

Minutes of the 11th Meeting of
the Commerce, Industry and Housing Committee of
the Tuen Mun District Council

Date: 7 August 2017 (Monday)

Time: 9:30 a.m.

Venue: Tuen Mun District Council (TMDC) Conference Room

<u>Present :</u>		<u>Time of Arrival</u>	<u>Time of Departure</u>
Ms CHING Chi-hung (Chairman)	TMDC Member	9:30 a.m.	End of meeting
Mr CHAN Manwell, Leo (Vice-chairman)	TMDC Member	9:46 a.m.	End of meeting
Mr LEUNG Kin-man, BBS, MH, JP	TMDC Chairman	9:30 a.m.	End of meeting
Mr LEE Hung-sham, Lothar, BBS, MH	TMDC Vice-chairman	9:33 a.m.	End of meeting
Mr TO Shek-yuen, MH	TMDC Member	9:31 a.m.	End of meeting
Ms KONG Fung-yi	TMDC Member	9:30 a.m.	End of meeting
Mr NG Koon-hung	TMDC Member	9:30 a.m.	End of meeting
Ms WONG Lai-sheung, Catherine	TMDC Member	9:30 a.m.	End of meeting
Mr AU Chi-yuen	TMDC Member	9:31 a.m.	End of meeting
Ms HO Hang-mui	TMDC Member	9:30 a.m.	End of meeting
Mr LAM Chung-hoi	TMDC Member	9:30 a.m.	End of meeting
Ms LUNG Shui-hing, MH	TMDC Member	9:30 a.m.	End of meeting
Mr CHAN Man-wah, MH	TMDC Member	9:30 a.m.	End of meeting
Mr CHEUNG Hang-fai	TMDC Member	9:31 a.m.	11:21 a.m.
The Hon HO Kwan-yiu, JP	TMDC Member	9:34 a.m.	End of meeting
Ms CHU Shun-nga, Beatrice	TMDC Member	9:30 a.m.	End of meeting
Mr TSANG Hin-hong	TMDC Member	9:30 a.m.	End of meeting
Ms SO Ka-man	TMDC Member	9:30 a.m.	End of meeting
Mr KAM Man-fung	TMDC Member	9:54 a.m.	End of meeting
Mr MO Shing-fung	TMDC Member	9:38 a.m.	11:13 a.m.
Mr YEUNG Chi-hang	TMDC Member	9:30 a.m.	End of meeting
Mr YAN Siu-nam	TMDC Member	9:30 a.m.	End of meeting
Mr TAM Chun-yin	TMDC Member	9:30 a.m.	End of meeting
Ms MA LO Kam-wah, Virginia	Co-opted Member	9:30 a.m.	End of meeting
Mr NG Ka-ho, Andrew	Co-opted Member	9:30 a.m.	10:29 a.m.
Mr CHAN Tsim-heng	Co-opted Member	9:30 a.m.	End of meeting
Mr TSOI Shing-hin	Co-opted Member	9:30 a.m.	End of meeting
Mr HO Chui-wan, Ida (Secretary)	Executive Officer (District Council) 1, Tuen Mun District Office, Home Affairs Department		

Absent with Apologies :

Mr TSUI Fan, MH	TMDC Member
Mr FUNG Pui-yin	Co-opted Member
Mr NG Kwok-yan, Akina	Co-opted Member

In Invitation :

Dr LOH Lai-ting, Taron	Sr Med & Health Offr (Community Liaison)1, Department of Health
Mr FUNG Chi-hung, Eric	Sr Telecommunications Engr (Spectrum Planning)2, Office of the Communications Authority
Ms LAM Fung-ping, Ida	Property Service Mgr/S(T&Y) 1, Housing Department
Ms TSANG Shuk-ye, Ella	Housing Mgr/TM3, Housing Department
Miss HO Wai-ling, Steffi	Asst Housing Mgr/T(YLG1) 3, Housing Department
Mr WONG Man-yuen	Housing Officer/Tenancy (Yuen Long 1) , Housing Department

In Attendance :

Mr KWU Hon-keung	TMDC Member
Ms KOO Kit-ye, Angie	Senior Liaison Officer (1), Tuen Mun District Office, Home Affairs Department
Miss LEE Fung-yi, Maggie	Liaison Officer i/c Building Management & Town Centre, Tuen Mun District Office, Home Affairs Department(Acting)
Ms TSE Alisa	Senior Building Surveyor/E5, Buildings Department(Acting)
Mr CHOW Chiu-leung	Station Commander, Castle Peak Bay Fire Station, Fire Services Department
Ms WA Lei-chun, Winnie	Senior Community Relations Officer /ICAC Regional Office (NTNW), Independent Commission Against Corruption
Mr HO Chik-tung, Dennis	Labour Officer (Workplace Consultation Promotion), Labour Department
Mr MOK Hing-cheung	Administrative Assistant/Lands, District Lands Office, Tuen Mun, Lands Department
Ms CHENG Chui-king, Christine	Housing Manager/Tuen Mun 4, Housing Department

I. Opening Remarks

The Chairlady welcomed all to the 11th meeting of the Commerce, Industry and Housing Committee (“CIHC”).

