

Minutes of the 2nd Meeting of
the Commerce, Industry and Housing Committee of
the Tuen Mun District Council

Date: 15 February 2016 (Monday)
Time: 9:31 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	9:30 a.m.	12:00 p.m.
Mr LEE Hung-sham, Lothar, MH	TMDC Vice-chairman	9:30 a.m.	End of meeting
Mr TO Shek-yuen, MH	TMDC Member	9:32 a.m.	10:31 a.m.
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	9:35 a.m.	End of meeting
Ms HO Hang-mui	TMDC Member	9:36 a.m.	End of meeting
Mr LAM Chung-hoi	TMDC Member	9:30 a.m.	End of meeting
Mr TSUI Fan	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	9:30 a.m.	End of meeting
Mr HO Kwan-yiu	TMDC Member	9:33 a.m.	10:59 a.m.
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	9:33 a.m.	End of meeting
Mr MO Shing-fung	TMDC Member	9:30 a.m.	End of meeting
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 FUNG Pui-yin	Co-opted Member	9:38 a.m.	End of meeting
Mr NG Ka-ho, Andrew	Co-opted Member	9:30 a.m.	End of meeting
Mr NG Kwok-yau, Akina	Co-opted Member	9:30 a.m.	End of meeting
Mr CHAN Tsim-heng	Co-opted Member	9:30 a.m.	End of meeting
Mr CHEUNG Wing-kai	Co-opted Member	9:37 a.m.	End of meeting
Mr TSOI Shing-hin	Co-opted Member	9:30 a.m.	End of meeting

Miss CHOI Nga-ling, Angela (Secretary) Executive Officer (District Council) 1, Tuen Mun District Office, Home Affairs Department

Absent with Apologies

Ms LUNG Shui-hing TMDC Member
Mr TAM Chun-yin TMDC Member
Ms LO Kam-wah, Virginia Co-opted Member

By Invitation

Mr CHAN Wai-nam Station Commander, Tuen Mun Fire Station, Fire Services Department
Mr LEUNG Man-nin Senior Health Inspector (Hawkers) Tuen Mun, Food and Environmental Hygiene Department
Ms LAM Wai-ki Senior Health Inspector (Environmental Hygiene) Tuen Mun 1, Food and Environmental Hygiene Department
Ms CHAU Fung-ching, Celia Housing Manager/Tuen Mun 2, Housing Department

In Attendance

Ms KOO Kit-ye, Angie Senior Liaison Officer (1), Tuen Mun District Office, Home Affairs Department
Ms CHAK Man-ye, Rene Liaison Officer i/c Building Management & Town Centre, Tuen Mun District Office, Home Affairs Department
Mr TAI Yuk-sum, Sam Senior Building Surveyor/E5, Buildings Department
Mr CHOW Chiu-leung Station Commander, Castle Peak Bay Fire Station, Fire Services Department
Ms CHENG Chui-king, Christine Housing Manager/Tuen Mun 4, Housing Department
Mr CHOW Siu-lun, Brian Community Relations Officer (New Territories North West), Independent Commission Against Corruption
Mr CHAN Kwok-keung, Kelvin Labour Officer (Workplace Consultation Promotion), Labour Department
Mr MOK Hing-cheung Administrative Assistant/Lands, District Lands Office, Tuen Mun, Lands Department

I. Opening Remarks

The Chairman welcomed all to the 2nd meeting of the Commerce, Industry and Housing Committee (“CIHC”).

2. The Chairman reminded Members that any Member who was aware of a personal interest in a discussion item should declare the interest before the discussion. The Chairman would, in accordance with Order 39(12) of the Tuen Mun District Council 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

3. The Secretariat had received no applications by Members for leave of absence.

III. Confirmation of Minutes of the 1st Meeting held on 19 January 2016

4. The above minutes were unanimously confirmed by the CIHC.

IV. Discussion Items

(A) Terms of Reference for CIHC (2016-2017)
(CIHC Paper No. 1/2016)

5. A Member said that one of the papers tabled at this meeting had been submitted after the deadline for submission of papers. She was glad that the Chairman exercised flexibility in handling discussion papers, and called upon other Members to discuss the issue concerning an unforeseen incident at this meeting.

6. The Chairman said she would make special arrangements for handling unforeseen incidents if circumstances so warranted.

7. The Chairman indicated that at its meeting on 5 January 2016, the Tuen Mun District Council (“TMDC”) had endorsed the terms of reference for the CIHC of this term. As no amendments were proposed, the Chairman asked Members to note the terms of reference.

(B) Formation of Working Groups under CIHC (2016-2017)
(CIHC Paper No. 2/2016)

8. The Chairman invited Members to express their views on whether to retain the working groups set out in the paper. In addition, she said that The Link Management Limited had been renamed as “Link Asset Management Limited” (“Link”).

9. A Member agreed with the formation of the three standing working groups set out in the paper.

10. There being no objection, the CIHC endorsed the formation of the Working Group on Occupational Safety and Health, the Working Group on Economic Development in Tuen Mun, and the Working Group on Building Management. All the above three working groups were of a standing nature with their terms ending on 31 December 2017.

11. The Chairman invited Members' nominations for the position of Convenors of the working groups.

12. Mr TSUI Fan nominated Mr Lothar LEE for the position of Convenor of the Working Group on Occupational Safety and Health. The nomination was seconded by Mr TO Shek-yuen and Mr CHEUNG Hang-fai. Mr Lothar LEE accepted the nomination.

13. There being no other nominations, the Chairman announced that Mr Lothar LEE was elected uncontested.

14. Mr TSANG Hin-hong nominated Mr HO Kwan-yiu for the position of Convenor of the Working Group on Economic Development in Tuen Mun. The nomination was seconded by Mr Lothar LEE, Mr KAM Man-fung and Ms SO Ka-man. Mr HO Kwan-yiu accepted the nomination.

