

Minutes of the 2nd Meeting of the HKSAR Fourth Term of
Wong Tai Sin District Council
(Summary Translation)

Date: 17 January 2012 (Tuesday)
Time: 2:30 p.m.
Venue: Conference Room, Wong Tai Sin District Council,
6/F, Lung Cheung Office Block,
138 Lung Cheung Road,
Wong Tai Sin, Kowloon

Present:

Chairman:

Mr. LI Tak-hong, MH, JP

Vice-chairman:

Dr. WONG Kam-chiu, MH

Wong Tai Sin District Council Members:

Ms. CHAN Man-ki, Maggie

Mr. CHAN On-tai

Mr. CHAN Wai-kwan, Andie

Mr. CHAN Yim-kwong, Joe

Ms. CHAN Yuen-han, SBS, JP

Mr. HO Hon-man

Mr. HO Yin-fai

Mr. HUI Kam-shing

Mr. KAN Chi-ho, BBS, MH

Ms. KWOK Sau-ying

Mr. LAI Wing-ho, Joe

Mr. LEE Tat-yan, MH

Mr. MOK Chung-fai, Rex, MH

Mr. MOK Kin-wing
 Mr. MOK Ying-fan
 Mr. SHUM Wan-wa
 Mr. SO Sik-kin
 Ms. TAM Heung-man
 Ms. TAM Mei-po
 Mr. TING Chi-wai, Roy
 Mr. WONG Kam-chi, MH, JP
 Mr. WONG Kit-hin
 Mr. WONG Kwok-tung
 Mr. WONG Kwok-yan
 Mr. WONG Yat-yuk
 Mr. WU Chi-wai, MH
 Mr. Yuen Kwok-keung, Stephen

In Attendance:

Mr. CHOW Chun-wah	PAS for Transport and Housing (Transport 7)	THB) For item) VII
Mr. Samson LAM Sau-sang	AS for Transport and Housing (Transport 7B)	THB))
Mr. YEUNG Kong-sang	Chief Engineer / Railway Development	HyD)
Mr. CHOW Kwok-che	Senior Engineer / SCL	HyD)
Mr. YICK Ming-sui	Senior Project Manager	MTRCL)
Mr. NG Sui-yuen	Design Manager -SCL	MTRCL)
Ms. CHAN Fong-ting	Public Relations Manager – Projects and Properties	MTRCL))
Mr. Thomas CHAN Chung-ching	DS for Food and Health (Health) 2	FHB) For item) VIII
Ms. Vivian CHEUNG Mei-yee	PAS for Food and Health (Health) SD 1	FHB)
Mr. CHAN Wing-tak	Chief Project Manager 202	ArchSD)
Mr. Ben YEUNG	Project Manager 244	ArchSD)
Dr. Lily CHIU	Consultant (CEP)	HA)
Mr. Donald LI	Chief Manager	HA)

Miss Diane WONG Shuk-han	PAS for Food and Health (Food) 2	FHB) For item
Ms. Ava CHIU Wai-fan	DD of Food and Environmental Hygiene (Administration and Development)	FEHD) IX))
Mr. YEUNG Chun-hoi	Senior Superintendent (Cemeteries and Crematoria) SD	FEHD))
Mr. LEUNG Kam-wing	Senior Estate Surveyor/Wong Tai Sin (District Lands Office, Kowloon East)	LandsD))
Mr. Richard SIU Yee-lin	Senior Town Planner / Kowloon 4	PlanD)
Ms. Kathy LI Yat-fung	Chief Health Inspector (Wong Tai Sin)	FEHD) For items) X, XI, XII) and XIII
Mr. SHIU Wai-cheun, William, JP	District Officer (Wong Tai Sin)	WTSDO	
Mr. David Michael GUNTON	District Commander (Wong Tai Sin)	HKPF	
Ms. Lily NG	District Social Welfare Officer (Wong Tai Sin/Sai Kung)	SWD	
Mr. HSU Kam-lung	Senior Housing Manager (Wong Tai Sin)	HD	
Ms. Chiny LEUNG Ching-yin	Engineer/15 (Kowloon)	CEDD	
Mr. Vincent FAN Yung-keun	Chief Transport Officer / Kowloon	TD	
Mr. WONG Wai-wan, MH	District Environmental Hygiene Superintendent (Wong Tai Sin)	FEHD	
Mr. LAM Hok-hay, George	District Leisure Manager (Wong Tai Sin)	LCSD	
Mr. CHUNG Chan-yau, Patrick	Senior Executive Officer (District Management)	WTSDO	
Mr. TING Tin-sang	Senior Liaison Officer 1	WTSDO	
Ms. PANG Suk-wah, Phyllis	Senior Liaison Officer 2	WTSDO	
Ms. TANG Wai-lan, Cecilia	Executive Officer I (District Council)	WTSDO	
<u>Secretary:</u>			
Ms. LAM Pui-fun, Maggie	Senior Executive Officer (District Council)	WTSDO	

Opening Remark by the Chairman

The Chairman welcomed all to the 2nd meeting of the Wong Tai Sin District Council (WTSDC).

2. The Chairman informed Members that since this meeting was held immediately after the one on 3 January 2012, the minutes of meeting and the progress reports on matters arising, would be submitted to the next DC meeting for endorsement and information.

3. The Chairman welcomed the following Government representatives to the meeting:

- (i) Mr. HSU Kam-lung, Sr. Housing Mgr (WTS) of the Housing Department (HD) who stood in for Mrs. SUNG CHEUNG Mun-chi; and
- (ii) Ms. Chiny LEUNG, Engr/15 (Kln) of the Civil Engineering and Development Department (CEDD) who stood in for Mr. Anthony LO.

4. The Chairman informed Members that Mr. David Michael GUNTON would be on pre-retirement leave from early April onwards and this would be his last attendance of WTSDC meeting. On behalf of WTSDC, the Chairman thanked Mr. GUNTON for his contributions to Wong Tai Sin, and wished him a happy retirement.

5. Mr. GUNTON expressed gratitude to Members, and thanked them for their support which had attributed to the 9% drop in crime rate.

6. The Chairman informed Members that the agenda had to be revised to accommodate two additional items. The revised agenda had been sent to them before the meeting.

7. The Chairman told Members that a list of proposed discussion time for agenda items of the 2nd meeting was tabled for Members' reference and Members raised no objection. The Chairman drew Members' attention that upon completion of agenda item III – Membership Lists of Committees/Working Groups of Wong Tai Sin District Council, the first meeting of the six committees and the three working groups would be held, during which election of committee/working group chairmen/vice-chairmen would take place. He reminded Members not to leave the meeting as proxy voting would not be accepted.

I. Wong Tai Sin District Council Standing Orders (Standing Orders)
(WTSDC Paper 7/2012)

8. The Secretary introduced Paper 7/2012. To enhance public understanding of Members' participation in the work of DC, the Secretariat would record their attendance at regular and special meetings in details. It was suggested that their attendance at regular meetings and special meetings be recorded separately, and be uploaded to the webpage of DC and updated on a quarterly basis. Members were also asked to note the sample forms of Member's attendance at regular and special meetings. Among the shaded text in the Standing Orders, viz. provisions and amendments in the original Standing Orders, section 15(A) provided that "Introduction of paper submitted by a member or a public officer should not take more than 10 minutes". In this connection, the Secretariat suggested the prevailing arrangement be retained, i.e. the bell would be rung three minutes after a Member had introduced his paper.