2. The Chairlady said that Mr KWU Hon-keung was not a Member of the CIHC, but he had submitted a paper titled “How Should the Home Affairs Department Coordinate Buildings Which Have Not formed an Owners’ Corporation?”, so he was allowed to attend this meeting.

3. The Chairlady reminded Members that any Member who was aware of a personal interest in a discussion item should declare the interest before the discussion. She would, in accordance with Order 39(12) of the TMDC Standing Orders, decide whether the Member who had declared an interest might speak or vote on the matter, might remain in the meeting as an observer, or should withdraw from the meeting. All cases of declaration of interests would be recorded in the minutes of the meeting.

II. Absence from Meeting

4. The Secretariat had not received any application for leave of absence from Members.

III. Confirmation of Minutes of The Last Meeting

5. As Members proposed no amendments to the minutes of the 10th meeting of the the CIHC (2016-2017), the Chairlady announced that the minutes were confirmed.

IV. Matters Arising and Discussion Items

(A) Proposal to Retrofit Ramps and Safety Facilities on Both Sides of the Zebra Crossing between Ting Lung House and the Shopping Centre (CIHC Paper No. 10/2017) (Paragraphs 26-33 of the Minutes of the 10th CIHC Meeting)

6. The Chairlady said that in the last meeting the Housing Department (“HD”) was requested to review the barrier-free facilities of all the public housing estates. She requested the HD to report the progress.

7. Ms Christine CHENG of the HD responded that the department was preparing a plan in respect of the captioned proposal and would consult with the relevant departments and stakeholders, such as the Independent Checking Unit, Fire Services Department, District Lands Office Tuen Mun, Transport Department, Highways Department, Members of TMDC, On Ting Estate Management Advisory Committee and Link Asset Management Limited (“Link REIT”), on the feasibility of the plan.

8. A Member thanked the HD for the speedy response of planning for the barrier-free facilities at the captioned area. She would continue to follow it up in the Estate Management Advisory Committee.

9. The Chairlady said that as the HD needed time to follow up on the matter, the CIHC would continue with this issue in the next meeting. She also requested the HD to report on its progress.

HD

(B) How Should the Home Affairs Department Coordinate Buildings Which Have Not formed an Owners' Corporation?

(CIHC Paper No. 15/2017)

(Written reply from Buildings Department)

(Written reply from Land Registry)

10. As the governmental representative for agenda item (II)(B) "Request for Setting Higher Standards on Radiation Generated by Base Stations on Public Housing Rooftops" had not yet arrived due to other commitments, the Chairlady proposed to discuss agenda item (III)(A) "How Should the Home Affairs Department Coordinate Buildings Which Have Not formed an Owners' Corporation?" first. Members concurred in the said arrangement.

11. The proposer of the paper said that in forming Owners' Corporations ("OCs") for some single-block buildings, the chairmen, secretaries and treasurers accepted their posts somewhat involuntarily, and they did not know the procedures required (by law) to resign from their posts of the OCs. He said recently many property owners who had resigned from their posts with the OCs relayed to him that they were prosecuted by the Buildings Department ("BD"), which he reckoned to be very unfair to them. He queried whether a District Office had explained the requirements of different departments to the property owners when it assisted them to form an OC.

12. Ms KOO Kit-yee, Angie of the Tuen Mun District Office ("TMDO") responded that the TMDO was duty-bound to assist property owners in forming an OC and to encourage the owners to perform their duties of managing a building. The District Building Management Liaison Teams of all District Offices would offer advice and assistance to the OCs and property owners in matters relating to building management. To enhance the support to the owners of old buildings, especially the "three nil" buildings (i.e. buildings which did not have an OC or any form of residents organisations and had not engaged any property management company) with respect to building management, the Home Affairs Department ("HAD") launched the "Building Management Professional Advisory Service Scheme" in 2011, in which property management companies were commissioned to provide tailor-made and one-stop professional advisory services and support to the qualified owners of old buildings of the scheme and assisting the

owners in the formation of OCs. In addition, buildings of which the OCs had ceased operation or buildings which only had Mutual Aid Committees could seek professional advice for the formation of OCs through the Scheme.