15. There being no other nominations, the Chairman announced that Mr HO Kwan-yiu was elected uncontested.

16. Mr FUNG Pui-yin nominated Ms CHING Chi-hung for the position of Convenor of the Working Group on Building Management. The nomination was seconded by Mr MO Shing-fung. Ms CHING Chi-hung accepted the nomination.

17. There being no other nominations, the Chairman announced that she herself was elected uncontested.

18. The Chairman enquired whether Members agreed that a non-standing working group be formed again to monitor the alteration works of Link. She said that the term of a non-standing working group should be no more than eight months. The

Chairman further said the CIHC of the last term had indicated that the alteration works of Link should be kept under monitoring until their completion, yet the alteration works to Butterfly Shopping Centre had not yet finished.

19. While agreeing that the Working Group on Monitoring of Alteration Works should be formed again, a Member hoped the item “monitoring Link’s sale of its existing car parks in the district” would be included in its the terms of reference.

20. Another Member pointed out that the works for retrofitting covers over the pedestrian links in On Ting Estate had not yet commenced and the works for magnetic doors in the former On Ting Commercial Complex had not yet finished. She further said that Link had failed to attend the meetings of the Estate Management Advisory Committee. In view of these, she considered it necessary to form the above working group again to follow up on the matters. She also agreed that its terms of reference be amended.

21. The Chairman suggested the terms of reference be discussed at the meetings of the working group and then submitted to the CIHC for endorsement.

22. Members’ comments in the first round of discussion were as follows:

(i) Some Members agreed that a non-standing working group be formed again to monitor Link’s alteration works as the works had not yet finished, and that the terms of reference of the working group be discussed at its meeting. One of these Members opined that if there was a need to discuss any Link-related matters that did not involve works, such as its routine measures and charges, papers should be submitted to the CIHC for discussion at its meetings;

(ii) A Member said she was concerned not only about follow-ups on Link’s works, but about the matters concerning Link’s outsourcing of the management of its markets and their occupancy, as she believed that these matters had far-reaching implications on residents. She said it was necessary to constantly keep track of and monitor the management of Link’s markets and shopping centres, and thus suggested consideration be given to cancelling the Working Group on Economic Development in Tuen Mun two years later and then converting the working group on the monitoring of Link into a standing working group; and

(iii) It was pointed out that apart from alteration works, many issues

concerning Link's operation, such as its management of roads in estates and the arrangements for soliciting operators for its shopping centres, also had various implications. It was therefore opined that the working group should be renamed as "Working Group on Monitoring of Link's Operation" since it should not merely monitor Link's alteration works.

23. The Vice-chairman was disappointed with Link's failure to send representatives to this meeting, saying that TMDC Members had voiced many opinions on Link's facilities and ancillaries but Link had given little positive responses. He suggested replacing the non-standing Working Group on Monitoring of Alteration Works of The Link with a new non-standing working group for monitoring Link's impacts on society in a comprehensive manner.

24. A Member agreed that a non-standing working group be formed again to keep Link under monitoring, and suggested that such monitoring cover Link's works, solicitation for operators and operation in the short, medium and long terms.

25. The Chairman asked Members to decide first whether to form a non-standing working group again to monitor Link's alteration works or to set up a new non-standing working group. She said that a working group should be formed before it was named.

26. A Member suggested setting up a new working group, such as the Working Group on Monitoring of Link's Operation.

27. The Chairman indicated that the Working Group on Monitoring of Alteration Works of The Link formed in the last term had ceased to operate, so Members were asked to decide whether it was necessary to set up a new non-standing working group. If Members considered that the coverage of the name of the working group was not wide enough to include, for example, the monitoring of the operation of Link's markets and car parks, they might discuss it later.

28. A Member praised the performance of the Convenor of the Working Group on Monitoring of Alteration Works of The Link of the last term, saying that the working group had held nine meetings and successfully prompted the Link to improve magnetic doors and retrofit covered pedestrian links. The Member further said she hoped there was no need to wait for the confirmation at the next meeting of the CIHC before a meeting of the working group could be held to discuss matters not yet followed up by Link.

29. The Chairman said matters that had been followed up previously could be brought up for discussion at meetings of the working group.

30. In view of Members' various opinions on Link, a Member suggested naming the working group as "Working Group on Monitoring of Link". Another Member said it could be left to the working group to discuss its terms of reference.

31. The Chairman asked Members to decide whether to endorse the formation of a non-standing working group on monitoring of Link. As there was no objection from Members, the CIHC endorsed the formation of a non-standing working group on monitoring of Link. The Chairman invited Members' discussion on the name of the working group.

32. Members' comments in the second round of discussion were as follows:

- (i) A Member was more concerned about Link's operation in Tuen Mun, such its alterations to the design of buildings; so he considered that the coverage of the name "Working Group on Monitoring of Link" was too broad whereas "Working Group on Monitoring of Link's Operation" was more suitable;
- (ii) A Member suggested naming the working group as "Working Group on Monitoring of Link's Operation and Management", while another Member opined that the more specific the name's coverage was, the narrower the terms of reference would be; and
- (iii) A Member pointed out that the Working Group on Monitoring of Alteration Works of The Link was set up in the last term in view of concerns over the alteration works to Link's shopping centres, but the CIHC was also concerned about the impacts of Link's alteration works on residents, so he suggested that the specific item "to monitor Link's alteration works to their commercial properties and the relevant public facilities in Tuen Mun" be included in the terms of reference. The Member said that the working group did not serve to intervene in the business operation of Link and the TMDC had no right to control Link's operation. In his view, it was not necessary to focus too much on the name of the working group, while its terms of reference were more important.

33. The Chairman asked Members to vote on the name of the working group and stated that the Secretariat had received Ms LUNG Shui-hing's notification authorising Mr CHEUNG Hang-fai to vote on her behalf.