9. The Chairman supported that the Standing Orders were remained unchanged, and agreed that a Member should spend no longer than three minutes on introducing his paper. Members were asked to comment on the above. As they had not made any comments, the Chairman announced that the sample District Council Standing Orders prepared by the Home Affairs Department, with inclusion of established provisions and arrangements of WTSDC, be adopted as the new Wong Tai Sin District Council Standing Orders in the current term of DC.

II. Meet-the-Public Scheme of Wong Tai Sin District Council
(WTSDC Paper 8/2012)

10. The Secretary introduced Paper 8/2012. The scheme had been reviewed regularly since its introduction in November 1981, whereas the last review had been conducted at a WTSDC meeting held on 15 January 2008. During the third term of WTSDC, 21 sessions of Meet-the Public-Scheme had been held to handle 23 cases. The scheme had complied with the set objectives and achieved the expected result, hence the Secretariat suggested the continuation of the scheme.

11. The Chairman asked Members if they would agree with the continuation of the scheme. As they had not made any comments, the paper was endorsed. The Chairman then asked the Secretary to prepare a duty roster and notify Members.

III. Membership Lists of Committees/Working Groups of Wong Tai Sin District Council
(WTSDC Paper 9/2012)

12. The Secretary introduced the paper. Based on the wishes expressed by Members, the Secretariat had prepared membership list of committees/working groups. She said upon receipt of Ms. KWOK Sau-ying's request for withdrawal from the Finance, General and Economic Affairs Committee (FG&EAC) before the meeting, the Secretariat had updated the membership list and tabled the new version (Annex I) for Members' reference. Members could still express their wishes to join or withdraw from a committee/working group in writing. However, the changes had to be endorsed by WTSDC before they come into effect. Upon endorsement of respective membership lists, all committees/working groups would convene their first meeting immediately. As agreed at the last DC meeting, the nomination and voting procedures for Chairmen and Vice-chairmen of committees/working groups would be the same as those for the Chairman and Vice-chairman of the District Council. The voting procedure in question as set out in Schedule 5 of the District Councils Ordinance (Cap. 547) was tabled for reference.

13. The Chairman asked Members to endorse the revised membership lists of the six committees and the three working groups of WTSDC. Members endorsed the lists without objection.

14. The Chairman announced the membership lists of the six committees and the three working groups, as well as suspension of the DC meeting. The first committee/working group meeting would then be held, at which election of committee Chairmen and Vice-chairmen, and election of working group Chairmen would be held.

(Meeting of WTSDC suspended at 2:44 p.m. The first meeting of the six committees and the three working groups was held afterwards.)

(Meeting of WTSDC resumed at 2:52 p.m.)

IV. Addition of Co-opted Members in Committees of Wong Tai Sin District Council
(WTSDC Paper 10/2012)

15. The Secretary introduced the paper. In accordance with sections 71(2) and 71(4) of the District Councils Ordinance (Cap. 547), a District Council might appoint any person who was not a member as the member (co-opted members) of the committees of the District Council if the person satisfied the qualifications set out in section 20(1). Co-opted members could vote in the committees' meetings and be counted for the purpose of constituting a quorum. It was recommended the fourth term of WTSDC retain the appointment of co-opted members. Without prejudice to the requirements including "the number of co-opted members cannot be more than half of the number of DC Members in the committees" and "the total number of co-opted members appointed to all committees of a Council must not exceed the total number of its members", four or five co-opted members might be appointed to each committee, and WTSDC was requested to decide the number of co-opted members in each committee. The number of DC Members in each committee was set out in the revised membership lists tabled. The Secretary also recommended that the tenure of the co-opted members tied in with that of the committees of the fourth term of WTSDC for four years till 31 December 2015. Regarding the selection criteria, co-opted members must possess the expertise in the scope of work of the committees concerned, so that contribution could be made to the committees. If Members agreed to the said recommendations, the Secretariat would invite them to make nominations. The deadline for nomination would be 10 February 2012. Each Member might only nominate one co-opted member. If the number of nominated co-opted members exceeded the limit of the committee(s) in question, a vetting committee would be set up in accordance with Appendix III of the "Standing Orders" to select the short-listed members for the final approval of WTSDC.

16. The Chairman said there were 29 Members in the current term of WTSDC and each of them might nominate one co-opted member. Hence he suggested that 29 co-opted members be appointed in this term. As FG&EAC had the smallest number of members, it was suggested that only four co-opted members would be appointed for this committee, whereas five co-opted members would be appointed for each of the other committees.

17. Members raised no objection in response to the Chairman's enquiry. Hence the Chairman announced that four and five co-opted members would be appointed for FG&EAC and each of the other committees respectively, and asked the Secretary to follow up this matter.

(Post-meeting note by the Secretariat: A letter concerning nomination of co-opted members had been distributed to Members after the meeting.)

V. Meeting Schedule of the Wong Tai Sin District Council and its Committees from January to December 2012
(WTSDC Paper 11/2012)

18. The Secretary introduced the paper. The meetings of WTSDC and its committees were held on Tuesday afternoon; working group meetings would be held on need basis and the timetable would be decided by working group chairmen. The Secretariat suggested that the first meeting of Finance, General and Economic Affairs Committee (FG&EAC) be held first to discuss the financial arrangement of WTSDC for the financial year 2012-2013, while meetings of the other five committees would be held in the ensuing Tuesdays. For early endorsement of the community involvement projects in 2012-2013, it was suggested FG&EAC meeting be held again on 27 March 2012. It was highly recommended that the schedule was strictly followed as far as practicable. However, committee chairmen might change the dates of meeting taking into account individual situation and the needs of their committees. Furthermore, as few could attend the FG&EAC meeting on 31 January, it was recommended that the 2nd FG&EAC meeting be rescheduled on 3 February 2012 (Friday) at 10:30 a.m.

19. Upon the Chairman's enquiry, Members did not raise any objection. Hence, the Chairman announced that the paper, as well as the rescheduling of the 2nd FG&EAC, had been endorsed.