13. Ms KOO of the TMDO said further that after the department was aware that a property owner had received a repair order from the BD or the Fire Services Department, its Liaison Officer would take the initiative to contact the OC or property owner and ensure that they understood what were required of them in the repair order. The Liaison Officer could also arrange meetings between officers of the BD or the Fire Services Department and the OC. If appropriate, the TMDO would recommend the OC and property owners to join the following schemes: the Integrated Building Maintenance Assistance Scheme jointly managed by Urban Renewal Authority (“URA”) and the Hong Kong Housing Society, the Smart Tender’ Building Rehabilitation Facilitating Services of URA, and the RenoSafe Scheme of Police Force. HAD also had other supporting programs for providing legal advice and resolving disputes for the OCs and property owners, such as the “Free Legal Advice Service on Building Management” jointly organised with the Law Society of Hong Kong, the “Free Mediation Service Scheme for Building Management” jointly organised with Hong Kong Mediation Council and Hong Kong Mediation Centre.

14. Ms KOO of the TMDO supplemented that the current Building Management Ordinance (“BMO”) specified that if a committee member of an OC resigned, the secretary of the OC must fill in a “Notice of Change of Particulars” to report the relevant change to the Land Registry. When the TMDO knew about the resignation of an OC committee member, it would remind the OC about the requirements of the BMO and assist the OC in arranging a by-election if necessary. The TMDO would strive to offer assistance to the OC or property owners in need, but some owners refused to form an OC due to the worries of legal responsibility and some simply refused their assistance. Nevertheless, the TMDO would continue to look for qualified buildings through the “Building Management Professional Advisory Service Scheme” and assist them to form an OC. She said further that in 2011, an old building in Tuen Mun had indicated to the TMDO its intention of dissolving the OC, but subsequently it did not provide any further information to TMDO. Then, the BD and the Fire Services Department issued the OC with a repair order in 2014, relating to which the TMDO had heard nothing from the OC either. It was not until a prosecution was instituted against the OC this year that the ex-chairman of the OC sought help from the TMDO. The TMDO was currently helping it prepare the information required by the relevant departments and helping it apply for the withdrawal of the prosecution.

15. A Member viewed that apart from assisting a building to form an OC, the TMDO should also follow up and offer assistance after the formation of an OC. He commented that the TMDO had not followed up on the OC that had been dissolved long ago and offered assistance only when it was faced with prosecution. After the OCs were formed, some buildings dissolved them due

to internal disputes. Many years later, some committee members of the OC even had moved out of the building. He opined that the TMDO only focused on assisting a building to form an OC and did not bother with the management of a building at all.

16. Ms KOO of the TMDO responded that after an OC was formed with the assistance of the TMDO, TMDO would send a representative to attend the OC's management committee meeting at its invitation. According to the records of the TMDO, after the said OC had indicated its wish to dissolve, the TMDO had tried to contact the committee members for many times but failed. It was until the prosecution instituted this year that the ex-chairman of the OC sought help from the TMDO. She said if Members knew of any property owners who needed assistance in matters of building management, they could advise them to take the initiative to contact the officers of the TMDO. The TMDO would continue to keep close contacts with the property owners of the old buildings and the "three nil" buildings in Tuen Mun District, and provide them with the appropriate assistance.

17. Members' comments and enquiries are summarised as follows:

- (i) A Member viewed that the TMDO should actively encourage the property owners to take part in the affairs of the OC, and appoint suitable persons (such as staff of the TMDO, District Councilors or volunteer lawyer of the Law Society of Hong Kong) to act as an OC's secretary. If the owners refused to handle the affairs of an OC, the TMDO could do it on their behalf and get reimbursements from them upon completion of a task;
- (ii) A Member enquired about the number of buildings in Tuen Mun for which the TMDO had assisted in forming OCs in the past year, and whether any change of committee members of an OC must be reported by the secretary to the Land Registry;
- (iii) A Member said according to the BMO (Ch. 344), an OC must re-elect the members of the management committee every two years; thus, he asked if it implied that the term of an OC was two years and whether the OC remained legally valid if it had not arranged for an election at the end of the two years;
- (iv) A Member said some buildings having just a small number of flats had their OC committee poorly organised and the elected committee members were not clear about the duties of their posts. Such committees would easily give rise to disputes and would eventually lead to dissolution. She reckoned bad timing was the crux of the OC-formation problem and opined that if the owners were ignorant about the operation and the duties of an OC, they should rather not form an OC; and
- (v) A Member viewed that the TMDO should do more to assist in the formation of OC, like enlightening the owners on their rights and duties once they were elected to the

committee. In following up on the "three nil" buildings, a department officer should not solely rely on telephone calls.