34. After the vote, the Chairman announced the result as follows:

Name of Working Group	Number of Votes
Working Group on Monitoring of Alteration Works of The Link	1
Working Group on Monitoring of Link's Operation	5
Working Group on Monitoring of Link	18
Working Group on Monitoring of Link's Operation and Management	1

35. The CIHC resolved that the working group be named as "Working Group on Monitoring of Link. The Chairman said that the Convenor of the Working Group on Monitoring of Alteration Works of The Link in the last term would like to serve as the Convenor of the Working Group on Monitoring of Link to further follow up on matters relating to the works not yet completed by Link.

36. Mr Lothar LEE nominated Ms LUNG Shui-hing for the position of Convenor of Working Group on Monitoring of Link. Mr TSANG Hin-hong seconded the nomination.

37. As there was only one nomination, the Chairman announced that Ms LUNG Shui-hing was elected uncontested, and hoped that she would convene a meeting of the working group as soon as possible.

38. The Chairman asked the Secretariat to write to Members after the meeting, Secretariat inviting them to join the above working groups. She also encouraged Members to join the working group proactively and attend its meetings on schedule.

(Post-meeting note: The Secretariat wrote to Members on 15 February inviting them to join the above three working groups)

(C) **Butterfly Shopping Centre and Butterfly Market Should be Mass-oriented (CIHC Paper No. 3/2016)**
(Written Response from Independent Checking Unit of Office of

Permanent Secretary for Transport and Housing (Housing)

(Written Response from Link)

39. The Chairman said that before the meeting, the Secretariat had received the written responses from Link and the Independent Checking Unit (“ICU”) of the Office of the Permanent Secretary for Transport and Housing (Housing), and had forwarded them to all Members for perusal. The Chairman added that the ICU had been renamed.

40. A proposer of the paper welcomed the setting up of the Working Group on Monitoring of Link, saying that problems sprang up in shopping centres of the Hong Kong Housing Authority which were currently under the management of private companies. For instance, chain stores were brought into the revamped shopping centres, phasing out traditional shops. As non-chain restaurants were extinct in the revamped Butterfly Shopping Centre, he worried that the cooked food bazaar would meet the same fate after the alteration works were carried out in this March. In his opinion, Link’s current effort to bring in chain stores on a full scale went against the purposes of setting up shopping centres in estates. In view of this, he suggested a letter be written to Link, requesting it to bring in mass-oriented, diversified shops after the renovation and redevelopment works to the market and the cooked food bazaar of Butterfly Shopping Centre, to leave space for small shops to survive, to peg shop rents to the affordability of small operators and residents, and to be mindful of the above factors in future alterations to its shopping centres and markets. Furthermore, he hoped the ICU and the relevant departments would examine and approve Link’s applications for alteration works with care.

41. A Member indicated that the Working Group on Monitoring of Alteration Works of The Link in the last term had followed up on such matters as problems in passageways and the operation of shopping centres. He hoped Link and the Housing Department (“HD”) could give explanations to district organisations and councils as soon as possible. He also hoped that Link would take local features and residents’ affordability into account no matter whether it did business in a public estate or elsewhere. In addition, he suggested more efforts be made to communicate with operators in Link’s shopping centres.

42. The Chairman said that Link had sent no representatives to this meeting but provided a written response beforehand, and the ICU had also given a written response. With the setting up of the Working Group on Monitoring of Link, Members could further discuss the subject issue at the meetings of the working group, where Link’s representatives would be invited to attend.

43. Members' enquiries and comments in the first round of discussion were summarised as follows:

- (i) A Member said it was fine for the CIHC to discuss this issue, given that the working group had to submit reports to the CIHC. Moreover, she was dissatisfied with Link's failure to send representatives to this meeting despite the fact that it was the main subject of this discussion paper. She condemned Link for its contempt for the TMDC and suggested referring the issue to the TMDC Chairman; and
- (ii) A Member worried that Link's alteration works would occupy the HD's premises, and recalled that in its alteration works to On Ting Commercial Complex, Link had occupied the whole section of a pavement, which was public space. In view of this, the Member suggested a letter be written to Link requesting the alteration plans for Butterfly Market and the cooked food bazaar.

44. The Chairman agreed that Link should have sent representatives to the meeting in respect of this issue. While seeking Members' views on whether a letter should be written to Link requesting the alteration plans, the Chairman said that this issue could be discussed in the working group first. She further indicated that Link had sent representatives to attend the meetings of the working group and the CIHC before, adding that before this meeting Link had informed the CIHC of its absence due to other commitments and provided a written response.

45. Members' enquiries and comments in the second round of discussion were summarised as follows:

- (i) A Member said that the alteration works to the cooked food bazaar in Butterfly Estate would be carried out in March. He worried that it would be too late if the request for Link's provision of the plans was made only when the working group met. He therefore hoped that a letter could be issued to Link immediately after this meeting, requesting it to provide the plans;
- (ii) A Member considered it unnecessary to find reasons for Link's absence, saying that Link had occupied public ways in On Ting Estate and Yau Oi Estate, causing the HD to assist in retrofitting covered pedestrian links. Moreover, the Member worried that it was too late for the working group to voice opinions given that the alteration works to the cooked food

bazaar in Butterfly Estate would be carried out in March, and Link might have the right to withhold the plans. The Member therefore reckoned that Link should provide the plans for the CIHC and, if Members found that Link occupied any public ways, they should request Link to stop doing so immediately;

- (iii) A Member agreed that the alteration works to, among others, the cooked food bazaar in Butterfly Estate deserved attention. He opined that the working group might meet immediately to deal with the issue and request Link to provide the plans. He pointed out that Link's alteration works were examined and approved by government departments, so if Link refused to provide the plans, the examining and approving department, i.e. the Lands Department or the HD, should make a response. He opined that when carrying out other works, Link might draw reference from its experience; and
- (iv) A Member believed that the best approach was to write to the ICU, which was responsible for monitoring the alteration works of Link, otherwise the alteration works to the cooked food bazaar in Butterfly Estate would have already started when Link gave a response. He said the ICU should keep tabs on the alteration works to the cooked food bazaar in Butterfly Estate, including Link's use of the public ways there.

