) and the Estate Management Advisory Committee (“EMAC”) on the alteration of On Ting Commercial Complex prior to implementation, and called for improvement to this consultation system. A Member requested The Link to extend the current opening hours of the access in On Ting Commercial Complex, propose measures to improve the access, and reprovise the TMDC’s notice board in-situ. In addition, another Member was disappointed with the absence of public consultation by the Independent Checking Unit (“ICU”) of the Housing Department (“HD”) before the alteration of On Ting Commercial Complex by The Link, and the approval by the ICU of the inclusion of public access in The Link’s shopping centre area. He urged the ICU to explain clearly its plan approval standards, and requested the Housing Authority to stipulate specifically public access restrictions in future land sales. A Member also hoped that the HD could reconstruct a covered walkway as soon as possible, and enquired about its preliminary design.

3. The representative of The Link responded that various stakeholders would be consulted on the works before commencement to improve the consultation procedures. At present, the access connecting Yau Oi Estate and On Ting Commercial Complex was open 24-hour to the public. Regarding the reprovise of the TMDC’s notice board, a notice board in the original style would be reprovise at the location endorsed by the EMAC.

4. The representative of the ICU responded that the plan submitted by The Link had been vetted under the Buildings Ordinance (“BO”), and must be approved as it was not in violation of the BO. Moreover, consultation was not required before improvement works to shopping centre under the BO, but the ICU had reminded The Link to commence works after consulting stakeholders.

5. The representative of the HD responded that the HD would learn from this experience to prevent recurrence of similar incidents. With regard to walkway reconstruction, the HD planned to construct a new walkway near the shopping centre’s external wall after conducting a feasibility study with The Link. However, subject to the gross floor area restriction, the proposed walkway with cover had to be redesigned, and it took time to complete the plan design and site investigation for underground public utilities. Therefore, the representative of the HD hoped that The Link could co-operate by extending the opening hours of the shopping centre’s access for the convenience of residents.

6. The CIHC endorsed the continuation of the discussion of this item at the next meeting, and the communication of the incident and Members' requests to the Director of Housing and the Director of Buildings in writing.

Perfecting Relevant Laws and Stepping-up Monitoring of Consultants

7. The CIHC expressed concern about the monitoring of consultants under the Mandatory Building and Window Inspection Schemes, who was considered to have been left to their own devices. It was proposed that the Buildings Department ("BD") should (a) supervise the items of repair determined necessary by consultants; (b) step up random checks of consultants' reports; (c) amend the law to close legal loopholes; (d) engage ad hoc area consultants and contractors to handle the tendering of consultants and contractors in their areas for consistent procedures and standards, and award contracts to average instead of the lowest tender; (e) submit an annual report to the TMDC, particularly for the CIHC to make suggestions for improvements; and (f) form a working group to step up monitoring of consultants.

Review of the Hotel and Guesthouse Accommodation Ordinance ("HAGAO")

8. The representative of the Home Affairs Department briefed Members on the aforesaid public consultation document, in which three options were provided: (a) soliciting local views on licence applications through District Officers; (b) setting up an independent panel comprising unofficial members to collect and consider residents' views, and make recommendations to the licensing authority; and (c) setting up a new statutory body to consider licence applications and issue licences.

9. A Member supported option (c): setting up a new statutory body to consider licence applications and issue licences, because rarely did Deeds of Mutual Covenants of buildings contain explicit provisions against the use of premises for guesthouse purpose. As it took time for option (c) to implement, this Member suggested the implementation of option (a) as a temporary measure. In addition, a Member considered the current regulations under the HAGAO to be rigid. Home-stay lodgings could be considered in addition to hotels and guesthouses. Another Member also suggested that an appeal mechanism should be introduced, and that an unsuccessful applicant should be deterred from applying repeatedly for the same premises under a different company name in a specified period of time.

Work Reports by Working Groups under CIHC

(a) Working Group on Occupational Safety and Health

10. Members noted the contents of the report of the Working Group.

(b) Working Group on Economic Development in Tuen Mun

11. The Chairman agreed with a Member on the need to specify in the judging criteria of the photo competition, as part of the activities to promote special tourist attractions in Tuen Mun, that no digital manipulation of images was allowed.

(c) Working Group on Building Management

12. The Working Group had not received any response to the production of the booklet on building management after two rounds of partner organisation invitation. Another meeting would be held to discuss the related work.

Work Report on Private Building Management in Tuen Mun District

13. Members noted the contents of the report of the Tuen Mun District Office.

Report by BD

14. The CIHC noted the contents of the report of the BD.

Secretariat, Tuen Mun District Council

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