18. Ms KOO of the TMDO responded that after the HAD rolled out the Building Management Professional Advisory Service Scheme, TMDO had assisted one building to form an OC in the first phase (year 2011 to 2014) and two in the second phase (year 2014 to 2017). The third phase of the Scheme had just begun (in April of this year) and TMDO's goal was assisting three buildings to form an OC. The property management companies commissioned by the HAD were trying to contact the owners of the three buildings to explain to them the importance of building management and assist them to form an OC.

19. Ms KOO of the TMDO said further that according to the BMO, for any change in the committee members of an OC, the secretary had to fill in a "Notice of Change of Particulars" in order to notify the Land Registry. If the secretary had resigned, the TMDO would assist the OC to arrange a by-election or appoint a suitable person to assume the post. According to the relevant law, the secretary of an OC should be elected by the owners, the TMDO had no authority to appoint an individual to assume that post. When a government department instituted a prosecution against an OC, it would use the information contained in the register of the OC which was kept in the relevant department for communication with the OC committee members.

20. The Chairlady said that the TMDO had put a lot of efforts in tackling building management matters. The Working Group on Building Management under the CIHC would organise a seminar on building management on 15 September this year. She suggested the TMDO to inform the flat owners about the seminar, which would increase their knowledge on the work relating to building management.

21. Members had another round of discussion, the details of which are summarised below:

- (i) A Member said previously the HAD had set up building management resource centres and building management committees for private buildings, both of which offered assistance to the "three nil" buildings; but at present, the Building Management Professional Advisory Service Scheme was the only Government assistance offered to them;
- (ii) A Member said according to the BMO (Ch. 344), an OC must re-elect the management committee every two years, and enquired whether the staff of the TMDO had given timely reminders to OCs in this regard;
- (iii) A Member said he attended a meeting of a building the day before and noticed that the TMDO had only arranged for Community Organisers to attend the meeting, and they were unable to offer any help when disputes arose in the meeting. He believed that the

TMDO should arrange for a staff to be a voluntary secretary to assist in the administrative work of the OC;

- (iv) A Member suggested to invite volunteer lawyers of the Law Society of Hong Kong to offer legal advice to the OCs of Tuen Mun District;
- (v) A Member suggested to have the work relating to building management followed up by the Working Group on Building Management under the CIHC; and
- (vi) A Member pointed out that the Working Group on Building Management was mainly responsible for the promotion of building management and might not be able to follow up on individual cases. He suggested the TMDO to sort out those OCs that had not convened any meeting for many months for following up with them.

22. Ms KOO of the TMDO responded that the TMDO would keep up its liaison with the OCs and property owners of the district, and would especially contact more with the owners of the single-block old-buildings to provide them with timely assistance.

23. The Chairlady commented that once a staff of the TMDO was aware of the dissolution of an OC, the department should immediately contact the OC for following up; the Working Group on Building Management would monitor the department's work from time to time.

(C) **Request for Setting Higher Standards on Radiation Generated by Base Stations on Public Housing Rooftops**
(CIHC Paper No. 11/2017)
(Paragraphs 34-42 of the Minutes of the 10th CIHC Meeting)
(Written reply from Department of Health)

24. The Chairlady welcomed Mr FUNG Chi-hung, Eric, Senior Telecommunications Engineer (Spectrum Planning) 2 of Office of the Communications Authority (“OFCA”) and Dr. LOH Lai-ting, Taron, Senior Medical & Health Officer (Community Liaison) 1 of the Department of Health (“DH”) to the meeting.

25. The Chairlady said that the captioned agenda item had been discussed in the last meeting of the CIHC and it was resolved to invite the representatives of the OFCA and DH to a CIHC meeting to discuss the effects of the installation of radio base stations (“RBSs”) in public housing estates on the health of the residents nearby. First of all, she invited the departmental representatives to provide the relevant supplementary information.

26. Mr FUNG of the OFCA reported that to ensure that the radiation emitted from radio equipment complied with the safety standards, after consulting the DH, the Communications Authority (CA) adopted the limits of non-ionizing radiation (“NIR”) recommended in the

Guidelines for Limiting Exposure to Time-varying Electric, Magnetic, and Electromagnetic Fields (“the Guidelines”) developed by the International Commission on Non-ionizing Radiation Protection (ICNIRP) as the safety standard for radiation. The ICNIRP was an independent scientific commission and the Guidelines developed by it were recognised by the World Health Organization (WHO). The WHO considered that at present, there was insufficient evidence to suggest that human exposure to electromagnetic fields (“EMF”) below the exposure limits recommended in the Guidelines would cause any adverse health effects. The ICNIRP limits or similar requirements were widely adopted by other advanced countries such as the United States, Canada, Germany, France, Australia and New Zealand, and economies with dense population such as Singapore, Japan and Korea.