46. The Chairman concluded by saying that the CIHC resolved to write to the ICU, District Lands Office, Tuen Mun ("DLO") and Link, expressing its views and requesting the plans for the works. Besides, as the alteration works to the cooked food bazaar in Butterfly Estate would be carried out in March, the Chairman urged Members to join the Working Group on Monitoring of Link as soon as possible and would like the Convenor of the working group to convene a meeting promptly to follow up on the issue.

(Post-meeting note: The letters were sent on 23 February. Link's written response was shown in Attachment I.)

V. Reporting Items

(A) Work Report on Private Building Management in Tuen Mun District (CIHC Paper No. 4/2016)

47. A Member who deemed building management as an important link praised the work on the management of private building in Tuen Mun. He hoped the parties

concerned could remain attentive to the articulation matters after the re-election of owners' corporations ("OCs"), opining that OCs' measures should be launched for the sake of building management and residents' interests. He hoped the Tuen Mun District Office ("TMDO") could strengthen its support, and suggested the TMDO have discussions with legal experts so that legal services could be provided for residents. He also suggested housing estates upload the information about their works on websites for the public's reference.

48. Ms Rene CHAK of the TMDO responded that Members' views would be relayed to the Home Affairs Department ("HAD"). She said that the HAD had launched various building management services in different districts, and hoped that services on areas such as mediation and network platforms could be strengthened to provide further support for owners of private buildings.

49. A Member enquired whether any size limits were imposed on sub-divided units and whether the work report on private building management in Tuen Mun District covered investigations on problems arising from sub-divided units and prosecutions against owners.

50. Ms Rene CHAK of the TMDO responded by reference to the section "Statistics on cases for assistance or consultation relating to building management - problems of sub-divided units", saying that if the TMDO received owners' enquiries, it would refer them to the relevant departments for response.

51. Furthermore, a Member enquired whether persons other than owners (e.g. tenants) might request government departments to institute prosecutions over problems on sub-divided units. The Member opined that channels should be provided for the public to make requests for prosecution.

52. The Chairman would like Ms Rene CHAK of the TMDO to put Members' views on record.

53. Besides, noting from the above report that there had been a total of 10 cases concerning disputes between OC members, a Member asked how the TMDO settled the cases. In addition, the Member pointed out that figures on successfully settled cases were not provided in the report.

54. Ms Rene CHAK of the TMDO responded that the TMDO would offer mediation services in general disputes between OC members in a hope that both sides

could negotiate in a peaceful and rational manner. Besides, the HAD would arrange for mediation services to be provided by experts, which were open for application by citizens in need.

55. The Chairman asked the TMDO to follow up on Members' comments.

TMDO

(B) **Report by Buildings Department**
(CIHC Paper No. 5/2016)

56. Members noted the above work report.

VI. **Any Other Business**

(A) **Issue of Hawker Management in Tenants Purchase Scheme Estates of Tuen Mun District**
(CIHC Paper No. 6/2016)
(Written Response from Link)

57. The Chairman indicated that the Tuen Mun North-west Area Committee ("the NW Area Committee") met on 3 February in view of the conflict between hawkers and caretakers in Leung King Estate on 2 February, which was triggered by the removal of unlicensed hawkers. The committee held that the representatives who attended the meeting were unable to solve the hawking problem in Leung King Estate, so it would like to pass the issue to the TMDC for discussion. At this CIHC meeting, the Secretariat had distributed a letter, which was issued to the CIHC Chairman from the Chairman of the NW Area Committee, to Members for perusal. The Chairman further said that the agenda of this meeting had been issued on 2 February, but the issue became worse and acute from 7 to 9 February, so she agreed that it be included in the agenda of this meeting. Before the meeting, the Secretariat had also received Link's written response, which had been distributed to Members for perusal.

58. A proposer of the paper pointed out that illegal cooked food hawking, a perennial problem in Leung King Estate, posed a serious threat to public safety: recently, there had been not only conflicts between hawkers and caretakers, but even a hawker disconnecting the gas tube from a LPG cylinder and making a gesture of igniting the gas to cause an explosion. The incident involved not only a number of departments, such as the HD, the Food and Environmental Hygiene Department ("FEHD") and the Fire Services Department ("FSD"), but the management company, the relevant OC and so forth. Therefore, he reckoned that the parties concerned should make concerted efforts to tackle the problem while the relevant government departments should also take it seriously. Besides, he enquired how the FSD would prevent such serious incidents and protect public safety under the above circumstances.

59. Members' comments and enquires in the first round of discussion were summarised as follows:

- (i) A Member opined that Link kept itself aloof from the incident. She pointed out that the duties of market management had been outsourced to Uni-China Group Holdings Limited ("Uni-China"), the employer of the caretakers involved in the incident. She enquired about the identity and the job nature of the caretakers, and said that Link had never admitted its knowledge of the above caretakers. Moreover, some residents said that the Police took no action when the caretakers chased and beat the hawkers and reporters. She hoped the Police would give an account and suspected that the Police left it to the caretakers to tackle the hawking problem. Another Member said it was heard that the incident was triad-related and hoped the Police would give an explanation;
- (ii) A Member pointed out that although hawking was a perennial problem in Leung King Estate, the place was a private area; therefore, none of the departments including the HD, the Police, the FEHD stepped in despite their power to prosecute, whereas the OC and the management company could hardly solve the problem despite their power to drive away hawkers. Another Member indicated that the problem was ignored by the FEHD, which had the enforcement power, and Link, which was responsible for management;
- (iii) A Member reckoned that the legitimate commercial interests of Link's tenants, who were paying high rents, would be prejudiced if there was illegal hawking nearby. Moreover, there were health concerns about illegal food hawking as improper handling of foods would cause diseases. However, given the current social atmosphere, a balance should be struck between enforcing the law and leaving room for hawkers to earn a living in order to avoid social problems. He suggested that by reference to Tin Kwong Hui, a pilot scheme managed by the FEHD and the Leisure and Cultural Services Department be launched to provide venues for hawking and hence, alleviate public grievances. He reckoned that in response of changes in the social environment, systems should be vitalised to create a new landscape, and this was where the TMDC came in;
- (iv) Residents of Leung King Estate indicated that the closure of a number of roads in the estate had caused inconvenience. An enquiry was made as

to whether this was a long-term or short-term measure;