VI. Opening Ceremony and the Guidelines on the Use of Tung Tau Community Hall
(WTSDC Paper 12/2012)

20. Ms. Phyllis PANG, Senior Liaison Officer of the Wong Tai Sin District Office (WTSDO) introduced the paper. At the 22nd meeting of the District Facilities Management Committee (DFMC) of the third term of WTSDC held on 31 May 2011,

WTSDO had reported the progress of the Tung Tung Community Centre (TTCC)'s construction and guidelines on the use of its facilities. Also, HD had arranged a site visit for DFMC members. TTCC, built by HD at the junction of Tung Lei Road and Lok Sin Road adjacent to the upcoming Tung Wui Estate (i.e. Block 23 of the former Tung Tau Estate), comprised the Tung Tau Community Hall (TTCH) and an integrated family service centre. TTCH had been handed over to WTSDO on 9 December 2011, and would be put into full use after the opening ceremony. The opening ceremony, to be held on 25 February 2012 (Saturday) at 2:30 p.m. at the TTCH, would be jointly organised by DFMC and WTSDO, and officiated by the Director of Home Affairs, the Chairman of WTSDC and the Deputy Director of Housing (Development and Construction). Major local organisations would perform at the ceremony. The ceremony would be funded by WTSDO. Facilities of TTCC included a multi-purpose hall with a seating capacity of 450 and a stage, a conference room, a stage meeting room, dressing rooms, store room, a reception, toilets and a baby-sitting room. The *Guidelines on the Use of Facilities Available in TTCC* and the *List of Charges for the Hiring of TTCH* were formulated based on the Guidelines on the Use of Facilities Available in Community Halls/Community Centres published by the Home Affairs Department, with reference to the *Guidelines on the Use of Facilities Available in Tsz Wan Shan Community Hall*.

21. As Members raised no objection upon enquiry, the Chairman then asked them to note the paper.

(The Chairman initiated and Members agreed to discuss the items X to XIII.)

VII. Shatin to Central Link (Wong Tai Sin Section)
(WTSDC Paper 13/2012)

22. The Chairman welcomed Principal Assistant Secretary for Transport and Housing Mr. CHOW Chun-wah, Assistant Secretary for Transport and Housing Mr. Samson LAM; Chief Engineer/Railway Development Mr. YEUNG Kong-sang and Senior Engineer CHOW Kwok-che of Highways Department (HyD); and Senior Project Engineer Mr. YICK Ming-sui, Design Manager Mr. NG Sui-yuen and Public Relations Manager Ms. CHAN Fong-ting of MTR Corporation Ltd. (MTRCL).

23. Mr. CHOW Chun-wah gave a PowerPoint presentation on the paper, which set out the latest progress of the Shatin to Central Link (SCL) project. Highlights were as follows:

(i) Background

The first and second stage amendments of the SCL scheme had been gazetted on 15 July 2011 and 11 November 2011 respectively in accordance with the Railways Ordinance; whereas the statutory objection period concerning the second stage amendments had expired on 10 January 2012. The Government was processing the objections and enquiries raised by the public according to statutory requirements.

(ii) Highlights of Second Stage Amendments

(a) Deletion of Diamond Hill Stabling Sidings

After numerous discussions with WTSDC, the Government noted the latter's concern about the former site of Tai Hom Village, Diamond Hill. Therefore Government departments and the MTR Corporation Limited (MTRCL) actively sought ways to address their concern, and existing railway facilities would be used as stabling sidings as far as practicable, so as to minimise the need for building new stabling sidings in the urban area. In this connection, the second stage amendments deleted the Diamond Hill Stabling Sidings from the SCL scheme, and proposed use of Hung Hom Freight Yard for launching and U-turning of SCL trains.

Despite the deletion of the Diamond Hill Stabling Sidings, it was still planned that the SCL Diamond Hill Station would be built beside the existing Diamond Hill Station, separated only by the Lung Cheung Road, so that passengers might interchange between Kwun Tong Line and SCL with ease in future. As a result of the said deletion, the tunnel connecting the Stabling Sidings and the Rhythm Garden would also be deleted.

Regarding the "Three Treasures of Tai Hom Village", the Stone House would not be affected by the SCL project. However, the former Royal Airforce Hangar and the Old

Pillbox were located within the site of the proposed Diamond Hill Station and thus had to be reprovisioned temporarily. During the course of planning and development of the vacant Tai Hom Village site, the Government would endeavour to preserve these relics and study the reprovisioning arrangement with the Antiquities and Monuments Office.

(b) Reduced the Resumption of Land Strata

Some members of the public were concerned about the need for resumption of land strata. As a major railway project linking up a number of urban areas, it was inevitable that the SCL project would require resumption of land strata in Wong Tai Sin, Kowloon City and the Mid-level. To answer calls from residents of various districts including Tsui Chuk Garden and Tropicana Gardens for minimising the need for resumption of land strata, the Government and MTRCL had tried their best to revise the railway alignment. After thorough examination, the Government fine-tuned the alignment so that resumption of land stratum under the Tropicana Gardens was no longer needed, as published in the second stage amendments. However, due to various constraints, the alignment could not be further revised and thus part of the land stratum under Tsui Chuk Garden had to be resumed.

(c) Provision of Public Transport Interchange and Coach Park Area beside Wong Tai Sin Temple

Consensus had been reached between the Government and WTSDC on the provision of a two-level public transport interchange. It was planned that the upper level would be used as a coach park and the lower level would be used as a public transport interchange. The Government would continue to liaise closely with WTSDC on details about planning of the public transport interchange, to meet local needs.

(d) Facilities at Ma Chai Hang

Last year the Transport and Housing Bureau (THB) had presented to WTSDC a number of options on the provision of indoor games hall (IGH). The Government and MTRCL were studying the feasibility of these proposals. They would keep in touch with WTSDC to ensure that the design could meet local needs. As construction of IGH was not part of the railway scheme, THB had to apply for planning approval from the Town Planning Board (TPB). After the consensus with WTSDC on the location of IGH, THB would apply for planning approval immediately and start the construction works as soon as possible.

THB noted the public concern about acquisition of MCHRG as temporary works site, and endeavoured to minimise the size of the works site so that nuisance to the vicinity would be minimised. Regarding the traffic impact of the works site at Ma Chai Hang, THB would set up Community Liaison Groups prior to the commencement of construction works to keep in touch with the public, local organisations and schools, so as to minimise the impacts caused to the area. Mitigation measures would also be identified to minimise traffic impact.

(e) Pedestrian Link Facilities in Tsz Wan Shan

The Government and WTSDC had agreed on matters concerning the pedestrian link facilities in Tsz Wan Shan. In response to views of the local community, design of the facilities had been revised and incorporated into the second stage amendment of the SCL scheme. MTRCL was about to complete the detailed design of the pedestrian link facilities. After the funding approval of the Legislative Council, the works would be commenced immediately for successive completion between 2014 and 2016 by stage, so that the facilities would be available for public use at the earliest opportunity. The revision also included the relocation of the proposed elevator from Lok On House of Tsz Lok Estate to the junction of Wan Wah Street and Sheung Fung street, to facilitate the public to use the facilities and to address local concerns about visual impact of the buildings.

(f) Pedestrian Link connecting Tsui Chuk Garden

THB understood local concerns about the traffic arrangement between Tsui Chuk Garden and the nearby housing estates and the MTR Wong Tai Sin Station. Departments concerned would liaise closely with the residents to understand their needs, and proactively follow up matters concerning the public transport services in the vicinity of Tsui Chuk Garden, including bus route no. 211 and shuttle bus route no. KR21.

(g) Environmental Impact Assessment Report (EIA Report)

On 12 October 2011, MTRCL had submitted the EIA reports for the SCL to the Environmental Protection Department. The report was available for public inspection from November to 23 December 2011. The Director of Environmental Protection would examine the assessments set out in these reports, including the SCL project's impacts on the environment, air and water pollutions, in accordance with the relevant ordinance.