27. Mr FUNG of the OFCA said further that a Member in the last meeting had mentioned that the safety standard for radiation used by the German Architectural and Biological Institute was stricter than Hong Kong. In this respect, he said that both Germany and Hong Kong were using the same limits recommended in the Guidelines as the safety standard for monitoring radiation of the RBSs. According to the conditions of the Telecommunications Licence, before using a RBS, an operator must submit an application to the CA. As the executive arm of the CA, in vetting an application, apart from examining the radiation level of the individual RBS, the OFCA would also conduct technical assessments of the total radiation level at the location of the RBS to ensure that the total radiation level complied with the radiation safety standards before granting approval to an application. The operator was required to provide the OFCA with measurement reports within one month from the commencement of operation of its RBS to demonstrate that the radiation levels complied with the safety standards.

28. Dr LOH of DH supplemented that the radio frequency (“RF”) EMF of mobile and telecommunication RBSs were NIRs, which had a relative low energy level and had less effect on the human body. The International Agency for Research on Cancer under WHO had classified RF EMF into Group 2B: Possibly carcinogenic to humans. The Guidelines recommended by the department to the OFCA was recognised by the WHO and were objective and scientific. At present, there was insufficient evidence to suggest that human exposure to NIR below the exposure limits recommended in the Guidelines would cause any adverse health effects. The department would continue to follow the latest information on NIR released by the international organisations and would promptly pass the information to the relevant departments and the public.

29. Members’ comments and enquiries are summarised as follows:

- (i) A Member enquired on the standard used by the United States at present;
- (ii) A Member considered that the WHO had classified RF EMF as “Possibly carcinogenic to humans” because it could not deny its effect on the human body. Many doctors

recommended the citizens to switch off the electronic appliances before going to sleep in order to reduce radiation. At present, the standard adopted by China was stricter than Hong Kong, he/she enquired why Hong Kong did not learn from it and adopt the stricter standard;

- (iii) A Member said many citizens would switch their mobile phones to the airplane mode or place the phones farther away before going to sleep to reduce the effects of RF EMF to their bodies. However, the residents living near the RBSs had no choice. He viewed that the government departments should respond to the worries of the residents by installing the RBSs on higher ground and adopting a stricter standard of measurement;
- (iv) A Member reckoned that RF EMF affected a person psychologically rather than physically. He had once driven past Fairview Park in Yuen Long to discover that over 30 RBSs were installed on the roof of one of the houses. He queried why the OFCA approved those applications;
- (v) A Member said if the government departments viewed that the RBSs had no effect on the health of the citizens, then they should install them on the roofs of government office buildings, on hill tops or on the landmark buildings of various districts, remote from the residential areas (as the public wished);
- (vi) A Member said the relevant department should study the case of a family in Tin Shui Wai in which the family members resided under a RBS all got cancer. So, if a resident resided under a RBS and worried about its radiation effect on his health, then the HD should help him move to another flat;
- (vii) A Member said a telecommunication company rented a village house for \$8000 a month to set up a RBS, which was indirectly affecting (the health) of the residents in the vicinity. He opined that the Government should enact laws to ensure that the RBSs must be installed far away from residential areas; and
- (viii) A Member said RBSs were also installed in Yuet Wu Villa. He had suggested to elevate the RBS on the roof by 10 metres, but got the reply that elevated RBS might become an unauthorized building work. As the RBS generated revenues of nearly one million dollars a year for the estate, most of the property owners were unwilling to remove the RBS, which rendered the residents living on the upper floors helpless. If the Government would enact laws to ensure that the RBSs must be installed far away from residential areas, similar unfair cases could be avoided in housing estates.

30. Ms CHENG of the HD responded that regarding a Member's proposal to elevate the RBS on the roof of public housing estates by 10 metres to lessen the radiation effect on the health of the residents, the department had no established policy for that and was open-minded about it. The operators were welcome to submit applications entailing more ideal and suitable design, subject to the restrictions attached to the relevant title deeds such as limits on height and total floor area. Before an operator applied to the OFCA for installing a RBS, it should appoint an Authorized Person registered under the Buildings Ordinance to prepare a report bearing a declaration on the compliance of the proposed base station with the Buildings Ordinance. The appointed person should also submit a plan to the Independent Checking Unit and certify that the proposed RBS complied with the requirements of the Buildings Ordinance (including a building's tolerance of additional loading). Therefore, the proposal to elevate the RBS on the roof of a public housing estate by 10 metres should be considered by the OFCA case by case.