- (v) A Member said that according to some residents, some unlicensed hawkers were beaten up at Leung King Estate Market and outside a nearby convenient store on 7 and 8 February, but the policemen at the scene did not take enforcement action. The Member further said that from 8:00 p.m. on 9 February to 3:00 a.m. on the next day, she and another TMDC Member were at the above locations to understand the situation, finding that there were no FEHD officers taking enforcement action, while policemen patrolled in the open area near the convenient store from 8:00 p.m. to 10:00 p.m. Upon the Police's withdrawal from the area to the community hall of Leung King at 10:00 p.m., a group of caretakers wearing jackets came with mills barriers, stating that they, with the authorisation of the OC of Leung King Estate, would clear the area in five minutes and take action on any refusal to leave. She asked why the Police had taken no action despite the fact that there were about 100 policemen at the scene on that evening. As there were no Police representatives at this meeting, she hoped the CIHC would convey Members' concerns to the Police. Besides, in view of the caretakers' serious violent behaviours on that evening, the Member would like to know how the Police or the body responsible for managing the area would prevent such an incident from happening again. Furthermore, she requested the relevant parties' clarification on the power to manage the above location. She also said that the FEHD, the Police and the HD ignored the incident, while there were no relevant persons from the OC of Leung King Estate at the scene then. She opined that if the CIHC's discussion turned out to be fruitless, the issue should be passed to the full council of the TMDC for discussion;
- (vi) A Member indicated that the Working Group on Markets and Illegal Hawking Activities had discussed the hawking problem before, and most fundamentally, what should be discussed was whether or not to support illegal cooked food hawking - this was a question of policy. He said that hawking was a perennial problem in Fu Tai Estate too. He supported preservation of the local snack culture, and had proposed at the full council of the TMDC that a night market be set up. As the community suddenly paid such great attention to the issue of hawking, he reckoned that the TMDC should advocate the setting up of a properly-managed night market in Tuen Mun, which could not only

eradicate the problem of cooked food hawking by unlicensed itinerant hawkers but avoid conflicts caused by removal of hawkers;

(vii) A Member opined that the OC should bear the blame for any hawking activities in private areas under its management. She said she did not know whether the caretakers were licensed, adding that according to some residents, the attitude of the caretakers, who wore masks while on duty, was poor. Besides, she enquired why the Police had merely patrolled in the periphery and opined that the OC should have called the Police immediately for assistance when such a serious fight happened; and

(viii) A Member said that illegal cooked food hawking was a perennial problem in the estate, adding that the NW Area Committee had discussed the problem from time to time and requested before the conflict that a working group should be set up to tackle the problem. In this connection, the Member asked whether the Mobile Operations Unit (“MOU”) of the HD could take enforcement action when there were precedents, and whether the FEHD could take action on the grounds of food safety. He hoped that the problem of illegal cooked food hawking could be properly addressed and that the TMDC could launch a pilot scheme, such as a night market, in this regard. The Member further enquired whether the relevant departments could conduct more joint operations to actively tackle and rectify the black spots for hawking. In addition, he pointed out that the NW Area Committee would hold a meeting on the following day, where the representatives of the OC, the management company and Link would clarify matters such as whether the caretakers were licensed.

60. A Member said that the NW Area Committee had met twice to discuss the issue but failed to solve the problem, so it passed the issue to the CIHC for discussion in a hope that there would be department representatives at higher levels answering questions. Besides, she said it was a pity that there were no representatives from Link and the Police at this meeting, and opined that this meeting could hardly solve the problem.

61. A proposer of the paper suggested the HD station a hawker MOU in Leung King Estate, while a hawker control team of the FEHD was also stationed there. The Member believed that the problem could be solved if the relevant departments were

willing to put in resources. Furthermore, the Member suggested that the relevant departments join the management company and the OC in working out better solutions to the problem to prevent it from worsening, and that a site be identified to build a featured cooked food bazaar for hawkers, which could create job opportunities as well.

62. Another Member attributed the thorny problem to historical flaws in hawker control, the bureaucracy of departments and ineffective enforcement. All hawkers, no matter whether they sold dry goods or cooked foods, should be prosecuted if they were unlicensed. He hoped the Government would simplify structures and be resolute in solving the problem. It should also dispel doubts about the power to manage the area, so that the public could understand how the Government would tackle the problem. In his view, the departments could hardly deter hawking if they took no enforcement action. He further indicated that as efforts to drive away hawkers were in vain and the departments' enforcement was ineffective, the stakeholders of the property ownership could no longer tolerate the existing situation and thus sought ways to solve the problem on their own. He opined that in case of conflicts, the Police should be called in for assistance, lest it would be blamed for turning a blind eye. In addition, he reckoned that this was originally a hawking problem, but he worried that it would be worsening into a territory-wide hawker riot if the departments did not solve it.