The Government and MTRCL would like to liaise with WTSDC and the local community and listen to their views on the SCL project, in a bid to shape the project to meet the needs of Wong Tai Sin.

24. The Chairman said WTSDC's views on the SCL scheme had been clearly set out in its objection submitted to the Secretary for Transport and Housing on 21 January 2011, and he invited Members to comment on new concerns. On the other hand, THB had written to WTSDC and requested DC to consider withdrawing its objection. Five options were set out on the reply form, namely (i) Formally and unconditionally withdraw the objection; (ii) Formally withdraw the objection on condition; (iii) Formally and unconditionally withdraw part of the objection; (iv) Formally withdraw part of the objection on condition; and (v) Maintain the objection. He invited Members to comment on the selection of option.

25. Mr. SO Sik-kin thanked THB for providing feedback to WTSDC and the local community proactively and patiently, and attaching high importance to the views of DC. As THB had addressed most of the concerns of WTSDC, Mr. SO believed that some of the Members would support the amendments. However, THB had yet to

address certain requests. He had relayed residents' views to THB faithfully, but it had not provided any response to date. He reiterated that the residents demanded: (i) a written guarantee that tunnelling works would not affect the structural safety of buildings along the railway; (ii) works regarding the provision of barrier-free accesses should be completed before commencement of the SCL works, so as to alleviate the traffic impact resulted from the acquisition of MCHRG as temporary works site; (iii) detailed information on the management of traffic at the entrance of the Ma Chai Hang works site, including dump truck traffic, to ease the worries of local residents. Consideration should also been made to relocate the exit for spoils, so as to reduce the impacts caused to Chuk Yuen; and (iv) addition of Chuk Yuen Station, the second MTR station in Wong Tai Sin that local residents demanded. He urged the Government to address the requests of the residents, so that the SCL works could be commenced as soon as possible.

26. Ms. TAM Heung-man said as a new Member, she thought that the third term of WTSDC had not adequately discussed concerns of the residents in her constituency. While she supported the relocation of stabling sidings to the Hung Hom Freight Depot, she hoped that a new walkway be built to connect Bel Air Heights and Galaxia Tower with the new Diamond Hill Station. She noted that for the sake of safety, no subway could be built, hence suggested the footbridge at Lung Poon Street near Bel Air Heights and Galaxia Towers be extended to the new station. Also, she commented that deletion of the walkway connecting the Rhythm Garden and the MTR Diamond Hill Station would cause inconvenience to the residents in the vicinity.

27. Ms. CHAN Yuen-han, SBS, JP said amendments made to the SCL scheme reflected MTRCL's sincerity. However, certain issues had been left untouched. First of all, although the Stone House – one of the Three Treasures of Tai Hom Village – would no longer be affected by construction works because the Diamond Hill Stabling Sidings had been deleted, the Government still had to study ways to preserve the former Royal Airforce Hangar and the Old Pillbox. She queried if it was a must to relocate the two relics first and reprovisioned *in-situ* afterwards, and opined that ex-Member of WTSDC Mr. LAM Man-fai, JP would certainly not support such an arrangement. She also pointed out that Mr. LEE Tat-yan, MH and representatives of the Rhythm Garden had once suggested the Government build an underground street connecting southeast Kowloon and more hilly area of the peninsula, via San Po Kong and the former Tai Hom Village site. She said many local organisations welcomed the suggestion and hence hoped MTRCL and Government departments concerned to study it. She also concurred with Mr. SO Sik-kin on his suggestion about provision of escalators connecting Tsui Chuk Garden. While she had no intention to introduce any

competition against the minibuses, she hoped that something could be done to help the residents. The population was ageing. It was laborious for aged people to go to and from Tsui Chuk Garden on foot. Therefore, she hoped that the Government would make use of the SCL project to improve the facilities concerned. Regarding matters concerning the works site at Ma Chai Hang, she commented that MCHRG was a public leisure venue and thus the Government should look at these matters squarely and identify proper solutions.

28. Mr. CHAN On-tai pointed out that as the Government had decided not to build stabling sidings at the former Tai Hom Village site, consideration could be made to use that site as temporary works site or for transportation of spoils, so that MCHRG was not used as temporary works site. If it was a must to acquire MCHRG, the Government would consider to place the interchange between Kwun Tong Line and SCL at the former Tai Hom Village site. He thought constructing an SCL Diamond Hill Station at that site would be a waste of land resource, and suggested a Ma Chai Hang Station be built as interchange station instead. In addition, profit-making topside development could also be built there. He believed that if a Ma Chai Hang Station was built, residents would not raise any objection even though the entire MCHRG was acquired. The Government should consider this matter holistically, so that no resources would be wasted. The former Tai Hom Village site had already been vacant, hence savings could be made if it was used for transportation of spoils. Moreover, this could reduce traffic impact and expedite the works. The Government should study ways to make savings, so as to protect people's rights and facilitate commercial and economic development.

29. Mr. MOK Kin-wing said WTSDC had discussed details of the SCL project many times and he believed that most of the Members welcomed the amendments, including deletion of the Diamond Hill Stabling Sidings and construction of public transport interchange beside the Wong Tai Sin Temple. Therefore, he suggested WTSDC withdraw the objections in question. On the other hand, the Government had yet to provide adequate reasons to convince WTSDC to withdraw objections unconditionally, such as acquisition of MCHRG as temporary works site, among the others. Although the Government and MTRCL had promised that (the acquisition) would be compensated with reprovision of the recreation ground and construction of a multi-level IGH, it was inevitable that the construction works would cause nuisances to the residents and result in closure of most of MCHRG. Therefore, strong reasons should be given to support the acquisition of MCHRG as temporary works site, and residents' consensus should be obtained. He had repeatedly asked MTRCL to use the Hin Tin Playground as temporary works site and for transportation of spoils, so as to

reduce environmental and traffic impacts on Wong Tai Sin. He also urged the Government to provide information on the volume of spoils to be produced in the works site at MCHRG, as well as the traffic impact assessment (TIA) report for WTSDC's reference.

30. Mr. HUI Kam-shing said residents of Chuk Yuen South Estate objected to the acquisition of MCHRG as temporary works site and the construction of permanent ventilation facilities. He emphasised that the Government had to make public the TIA report if it wanted to convince residents to accept the arrangement. Also, he queried how the Government could conclude that the works had little implication to traffic before the completion of the TIA. He was worried that WTSDC might not be able to deal with problems identified in TIA satisfactorily if it had endorsed the SCL scheme. He reiterated Chuk Yuen South Estate residents' objection to the acquisition of MCHRG as temporary works site, and hoped that a more suitable site could be found for this purpose. If the Government wanted to convince the residents to accept the proposal, it should consult them and provide data in question, such as the works' implications on traffic and noise, as well as the ventilation facilities' possible impact on air quality. Even though the residents might not understand all these data, they would feel the sincerity of the Government in explaining the findings.