31. The Chairlady enquired whether the HD had any internal discussion on setting a higher radiation standard for public housing estates.

32. Ms CHENG of HD responded that the department was mainly responsible for providing space in the public areas of the public housing estates for operators to set up RBSs so that the residents and the communities could enjoy mobile communication services. According to the Telecommunications Ordinance, before an operator used a RBS, it must submit an application to the OFCA. In vetting the applications, apart from examining the radiation level of individual base stations, OFCA would also conduct technical assessments of the total radiation level at the location of the base stations to ensure that the total radiation level complied with the radiation safety standards before granting approval to the applications. The CA was in charge of the formulation of the relevant legal requirements, code of conduct and guidelines and the regulation of mobile phone networks, operators, RBSs, level of radiation and measurement of radiation, the HD did not have sufficient professional knowledge to assess the highest allowable level of radiation of a RBS. It would be more appropriate for the CA, as the regulatory authority, to offer professional advice on the captioned proposal.

33. The Chairlady enquired if the HD would take the initiative to remind an operator to consider elevating the RBS by 10 metres on knowing that the operator wanted to install a RBS on the roof of a newly completed public housing estate.

34. Ms CHENG of HD responded that the department considered it more appropriate for the regulatory authority, i.e., the CA, to give advice the operator.

35. Members had another round of discussion, the details of which are summarised below:

(i) A Member reckoned that no one would object to the setting up of a higher radiation standard, but the standard should apply to both public and private residential buildings

and the Government should set an example by formulating the relevant standard for the government property first;

- (ii) A Member reckoned that the proposal was related to all the citizens of Hong Kong and it would be more effectively promoted if discussed in the Legislative Council;
- (iii) A Member said the HD, which was responsible for managing the public housing estates, should have the right to set a standard for the estates. The private buildings were managed by different management companies or OCs and were hence not included in the paper;
- (iv) A Member viewed that as the HD was open-minded with the proposal, it should take the initiative to ask the operators to follow the captioned proposal;
- (v) A Member considered the DH as the leading department in solving the problem since both the HD and OFCA had to follow the safety standards set by the DH in vetting a RBS application. The Member hoped that the representative of the DH could relay Members' opinions to the DH and that the DH would review the relevant policy; and
- (vi) A Member viewed that the Government should amend the relevant standard and provide concise guidelines to the telecommunication operators.

36. Mr FUNG of the OFCA responded that the standard used by the United States was similar to the limits recommended in the Guidelines. Regarding a Member's suggestion to elevate the antenna of a RBS by 10 metres to reduce the effects of NIR, he said that apart from the height limit of individual buildings, the signal from the antenna of a RBS was mainly sent in a forward direction; so, the suggestion would not help on reducing the NIR of higher floors. According to the past records of measurement of the department, the NIR measured at the higher floor residences below the rooftop RBS was far less than the standards used in the Guidelines; as to the newspaper report of the case concerning the residents living on a higher floor all got cancer, OFCA had sent its staff to measure the level of NIR there and confirmed that the level was far less than the standard recommended in the Guidelines.

37. Mr FUNG of the OFCA pointed out that the Hong Kong landscape was dominated by hills, mountains and high-rise buildings, installing RBSs only on hill tops would not satisfy the public demand for mobile communication service. In vetting the applications for installing RBSs, apart from examining the radiation level of individual base stations, OFCA would also conduct technical assessments of the total radiation level at the location of the base stations to ensure that the total radiation level complied with the radiation safety standards before granting approval to the applications. It was inappropriate to assess whether a RBS had complied with

the safety standard just by judging the distance between the RBS and a residence. In case of doubt as to the level of radiation at a residence near a RBS, citizens could call the hotline of the OFCA at 2961 6648 and request to arrange for a measurement of the level of NIR. He reiterated that the recommended limits of the Guidelines adopted by the CA were safety standards recognised by the WHO, and for which the CA had sought professional advice from the DH. Furthermore, the CA had no intention to change the practice of following the international standard. The DH would also pay attention to the development of the international safety standard for NIR and would liaise closely with the OFCA.