63. The Chairman indicated that although there were no instant responses from the Police at this meeting, the CIHC would convey Members' views to the Police. She added that Police representatives would attend the meeting of the NW Area Committee on the following day and would be asked about the incident. The Chairman further said that before this meeting, she and another TMDC Member had received a letter issued to the TMDO from the Tuen Mun Community Network, the Tuen Mun Community Concern Group and a group of interested persons expressing views on the management of public areas in Leung King Estate during the Lunar New Year period. The Chairman said that the letter would be passed to the relevant departments for follow-ups.

64. A proposer of the paper said that an explosion or a fire might break out when the hawker held a LPG cylinder and disconnected the gas tube, but the FSD replied at that time that there was no fire and thus no problem. Concerned about this, he would like to ask about the FSD's duties and hoped the FSD could protect the public's safety.

65. Ms Celia CHAU of the HD gave a consolidated response as follows:

- (i) Leung King Estate, a housing estate under the Tenants Purchase Scheme, had formed its OC and engaged a management company to perform such

duties as the daily management and maintenance of the estate. The current management company was Kong Shum Union Property Management Company (“Kong Shum”). The shopping centres of the estate, including Leung King Commercial Complex and a market which was currently known as “Leung King Estate Market” had been sold to Link in 2005, and their daily management fell on Link. Subsequently, Link outsourced the Leung King market to Uni-China, which acted as the single operator of the market. In November 2015, Uni-China revamped the market and, guided by Link, it signed a six-month service agreement (from 16 October 2015 to 15 April 2016) with the OC. Under the agreement, the public area of Leung King Estate outside Leung King Estate Market was singled out, and Uni-China was authorised to take charge of the public area and exercise control over the hawkers clustering there. Besides, Leung King Estate Market commenced operation on 21 January 2016 and there were stalls selling cooked foods and local snacks in the market;

- (ii) As one of the property owners of Leung King Estate, the HD was among the stakeholders and was required to pay a monthly management fee to the OC. The management company engaged by the OC should provide services under the agreement, which included the daily management of public areas in the estate. The OC was responsible for managing the location where unlicensed hawkers did business, as it was within a public area of the estate. It followed that the management company engaged by the OC (i.e. Kong Shum) should be responsible for curbing illegal hawking there. Yet, only in case of special needs would the MOU of the HD consider, having regard to circumstances and the availability of resources, joining other departments in offering appropriate support. In the long run, the management company should coordinate with the security services company concerned and Link in performing hawker control duties according to the agreement for management services; and
- (iii) The HD, as a government department, should use public money in an effective way, and the MOU resources of the HD were part of public money and subject to monitoring by various parties. The HD would pay twice if it paid the management fee on one hand and use the MOU resources on the other hand. To ensure the proper use of public resources, it was more appropriate for the OC and Link to be responsible for controlling unlicensed hawkers in their areas.

66. Mr LEUNG Man-nin of the FEHD said that Leung King Estate was beyond the scope of the FEHD's hawker control and the FEHD had no property ownership there. The FEHD's hawker control served to tackle illegal hawking on public streets and the relevant manpower was deployed for this purpose - the hawker control teams of the FEHD took enforcement action against hawkers on public streets only. Leung King Estate was a site that the Lands Department allocated the HD, and some of the units in the estate were public rental housing flats. As the majority owner, the HD should perform the duties of estate management, which included tackling issues such as hawking, obstruction of passageways and environment problems, and it was also responsible for supporting and monitoring the management company engaged by the OC. In addition, the HD had the power to prosecute hawkers and seize their paraphernalia.

67. The Chairman said that the FEHD had given the same response at a meeting of the NW Area Committee. She opined that the FEHD should give responses on food production and illegal food factories at this meeting.

68. Ms LAM Wai-ki of the FEHD responded that the illegal cooked food hawking in Leung King Estate operated in an itinerant manner and did not come under the regulation by FEHD-issued licences. It was the relevant departments which should carry out effective operations to eradicate unlicensed hawkers in housing estates at source.

69. Mr CHAN Wai-nam of the FSD said that the FSD was obligated to perform its duties, including handling emergencies, to protect the life and property of the public. If the FSD's assistance was needed, it would be fine to discuss the operation details at the meeting. He further said that if the FSD's operations were impeded because emergency vehicular access was blocked by barriers, the FSD would take the relevant enforcement action. He added that in a road test conducted in the previous week, the FSD had taken enforcement action because fire services vehicles were obstructed when passing the emergency access next to a convenient store in Leung King Commercial Complex.

70. The Chairman enquired of the DLO about the information on the land boundary mentioned by the FEHD.

71. Mr MOK Hing-cheung of the DLO responded that the HD representative had clearly explained that the public area was managed by the OC and the OC had engaged

Kong Shum to manage the area, so there were no disputes in land boundary.

72. The Chairman said she was asking about the land right, rather than the management right, in respect of the public area.

73. Ms Celia CHAU of the HD indicated that Leung King Estate was a housing estate under the Tenants Purchase Scheme and it was specified in its deed of mutual covenant that the public area was jointly owned by all individual owners, while the OC acted on their behalf and engaged Kong Shum to take care of its daily management. She further pointed out that at present there were over 6 000 residential units in Leung King Estate, among which more than 4 000 had been sold.