31. Mr. WU Chi-wai, MH said WTSDC had discussed matters about SCL (Wong Tai Sin section), and was glad to see that progress had been made on certain issues, except the acquisition of MCHRG as temporary works site and construction of ventilation facilities. He suggested the Government deal with matters concerning the acquisition of MCHRG as temporary works site, and the construction of ventilation facilities separately. Regarding the construction of ventilation facilities, the Government should endeavour to scale down the facilities, so as to minimise the impact to the district. As for the temporary works site, since the Diamond Hill Stabling Sidings had been deleted, THB might consider using the Tai Hom Village site in front of Diamond Hill as temporary works site and for transportation of spoils. He believed that the said arrangement could address problems associated with the acquisition of MCHRG as temporary works site and avoid unnecessary dispute. He remarked that a problem could be solved in many different ways, and the problem in question hinged on whether the Government would insist on using MCHRG as temporary works site. He believed that the concerned residents would be more eager to accept the SCL scheme if MCHRG was only used to build the ventilation facilities, because the size of the affected area would be reduced. The construction of SCL was supported by mainstream views, which did not want to see the adverse impacts caused to individual communities. He reiterated that the ventilation facilities should be scaled down, and urged the Government to study the possibility of using the former Tai Hom Village site as temporary works site.

32. Mr. CHAN On-tai added that residents hoped that only ventilation facilities were built at MCHRG, and the former Tai Hom Village site be used as temporary works site. Unless a Chuk Yuen Station was built by MTRCL, the residents would never agree to the acquisition of MCHRG as temporary works site. He urged the Government to study the possibility of using the former site of Tai Hom Village as temporary works site.

33. Mr. CHOW Chun-wah's response to Members' views and enquiries summarised below:

(i) SCL Scheme

Construction of the 17km SCL connecting Tai Wai and Admiralty was wholly funded by the Government. The railway project did not include property development, and land acquired would be used mainly for construction of stations. As the works primarily involved tunnelling by the drill-and-blast method, occupation of land surface or resumption of private land was not required.

(ii) Design of SCL Diamond Hill Station

The proposed SCL Diamond Hill Station would co-exist with the existing MTR Diamond Hill Station. Exits would be provided at Galaxia Tower and Lung Cheung Road, both conveniently accessible via footbridges and pedestrian crossing facilities. The Government planned to build the new station at the southern side of Lung Cheung Road, and connect with the existing station by a new pedestrian subway. In other words, it would be convenient to go to and from the two stations in Kwun Tong line and SCL respectively. The latter would lead to Tai Wai and even the border in the north, and Admiralty via Hung Hom in the south. The existing MTR station had adequate pedestrian link facilities, and the existing walkway at the former Tai Hom Village site would be preserved for easy access to the new station.

(iii) Works Site Management

SCL (Wong Tai Sin section) would consist of two major works sites. The one at the former Tai Hom Village would be used to

build the new station and the associated subways; whereas the one at MCHRG would be used to build an emergency access. The proposed SCL Hin Keng Station and SCL Diamond Hill Station would be connected together with a 4km tunnel. To maintain good ventilation inside the tunnel and for the sake of fire safety, MTRCL had to provide ventilation facilities and emergency access at MCHRG. Spoils produced by tunnelling works would be removed via Shatin and MCHRG, whereas spoils resulted from building the new station at the former Tai Hom Village site would be handled *in-situ*. Spoils generated by the SCL works in Wong Tai Sin would be handled in different places according to actual circumstances.

(iv) TIA

Before commencement of any works, the contractor in question should carry out detailed TIA on the nearby traffic including dump truck traffic. The Government would scrutinise the finalised works programme, in a bid to minimise dump truck traffic at the works site. MTRCL would also set up Community Liaison Groups to co-ordinate the dump truck traffic, such as preventing dump truck traffic at works sites before and after school. In addition, the Government would check if other public works would be carried out concurrently at the same place, and would try to co-ordinate these works so that the local traffic would be affected. It was understood that not many major public works would be carried out concurrently with the SCL project. Therefore, THB would be able to take effective mitigation measures to reduce works-related impact on the traffic. According to past experiences, contractors would consult DCs and establish Community Liaison Groups before commencement of works to listen to residents' views. Primarily, two major groups of communities would be affected by works of SCL (Wong Tai Sin section). One of them comprised Chuk Yuen Estate, Tin Ma Court, Tin Wang Court and Tsui Chuk Garden near MCHRG, and Tsz Wan Shan's residents affected by the improvement works to the pedestrian link system in Tsz Wan Shan. The Community Liaison Groups would handle specific needs of the areas and report to DC in a timely manner.

34. Ms. CHAN Yuen-han added Kowloon East had great potential for development. As the Government had decided to invest heavily on SCL, a major railway project, it should consider views of the public and undertake long term planning. As it was understandable that MTRCL would only focus on railway development, the Government should consider peripheral development of the railway system. She criticised THB that it had just made an unprofessional response, and commented that it should take the opportunity of the SCL project to plan the use of the former Tai Hom Village site, San Po Kong and Tsz Wan Shan in one go, and to launch various projects in these areas to facilitate economic development and increase pedestrian flow. She suggested Mr. Bosco FUNG, ex-Director of Planning, be consulted on ways to make use of the SCL project to develop Kowloon East and facilitate the economic activities. Under new concept of town planning, a preferred way of linking up different areas on foot because it could create business and job opportunities. Finally, she urged THB to respond to the views of Mr. SO Sik-kin and Mr. CHAN On-tai.

35. Mr. SO Sik-kin added that he had been pressing the Government to respond to his requests mentioned before, but it only undertook to follow up and look into the problems, instead of making any positive response. He commented that the Government's stance was unhelpful in solving problems. Members were obliged to serve as a bridge between the Government and the public. Hence he hoped THB would respond to his comments so that he could relay the message to the public.

36. In consideration of the fact that a pedestrian subway would be built at the former Tai Hom Village site, Ms. TAM Heung-man enquired if the subway would lead to the Galaxia Tower and the Bel Air Heights, so that residents might go to the SCL Diamond Hill Station direct. In addition, she suggested THB consider a pedestrian subway joining the Rhythm Garden and the new station.

37. Mr. CHAN On-tai highlighted the importance of joining Ma Chai Hang Road with Wong Tai Sin MTR Station, and commented that it would more eminent to join them together than providing a link between the Galaxia Tower and the Diamond Hill Station. He criticised that construction cost of the new Diamond Hill Station was too high and it was a waste of land resource, and suggested a Ma Chai Hang Station connecting the Wong Tai Sin Station be built.

38. Mr. CHOW Chun-wah's response to Members' supplementary views and enquiries were summarised below:

(i) Structural Safety and Redevelopment Potential of Buildings

The Government would ensure that the design of works was compliant with all safety standards. Having granted the project contract, the contractor should seek the approval of Buildings Department about method of construction. Then, THB would provide details in writing afterwards.

(ii) Traffic Management at the Works Site at MCHRG

Measures would be taken to ensure that the works would not affect the traffic condition near the works site or residents of Tsui Chuk Garden. THB and MTRCL would keep in touch with residents of Tsui Chuk Garden, in a bid to minimise impacts on the community, and to maintain the smooth operation of the feeder services to Tsui Chuk Garden.

(iii) Barrier-free Facilities

Provision of barrier-free facilities at uphill areas was a territory-wide initiative. After consideration, the Government would first provide such facilities at ten locations in Hong Kong, and continue to review the needs of other locations, including Tsui Chuk Garden, which would be considered together with other pedestrian systems on the waiting list in the next round.