38. Dr LOH of the DH supplemented that she comprehended Members' concern on the effects of radiation on the health of the citizens. However, NIR was different from ionizing radiation (such as X-rays or nuclear radiation). NIR did not have enough energy to change the chemical properties of a substance, nor could it break up the chemical bonds in the human body to cause damage to the body. Its strength would also wear off rapidly with distance. WHO had also pointed out that in general, at the RBS that was accessible to the public, the level of NIR generated was usually very low and insufficient to affect human health. The department offered suggestions to OFCA according to the relevant studies and information of the WHO, it would continue to pay attention to the latest developments of the standards and offer professional medical advice to the relevant government departments.

39. The Chairlady summarised that Members in general viewed that the Government should enact laws to set a stricter standard for NIR, and suggested the HD to take the initiative to ask the telecommunication operators to elevate the antenna at the rooftop RBS of public housing estates by 10 metres. She thanked the representatives of the departments for attending the meeting and requested them to relay Members' comments to their respective departments.

OFCA
DH
HD

V. Reporting Items

(A) Report on the Removal of Restrictions on Entering the Public Estate and Tree Replanting

40. The Chairlady said that the CIHC had discussed "Removal of Restrictions on Entering the Public Estate" in its 3rd meeting held on 11 April 2016. Thereafter, in the 8th meeting of the Working Group on Monitoring of Link held on 15 May 2017, the HD said that it had held a meeting with the District Councillors, the Management Committee of the Siu On Court OC and Link REIT to discuss the above arrangement. However, the District Councillors reported in the meeting that the problem remained unsolved.

41. The Chairlady said further that in the 5th meeting of the CIHC held on 1 August 2016, a Member proposed that after the completion of the widening works of the Tuen Mun Road, trees should be replanted on the area between Tuen Mun Road and Lui Cheung Kwong Lutheran College. The HD said in the meeting held by the same working group that the area would be

replanted with a few Hell Bell Trees. As the term of the Working Group on Monitoring of Link had expired, the unfinished items would be followed up by the CIHC. The Chairlady requested the HD to report on the progress of the above two matters.

42. Ms CHENG of the HD responded that the stakeholders had discussed about the removal of restrictions on entering the public estate on 19 April 2017. The department suggested to provide infrared remote controls for the car owners using the Siu On Court Carpark as a replacement of the free toll cards, which suggestion was still pending for the replies of the Incorporated Owners of Siu On Court and the car owners renting the parking spaces on monthly basis. In addition, the department had contacted the management company retained by the Siu On Court Carpark to enquire about the progress of the cancellation of the hourly parking spaces, but no reply had been received yet. She reiterated the necessity to have road control on the driveway there, so the barrier must remain there. In the above meeting, the Incorporated Owners of Siu On Court had enquired about the details of the reconstruction work for the roundabout at Siu On Court, whereupon she forthwith replied that the department had converted the 17 parking spaces at the roundabout of Siu On Court into a flower bed back in 1984 and had given a reply to the Incorporated Owners of Siu On Court.

43. Ms CHENG of the HD said further that their staff and the District Councillors conducted a site inspection of the place between Tuen Mun Road and Lui Cheung Kwong Lutheran College on 4 May 2017 and they suggested replanting Hell Bell Trees there. After assessment by the tree maintenance contractor of the department, it was considered that 5 Hell Bell Trees could be replanted; however, the department wished to make full use of the space and suggested to plant 6 Hell Bell Trees instead. They were waiting for the tree maintenance contractor to make another assessment and reply.

44. A Member expressed satisfaction on the progress of the tree replanting, and enquired whether Hell Bell Tree was the same as Yellow Flower Bell. On the other hand, he said that according to the Deed of Mutual Covenant of Siu On Court, the area at the roundabout should have 17 parking spaces, which were later reconstructed into a flower bed, but the HD had not provided the relevant papers of the reconstruction. He requested the HD to continue to follow up and report on the progress in the next meeting.

45. A Member said in the 11th meeting of the TMDC held on 4 July 2017, a discussion was made on the car parking arrangement for schools in the public estate. She said Link REIT had promised to provide 4 and 8 free parking spaces respectively for the primary schools and the secondary schools in the public estates of Tuen Mun; but some schools had received notification from Link REIT about an arrangement to reduce parking spaces, and a school (principal) in On Ting Estate had told her that Link REIT had stopped issuing parking cards to the school teachers since July this year. She also considered it domineering for Link REIT to set up a barrier at the

entrance to the public estate for restricting vehicle entries to the estate, so she requested the HD to negotiate with Link REIT about the removal of the barrier.

46. A Member said three schools in Tuen Mun had received notification from Link REIT about returning the parking cards to it by the end of July this year. Subsequently, Link REIT extended the aforesaid period to the end of August this year, but the arrangement after August was uncertain.