74. The Chairman noted the ownership of the public area was vested in all owners.

75. Members' comments and enquires in the second round of discussion were summarised as follows:

- (i) A Member pointed out that the OC had already authorised government departments to take enforcement action in the area under discussion, so the departments should not find excuses to pass the buck. Moreover, he thanked the FSD for stating that it would render assistance where necessary and suggested FSD officers be stationed in the area every day. He further criticised the FEHD and the HD for shirking their responsibility and enquired of the HD what was meant by proper use of resources. He opined that the departments should be resolute in tackling the problem;
- (ii) It was pointed out that the HD was obligated to resolve the issue and should not pass the buck onto the OC and the management company. A Member indicated that according to the Land Registry's records, the HD held about 43% of the shares of ownership in Leung King Estate and was thus the majority owner, so it had the right to convene an owners' meeting with 5% of its shares of ownership to handle the issue. Another Member reckoned that the HD should take the lead in handling the issue because the OC was formed by members of the public, who were not professionals. The Member also hoped other departments would offer assistance. It was opined that the policies should be put under review to solve the problem and prevent it from worsening;
- (iii) A Member, while agreeing that government resources should be put to

proper use, said resources should be used to address problems in case of emergency and acute situations. A Member was disappointed with the departments' responses, opining that they were passing the buck. The Member said that the management company and Uni-China had only the power to drive away hawkers as opposed to the power to prosecute them. Another Member considered that the problem remained unsolved and hoped that measures would be worked out to prevent the incident from happening again and even worsening into an hawker incident like the one previously happening in Mong Kok;

- (iv) A Member considered this meeting and the meeting of the NW Area Committee fruitless, saying that the problem of hawking had existed before Leung King Estate was sold by the HD and taken over by the OC. She opined that the HD had the responsibility to assist the OC in handling this hot potato and suggested the HD assign two MOU members to the area to deter hawking;
- (v) A Member remarked that there were many loopholes in the existing legislation. First, it merely regulated security guards as opposed to caretakers, so he wondered if anyone wearing a caretaker badge was not regulated by the legislation. Second, the HD had not done its best to solve the problem since actually it could use its shares of ownership to call a special meeting to condemn the improper management of Kong Shum. The Member asked why the HD, as the majority owner, did not offer assistance. Third, the FEHD indicated that as a government policy on hawking, no food production licences would be issued to itinerant hawkers. The above showed that the issue was concerned with legislation, policies, and the power and responsibility of departments, so he strongly recommended passing the issue to the full council for follow-ups;
- (vi) A Member opined that a ban on outsiders' entry to private areas should be imposed without delay. In view of the improper management of the management company, the Member suggested the OC call an owners' meeting immediately to remove the management company. Another Member held the view that the social problem could hardly be solved even if the OC removed the management company, while a Member pointed out that the problem of hawking remained unsolved despite several switches of management companies for Leung King Estate;

- (vii) There were concerns over private companies' handling of occupation and their use of force;
- (viii) A Member pointed out that the OC was formed by a group of ordinary citizens and minority owners, whose knowledge and ability were inadequate to solve major social problems. The OC had sought assistance from the HD and the FEHD, but was replied that they had no role to play in the issue. He indicated that the previous hawking problem in Tai Hing Estate was solved only after interdepartmental meetings were held among the HD, the FEHD, the Police, the TMDO and the DLO;
- (ix) A Member suggested the TMDO arrange for various departments to meet with the OC and the management company to discuss how to handle this incident. Another Member indicated that the TMDO's coordination had been the last resort to cope with illegal hawking in markets, illegal parking of bicycles, and the hawking incident in Tai Hing Estate 20 years before. Therefore, the Member suggested the TMDO promptly convene a meeting of the District Management Committee ("DMC") for various government departments, so that District Officer could play a leading role in coordinating the departments' efforts to solve the problem. As for the issue concerning the caretakers, it was necessary to write to the Police requesting its account of how to handle the issue; also, the TMDO should convey, in writing, the messages to the Police for follow-ups. Another Member said that the TMDO had effectively coordinated efforts to deal with incidents before, but this approach was not often used;
- (x) A Member said that residents had often complained to him about the problem of hawking. He blamed the conflict between caretakers and hawkers on the government departments' failure to address the problem seriously. The Member said the problem lay in illegal hawking and improper estate management. He opined that the OC had failed to do its best in management, and hoped that the HD would use more resources to prosecute and drive away hawkers. Besides, the FEHD was not totally free of responsibility: it could take care of the issue of whether illegal cooked food hawking was in contravention of public health ordinances. He further said that there was much information pointing to the "underground management" of the area, which made it difficult to

eradicate the problem;

- (xi) While the hawking problem in Fu Tai Estate had been discussed for a decade, the FEHD had taken no enforcement action as yet, and the HD had stated that the place was not within its jurisdiction. The departments' attitude was tantamount to telling people interested to engage in hawking that they were free to do it in housing estates; and
- (xii) It was opined that the OC ought to tackle the problem and suggested that as an immediate measure, the OC should put up a warning notice stating "private area, no unauthorised entry" in the area. Moreover, if there were still hawkers, the OC should call the Police immediately for assistance in enforcement. The housing estate was improperly managed if the caretakers could perform duties there without licences.

76. The Chairman said that a Member had requested the TMDO to discuss this issue at the DMC.

77. Ms Angie KOO of the TMDO said that representatives of government departments would attend the meeting of the MDC chaired by District Officer. She also said that Members' worries and concerns, as well as their request for discussion on the incident with government departments at the DMC meeting, would be conveyed to District Officer.

78. Ms Celia CHAU of the HD indicated that the MOU of the HD had carried out joint operations with the FEHD and the Police in Leung King Estate before, but the issue was more than about an ordinary hawking problem because there were gang fights in the Lunar New Year period, it was suspected that triad societies were involved, and some groups called on the public via online media to join them in giving support. The HD held the view that it was more appropriate to refer the incident to the Police for follow-ups.

79. The Chairman said that a Member had enquired whether the HD, as the majority owner, would convene an owners' meeting to solve the problem.

80. Ms Celia CHAU of the HD responded that the convening of an owners' meeting was not based on shares of ownership. An owners' meeting, unless being convened by the chairman or the secretary, could be convened only with the consent of 5% of the owners calculated in terms of headcounts rather than the shares of

ownership. As there were over 4 000 owners in Leung King Estate at present, only with the consent of more than 200 owners could an impromptu meeting be convened. Moreover, she said that while Members' views on the OC were noted, she was not in an appropriate position to give responses on behalf of the OC at this meeting, yet she would convey the views to the OC at the DMC meeting.