39. Mr. LEE Tat-yan, MH welcomed THB's decision to build the stabling sidings in Hung Hom Freight Yard and delete the proposed one in Diamond Hill. However, he was dissatisfied that THB had not provided any feedback on the request for building a walkway connecting the Rhythm Garden and the SCL Diamond Hill Station. He said that the construction of stabling sidings in the previous proposal had made it technically infeasible to build a pedestrian subway. As the proposed Diamond Hill Stabling Sidings had been deleted, he urged the Government to consider the said suggestion again, and answer the local community's request positively.

40. Mr. SO Sik-kin said he had put forth his suggestions to the Government many times in a bid to solve the problems, but no progress had been seen to date. He understood that provision of barrier-free facilities at Tsui Chuk Garden had yet to be endorsed, but there was an eminent need to deal with the traffic in the vicinity of the

works site. He worried that the existing traffic facilities might not be able to cope with the traffic caused by the works site, and criticised the Government over knowing about the situation of the area. He opined that when there was traffic congestion at Ma Chai Hang Road or Chuk Yuen Road, residents might go to the MTR station nearby via the barrier-free accesses. He asked THB to conduct a site visit to gauge the need for barrier-free accesses in the district.

41. Mr. LAI Wing-ho agreed to what Members had put forth just now, and understood their worries about the acquisition of MCHRG as temporary works site. He said the paper submitted by the Government and MTRCL did not provide any concrete information on the scope of the works site, anticipated traffic volume, length of acquisition period, management of dump truck traffic, and thus it failed to ease Members' worries about these issues. He opined that WTSDC could not accept the proposed scheme, and that the Government and MTRCL should facilitate discussion by providing details on the acquisition of MCHRG as temporary works site, including the possible problems and respective mitigation measures. He suggested relevant matters be followed up by WTSDC's Task Force on Shatin to Central Link (TFSC).

42. Ms. TAM Heung-man said THB had not provided any feedback to her comments. She asked THB to conduct a site visit to Galaxia Tower, Bel Air Heights and Rhythm Garden, and consider improving the connectivity with MTR stations.

43. The Chairman concluded that SCL was an enormous territory-wide railway project. Since the announcement of the scheme, WTSDC had been paying close attention to the development and put forth a number of suggestions. THB had solved some of the problems satisfactorily, but follow-up actions were required for the rest. After the gazettal of the scheme and the amendments, THB should deal with the objections received. WTSDC should response to THB. However, this meeting could not point to a conclusion to withdraw its objection through discussion. Hence, the Chairman suggested WTSDC maintain its objection to the SCL scheme. In addition, he said THB had invited WTSDC in writing on 13 January 2012 to attend a hearing to be held on 6 February 2012 (Annex II) in respect of WTSDC's objection raised on 21 January 2011. He commented that WTSDC did not need to send any representative to the hearing because representatives of THB and MTRCL had already attended this meeting and listen to Members' views on SCL. He suggested relevant committees and TFSC of WTSDC continue to follow up matters concerning SCL. The Chairman explained that WTSDC should maintain its objection as he was unable to make a conclusion on the issues that could be withdrawn. He asked the Government and MTRCL to note and follow up Members' views particularly views from new DC members, as well as to work closely with WTSDC to find a solution for the problems.

(Post-meeting note: WTSDC informed THB in writing on 17 January 2012 that it would maintain its objection to the SCL scheme and would not attend the hearing.)

(Mr. CHOW Chun-wah, Mr. Samson LAM, Mr. YEUNG Kong-sang, Mr. CHOW Kwok-che, Mr. YICK Ming-sui, Mr. NG Sui-yuen and Ms. CHAN Fong-ting left the meeting at this juncture.)

VIII. Development of the Centre of Excellence in Paediatrics
(WTSDC Paper 14/2012)

44. The Chairman welcomed representatives from the Food and Health Bureau (FHB), the Architectural Services Department (ArchSD) and the Hospital Authority (HA) who attended the meeting for this agenda item, including Deputy Secretary for Food and Health Mr. Thomas CHAN and Principal Assistant Secretary Ms. Vivian CHEUNG; ArchSD's Chief Project Manager Mr. CHAN Wing-tak and Project Manager Mr. Ben YEUNG, HA's Consultant Dr. Lily CHIU and Chief Manager Mr. Donald LI. He invited Mr. CHAN to introduce the paper.

45. Mr. Thomas CHAN thanked WTSDC for the opportunity to present the Bureaus' proposed development plan for the Centre of Excellence in Paediatrics (CEP). He made a PowerPoint presentation on the development plan, including information on site selection for Members' comments. His presentation was summarised below:

(i) Background

The Chief Executive announced in the 2007 Policy Address that the Government would develop a multi-partite CEP. A steering committee comprising healthcare and relevant sectors, medical and healthcare professionals from the public and private sector, academics, patient groups and relevant NGOs was then established by FHB in 2008 to examine issues relating to the development of CEP. After careful study with Government departments, the steering committee had decided to establish CEP at a vacant site (Site C) in the South Apron of the Kai Tak Development Area (KTDA), adjacent to the former runway that a tourist leisure centre and the Runway Precinct, as well as areas designated for Government/institute/community uses.

(ii) Policy Objective

It was aimed to establish a territorial centre of paediatrics to patients under the age of 18 who were suffering from complex illnesses, with a view to improving the standard of clinical services, research and training in paediatrics. Apart from healthcare services available in ordinary public hospitals, CEP would also bring medical researches, training and clinical services in paediatrics under one roof to create better synergy. Moreover, CEP would bring together experts in the public and private research institutes or universities from both within and outside Hong Kong. Their collaboration would help achieve excellence in the quality of clinical services, researches and training.

(iii) Conceptual Design and Facilities

- (a) Unlike ordinary hospitals which were stark and arid, CEP would use children-friendly facilities to create a comfortable home-like environment for paediatric patients and their parents;
- (b) To facilitate speedy recovery of paediatric patients, a “people-based” approach would be adopted. Floor layout and supporting facilities of CEP would be designed to provide comfortable accommodation to the children and their family.
- (c) To create an edgy and modernistic image, design of the entire CEP including its exterior would echo with the state-of-the-art healthcare services. CEP would be a feature building in the promenade of KTDA;
- (d) CEP would adopt a podium-free design consisting of two separate towers, each 12 storeys high. The two towers would be connected with three direct link bridges located at Level 2, Level 3 and Level 9 of CEP. To create a beautiful environment for public enjoyment, a landscaped courtyard would be provided between two towers. Design of the courtyard would echo with that of the Kai Tak Promenade to facilitate public access;

- (e) CEP would provide about 468 beds and other facilities to support inpatient children and their families. It would also include research and training facilities. Tower A of CEP would primarily house clinical supporting services including the Integrated Rehabilitation Centre, operating theatres, laboratories, Hospital Data Centre, as well as education and training facilities. Tower B of CEP would be more patient-oriented with the provision of inpatient services and ambulatory care services;
- (f) For optimised use of space, one of the towers would be provided with a basement accommodating general supporting services; whereas restaurant or other facilities that opened to the general public would be provided on G/F;
- (g) The design of CEP had fully taken into account the integration and connectivity with its neighbouring region. It also strived to preserve more open space along the harbourfront and provide a harbourfront promenade, so as to improve the view;
- (h) A central courtyard would be featured at CEP near its main entrance. The entrance pavilion of CEP would be made of transparent materials, so that the public could see the landscaped courtyard and the harbour view. It would also integrate visually with the overall architectural settings and the outdoor spaces, forming a prominent gateway of CEP; and
- (i) Public bus, minibus and taxi stands, as well as parking spaces would be provided for easy access to CEP. FHB would continue to work closely with the Civil Engineering and Development Department (CEDD) and the Transport Department (TD) to ensure that the local traffic network could cope with the needs of CEP. Development plans for Kai Tak and Kowloon East would be taken into account of the transport need of CEP.