47. The Chairlady said the CIHC would focus on “Removal of Restrictions on Entering the Public Estate”; as for the progress of the provision of parking spaces for public estate schools, she suggested Members to make enquiries with the Secretariat. She requested the HD to continue with its report about the arrangement for vehicles to enter the public estate (part of the discussion of “Removal of Restrictions on Entering the Public Estate”) and about the reconstruction of the parking spaces in Siu On Court in the next CIHC meeting.

HD

(B) 2017 Action Plan for Management Work of Public Rental Housing in Tuen Mun
(CIHC Paper No. 16/2017)

48. The Chairlady welcomed Ms LAM Fung-ping, Ida, Property Service Manager/S(T&Y) 1, Ms TSANG Shuk-yee, Ella, Housing Manager/TM2, Miss HO Wai-ling, Steffi, Assistant Housing Manager/T(YLG1) 5, and Mr WONG Man-yuen, Housing Manager/T(YLG1) 5 of the HD to the meeting.

49. Ms CHENG of the HD gave a briefing on the action plan by powerpoint (annex 1).

50. A Member agreed that public resources should be used where appropriate, but she viewed that the revised Well-off Tenants Policies of the HD still left many problems unresolved. Previously, public housing tenants would be required to move out only if they had exceeded both the income and asset limits, but now they had to move out if either their income or their asset exceeded the limit. She cited an example: a retirement fund or an inheritance received by a retired civil servant would create a sudden increase in asset that exceeded the asset limit. She asked if the HD had made any estimate of the number of public housing tenants who would be forced to move out due to the implementation of the revised policies, before implementing the revised Well-off Tenants Policies, and she considered the said policies a waste of money and manpower. In addition, she reckoned that the HD had not carried out thorough consultation with the residents and had not set up sufficient channels to answer queries from the public.

51. Ms CHENG of the HD responded that the upper limits adopted in the revised Well-off Tenants Policies were households whose family income exceeded 5 times the public rental housing income limit or whose total net household assets exceeded 100 times the public rental housing income limit, which was already quite loose. When the department computed the upper

limit of assets, it would deduct lump-sum retirement benefits received under mandatory provident fund schemes, occupational retirement schemes and civil service pension scheme, long service payment and severance payment. If a tenant acquired property from an inheritance, he could apply to the department for an exemption from the “no-domestic-property” requirement. According to the records of the department, over 1000 tenants were paying double rent presently. The Public Housing Resources Management Sub-section received complaints about public housing tenants possessing properties from time to time. The department would watch out for those public housing tenants who provided false information about their assets and would handle the cases according to the established policies. The department had already uploaded the information about the revised Well-off Tenants Policies onto its website for public access. If the citizens still had any query, they might make phone enquiries with the District Tenancy Management Offices of various districts or the estate management offices.

52. A Member enquired if any retrospective period for a retirement fund or pension was considered in computing the asset limits in the revised Well-off Tenants Policies. He/she also suggested the HD to send staff to different public estates and the estates under the Tenants Purchase Scheme to answer tenants’ queries face to face.

53. Ms CHENG of the HD responded that the retirement fund was a deductible asset which applied to all the subsequent declaration cycles and it would not be counted as an asset in a tenant’s application for public housing. If necessary, citizens could make enquires with the housing officers of the District Tenancy Management Offices or estate management offices.

(C) **Work Reports by the Working Groups under the Commerce, Industry and Housing Committee**

(CIHC Paper No. 17/2017)

(i) Working Group on Occupational Safety and Health

54. The convener of the working group said the meeting scheduled for 24 July 2017 was cancelled due to an insufficient number of attending Members to constitute a quorum. The working group would continue to follow up on the funding applications made to the TMDC and Occupational Safety & Health Council for organising the activities of this year.

(ii) Working Group on Economic Development in Tuen Mun

55. Members noted the report of the above working group.

56. The convener of the working group said the next meeting would be held on 28 August 2017. It was hoped that the activities could be held in early 2018 to promote the economic and commercial development of Tuen Mun.

(iii) Working Group on Building Management

57. Members noted the report of the above working group.

58. The Chairlady announced that the above two reports were endorsed.

**(D) Work Report on Private Building Management in the Tuen Mun District
(CIHC Paper No. 18/2017)**

59. Members noted the above work report.

**(E) Report by the BD
(CIHC Paper No. 19/2017)**

60. Members noted the contents of the report of the BD.

VI. Any Other Business and Date of Next Meeting

61. There being no other business, the Chairlady closed the meeting at 11:46 a.m. The next meeting would be held on 9 October 2017.

Tuen Mun District Council Secretariat

Date: 27 September 2017

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