81. The Chairman asked the HD to clarify whether a meeting could be convened as HD had 2 000 tenants and thus represented 2 000 owners, or the meeting could not be convened as the HD was counted as one owner only.

82. Ms Celia CHAU of the HD responded that although there were still about one-third of the residents being HD tenants, the HD was counted as one owner only; therefore, it could only vote in the capacity of a single owner, rather than based on its shares of ownership, at the DMC. Yet, it could vote based on its shares of ownership at an owners' meeting.

83. The Chairman said she noted that even though the HD had more than 2 000 tenants, it was counted as one owner only and did not meet the 5% requirement for convening an owners' meeting; whereas it had the largest number of votes in a vote.

84. A Member indicated that there was an inward-looking culture among departments. She did not oppose the TMDO liaising the relevant departments for discussion at meetings, but doubted whether the perennial problem could be solved by discussion. She suggested that if the issue remained unsolved after the TMDO coordinated the efforts of various departments, assistance could be sought from the Office of The Ombudsman, which had the statutory power to monitor departments; otherwise the departments could hardly be driven to solve the problem effectively.

85. The Chairman suggested passing the issue to the TMDO-led DMC for follow-ups, and said that the CIHC and the NW Area Committee would further follow up on this issue. The Chairman opined that if the departments could work together to solve the problem of unlicensed hawkers, conflicts similar to the one in the Lunar New Year period would not happen. She hoped the relevant departments, the OC of Leung King Estate, the management company and Link could make concerted efforts to solve the problem of unlicensed hawkers.

TMDO

(Post-meeting note: The DMC held a meeting on 25 February 2016 to discuss this issue.)

86. A Member enquired whether two MOU members could be stationed in the area every night.

87. Ms Celia CHAU of the HD responded that in case of special needs, the special action groups of the HD would consider, having regard to circumstances and resources, rendering support by conducting joint operations with other departments.

88. The Chairman hoped that in view of this exceptional issue, the HD would exceptionally render more support immediately and discuss appropriate operations with its headquarters. Moreover, the CIHC would write to the Police enquiring about the matters concerning the caretakers and the enforcement of the Police. HD Secretariat Police

(Post-meeting note: The above letter was issued on 2 March 2016. The relevant written response was shown in Attachment 2.)

89. There being no other business, the Chairman closed the meeting at 12:12 p.m. The next meeting would be held on 11 April 2016.

Date: 17 March 2016

File Ref: HAD TM DC/13/25/CIHC/16



本函檔號：D1/P02/BE/16-0710

來函檔號：HAD TMDC 13/10/CHIC/16

新界屯門屯喜路一號
屯門政府合署二樓
屯門區議會工商業及房屋委員會
程志紅主席

程主席：

有關：蝴蝶廣場及街市優化工程事宜

多謝 貴會於本年 2 月 23 日有關題項事宜的來信，並夾附 貴會第 2 次會議議員的關注事項，本公司現謹覆如下:-

屯門 H.A.N.D.S 廣場(即前身安定及友愛商場) 優化工程事前已向房屋署獨立審查組及相關政府部門申請，並獲批准。議員所指的行人通道乃屬於領展物業範圍，而有關改建工程並無佔用公共地方。

蝴蝶街市優化工程事前亦已向相關政府部門申請及獲批准始進行，預計工程於本年 4 月上旬完成 (臨時街市除外，該處翻新工程約於本年 7 月完成)。由於此項優化工程圖則涉及商業資料，本公司抱歉未能提供相關工程圖則。

就查詢所指的蝴蝶邨大排檔，本公司不時接獲投訴，指相關商戶佔用公眾地方經營、阻塞行人通道等。該等行為不但影響公眾安全，還違反相關租約條款。本公司曾多次對有關商戶作出警告及要求糾正上述違規事宜。有關租約將於本年 3 月 31 日屆滿，故與商戶商討租務協議時，前述違反租約條款的行為，將成為本公司考慮要素之一。本公司未有計劃翻新蝴蝶邨大排檔，現正與有意承租人士及商戶洽商合適的租務方案及相關經營設施。

多謝 貴會對上述事宜的關注。如有任何查詢，請致電 3977 4845 與本人聯絡。

領展資產管理有限公司
社區關係經理



蔡少明

2016年3月11日

本署檔號：(25) in NTN TM 22/6/3
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屯門區議會轄下
 工商業及房屋委員會
 程志紅主席：

回覆有關屯門區租置屋邨的小販管理問題

貴會於二零一六年三月二日的傳真已收悉。就委員會於第62、63、65、77及90段提出的意見，屯門警署回覆如下。

於二零一六年二月二日至二月九日晚上期間，良景市集外聚集了大批市民，為了保障市民的生命安全及維持公眾秩序，警方採取人群管理措施，以防止不同意見人士有進一步衝突。

在二月二日至二月九日期間發生的「普通襲擊」、「襲擊致造成身體傷害」及「公眾地方行為不檢」六宗案件共涉及七名年齡介乎十九歲至六十九歲男性傷者。警方至今共拘捕九名年齡介乎十九歲至五十二歲男性疑犯。這些案件已交由屯門區重案組作跟進調查。

警方已向良景商場及街市有關的管理公司了解情況，查核在良景市集內進行管理工作人員的身份。警方正在調查有關案件並諮詢法律意見。如有足夠證據顯示任何人未持有保安人員許證而從事保安工作，將對違法人士及其僱主或公司進行檢控。

警方高度關注並密切留意良景邨的情況，已加強軍裝及便裝人員巡邏，一旦發生破壞社會安寧或涉及刑事的罪行，將立即採取行動，果斷執法。

如有任何疑問，請致電 3661 5780 與屯門警區警民關係主任蔡俊華總督察聯絡。

警務處處長



(蔡俊華) 代行

副本抄送：

屯門民政事務處民政事務專員

二零一六年三月十八日