(iv) Preparatory Work

A “Design and Build” approach would be adopted for the construction of CEP. It was anticipated that the tendering exercise would commence in April 2012. Funding approval from the Legislative Council would be sought according to the design and the outcome of the tendering exercise. FHB aimed at completing the main portion of CEP by 2016, as announced in the Policy Address.

46. Mr. SO Sik-kin supported the project. He said he had paid a site visit to KTDA and the Cruise Terminal with some DC Members the day before to see the overall development of the area. He remarked that the site was invaluable and suitable for building CEP. During his contact with families of inpatient children, he had realised that illness could bring trouble to a family. Therefore, provision of a beautiful and comfortable environment and supporting facilities would be highly conducive to the recovery of the inpatient children and help the families to accept the illness. He hoped that design of CEP would match the overall design of KTDA, and adhere to the restrictions regarding mode of development and building height. In addition, he would like to know why Wong Tai Sin, a constituency of Kowloon East, fell into HA’s Kowloon West Cluster. He worried that paediatric patients in Wong Tai Sin might not be able to enjoy CEP’s services.

47. Mr. WONG Yat-yuk was glad to know that FHB was going to materialise the CEP announced in the Policy Address. While there would be more than 400 beds in CEP where paediatric specialist services would be provided, he worried that there were not enough beds to support future development and suggested extra space be reserved for this purpose. When he took his daughter to have follow-up consultation, he could personally feel the congestion of the hospital, as such he was glad to see the provision of beds for families of paediatric patients in CEP. He expected that CEP would handle cases referred from other hospitals, and half of the age-appropriate paediatric patients in the territory would be treated here, hence he suggested more beds be provided. He also pointed out that Taiwan had increased its capacity of specialist services by increasing the number of beds, and Hong Kong, as a metropolis, should follow. In addition, he commented that children born in the past few years had been suffering from genetically modified food, among others, and suggested follow-up actions be taken by CEP. Some speech therapists and occupational therapists had pointed out that waiting time for hospital-based children intellectual development service was very long. Hence, he suggested such service be provided in CEP to shorten the waiting time, so that the children would suffer less for the delay treatment.

48. Mr. CHAN On-tai remarked that suitability of the location of CEP was questionable. As the proposed CEP would be built beside a river, its scope of expansion would be limited. He suggested CEP be built at a housing estate near KTDA or adjacent to the IGH. He also worried that if CEP was built at the proposed coastal site, it would not be possible to obtain approval for extending extra storeys on top in future. He said the end of the runway was the premium site of the entire KTDA, and commented that it would better be for building a hotel or putting on sale, if CEP might not open to the public. He remarked that CEP should cater for the overall development needs. It was odd to locate beside the cruise terminal and the proposed location was not conducive to further expansion.

49. Mr. Andie CHAN supported the establishment of CEP, which would help improve healthcare services for children in Hong Kong. He commented that the surrounding of the proposed CEP was beautiful, but was worried about the traffic and environmental impacts to be caused by the completion of CEP and the cruise terminal. Since KTDA was planned as an “Environmentally Friendly City”, he enquired about the development of CEP. In addition, he enquired about the HA cluster of CEP, and hoped that children in Wong Tai Sin could enjoy its services.

50. Mr. HO Yin-fai supported the establishment of CEP and was glad to see the provision of such facilities to children. In view of the fact that CEP was located in Kwun Tong but would provide specialist services to all children in Hong Kong, he was worried that there were not enough beds. CEP had only 400-odd beds, among them some would be set aside as private and specialist beds, so only 330 beds including those for patients’ family would be available. The number of beds would not be able to meet the needs of Hong Kong, as utilisation rate of CEP would be enormous when it was put into full operation. On the other hand, apart from CEP, an initiative announced in the Chief Executive’s Policy Address 2007-08, a Grade A hospital would also be built in KTDA. He enquired about the timetable concerned.

51. Mr. Rex MOK, MH supported the establishment of CEP, and enquired about the difference between CEP and paediatrics department of ordinary hospitals, and whether CEP would focus on handling complex cases referred by other hospitals. In addition, he asked if CEP would provide A&E and out-patient services, and whether the latter would be available to adults. Finally, he enquired about the partnering university with CEP.

52. The Chairman also invited FHB to explain the determination of CEP’s number of bed, as well as ratio of different types of beds.

53. Mr. Thomas CHAN thanked Members' for their views and enquiries. His response was summarised below:

- (a) CEP and ordinary hospitals were positioned differently. CEP would be a place where elites of paediatrics came together and handled complex cases referred by different hospitals in the territory, hence it could provide better and more refined treatments.
- (b) CEP would not replace the specialist services of regional hospitals. Only complex illnesses that required hi-tech treatments would be referred to CEP;
- (c) CEP also served research and training functions. It would co-operate with two local universities' medical schools, or other universities' departments of nursing;
- (d) Equipped with best medicare technologies available in town, CEP would provide support to regional hospitals' specialist services and serve Hong Kong people. CEP's size and number of beds were determined on Hong Kong's population profile and projection, and consideration had been made to future needs, in particular the need for paediatric services, before the setting of 400 beds which was sufficient in handling complex illnesses in a Grade 3 hospital;
- (e) The site selection process had been carefully done with the Planning Department. A paediatric hospital that served all children in the territory should be easily accessible from various districts. To support researches, CEP should not be located far away from the two universities, so that professors and researchers could go to CEP to teach and conduct researches easily. CEP should be large enough to accommodate clinical services, teaching and researches under one roof, when consideration had been made in the site selection process. The South Apron of KTDA was one of the available vacant Government sites in Hong Kong, it would be great if it could be used to serve all children in Hong Kong;

- (f) Like no other hospitals, CEP was designed to provide users with a comfortable environment. Its beautiful environment would be conducive to paediatric patients' recovery as well as efficiency of healthcare professionals and researchers. CEP would be a feature-rich and beautiful hospital for children in Hong Kong with the good use of the adjacent waterfront. Also, the landscaped courtyard on G/F of CEP would serve as a public walkway to the waterfront; and
- (g) Regarding transportation, FHB had completed TIA and confirmed that the upcoming reticulate network could cope with the traffic volume resulted from the 400-bed CEP and the teaching and research staff. In addition, a consultation exercise on KTDA and Kowloon East's traffic support was underway. Apart from designs of road and railway networks, consideration would also been made to the traffic in the vicinity of CEP.

54. Ms. CHAN Yuen-han said she had already known the location of CEP, and enquired about the arrangement in respect of the adjacent helicopter training venue. She supported the construction of CEP and appreciated much its design, but pointed out that the paper did not set out whether CEP's level of charges would be on par with public hospitals, and whether CEP would be subject to the same restriction of the Drug Formulary. For instance, medication for thalassemia was very expensive. Hence patients had to apply for subvention under the Samaritan Fund. In this connection, she suggested FHB take the opportunity of the CEP project to consider improving the Drug Formulary.

55. Mr. Thomas CHAN replied that the helicopter training venue beside CEP would be removed to prevent CEP from being affected by helicopter movements. In addition, CEP would be operated as if it was an ordinary public hospital, viz. established practices of public hospitals regarding level of charges, administer of medicine, provision of subsidiaries to people suffering from special illnesses or financial hardship, etc. would be adopted. As CEP would cooperate with various parties, some of the facilities would be used to provide private services. Among the 400-odd beds, less than 30 beds would be reserved as private beds. On the whole, CEP still provided public services. Regarding Ms. CHAN Yuen-han's enquiry about special diseases and the Drug Formulary, he said HA would review the Drug Formulary, and medicine with proven clinical effectiveness would be added from time to time.

56. Mr. CHAN On-tai asked if CEP would provide acupuncture service. He knew that Germany and other developed countries had confirmed the effectiveness of acupuncture and massage therapy.

57. Ms. CHAN Yuen-han added that the Government had been improving the policy regarding the provision of healthcare services to children and elderly people, such as launching ophthalmology and dental schemes for senior citizens. In this connection, she enquired if similar subvention schemes would be launched for children. She also reiterated her reservation about provision of private patient services and remarked that the majority of services should be public services, though she did not object to scaled charging. As the birth rate was low, all parents hoped that their children would grow up healthily. Thus she suggested the Government to make reference to its own healthcare policy for elderly people to improve the children policy.

58. The Chairman asked Mr. CHAN to study Members' comments. He concluded that WTSDC supported the development of CEP and asked FHB to follow up Members' comments. Finally he thanked the FHB, ArchSD and HA representatives for attending the meeting.

(Mr. Thomas CHAN, Ms. Vivian CHEUNG, Mr. CHAN Wing-tak, Mr. Ben YEUNG, Dr. Lily CHIU and Mr. Donald LI left the meeting at this juncture.)

IX. Public Consultation on Licensing Scheme for Private Columbaria
(WTSDC Paper 15/2012)

59. The Chairman welcomed Principal Assistant Secretary for Food and Health Miss Diane WONG, Deputy Director of Food and Environmental Hygiene Ms. Ava CHIU, Senior Superintendent Mr. YEUNG Chun-hoi of the Food and Environmental Hygiene Department (FEHD), Senior Estate Surveyor Mr. LEUNG Kam-wing of the Lands Department (LandsD) and Senior Town Planner Mr. Richard SIU of the Planning Department (PlanD).

60. Ms. Ava CHIU thanked the support of the Traffic and Transport Committee (T&TC) and the Food and Environmental Hygiene Committee (FEHC) of the third term of WTSDC to build 1 500 new niches in the Diamond Hill Urn Cemetery. Among the 18 District Councils in the territory, WTSDC was the first DC that supported the Government to carry out the said extension. Therefore, she would like to take this opportunity to thank Members of WTSDC for their enormous contribution in alleviating

the shortage in niches. FHB had published a document titled *Public Consultation on Licensing Scheme for Private Columbaria* last month, which proposed a licensing framework for private columbaria.

(i) Background

In FHB's public consultation last year, the mainstream opinion had agreed to the need for regulating the operation of columbaria. Despite the consensus, views over the means, scope and intensity of regulation under the licensing scheme and the arrangements for pre-existing columbaria were divergent. The interests of those columbarium operators who were subjects of future regulation, those waiting for availability of niches, those who had made purchases with such columbaria and those living in the neighbourhood of columbaria were understandably very different. In this connection, FHB had followed up the consultation exercise meticulously. It had also joined FEHD and visited more than 50 private columbaria, in order to have a closer look to their operation to facilitate formulation of a licensing system. The purpose of today's visit was to consult the public on the licensing system.

As private columbaria involved interests of various stakeholders, people's feelings and sustainable development of the trade, it was difficult to formulate a licensing system. It was proposed that all private columbaria, except those exempted, be regulated and licensed under the Private Columbaria Ordinance. A Private Columbaria Licensing Board would be formed with Members appointed by the Secretary for Food and Hygiene. Relevant details were set out in Chapter 3 of the consultation document, whereas further information on the licensing conditions were provided in Chapter 4 of the document;

(ii) Exemption

Exemption was of much concern and was the most controversial issue. The proposed exemption was as follows:

- (a) Public columbaria built, operated or maintained by the Government were not included;
- (b) Columbaria situated within private cemeteries. As private cemeteries were regulated by the Private Cemeteries Regulations and the fee charging was approved by FEHD, exemption shall be granted to these columbaria; and
- (c) Undertakers of burials providing one-stop services, such as arranging funeral, procurement of niche and arranging cremation, etc. As the undertakers of burials were regulated under the Undertakers of Burials Regulation, FHB proposed granting exemption to these undertakers, on the conditions that the storage service was temporary in nature and did not involve designation of places specifically for the storage of cremains. Additional conditions would also be imposed, such as ban on burning joss paper or carrying out any worshipping activity on the pavement, to cause nuisance. FHB hoped to strike a balance between meeting the needs of the bereaved who were waiting for available niches, and the well-being of people living in the vicinity of the undertakers.
- (d) Private Columbaria

The Development Bureau (DevB) has published the Information on Private Columbaria. Those pre-existing private columbaria which may not meet all the applicable statutory and government requirements, should comply with all regulations formulated by the Government and apply for a licence. As the rectification – such as applying to LandsD for lease modification, applying to PlanD for change in land use, etc. - would take time, FHB suggested that a “temporary suspension from liability” be given to operators who were willing to rectify the irregularities of their private columbaria. FHB would like to emphasise that “temporary suspension from liability” did not confer the operators any right not to apply for a licence. Instead, it was in place to allow

operators to continue their business without being prosecuted when they were rectifying the irregularities. Also, certain private columbaria were charitable in nature. Due to the presence of uncontrollable circumstances, they could not meet the licensing conditions. These columbaria, including some famous temples, had been operated for many years. She said FHB had an open mind towards these columbaria, and hoped to listen to the views of various parties before deciding whether permanent exemption should be granted to these columbaria, as well as the conditions to be imposed. However, as these columbaria did not meet some of the regulations formulated by the Government, FHB initially thought that they could only operate with the existing niches but not selling new ones even if exemption or “temporary suspension from liability” was granted, to prevent worsening of the problem. FHB hoped that apart from suspending niche sale, the Government should be empowered by legislation to mitigate nuisances caused by private columbaria. She said details about the exemption were set out in Chapters 5 and 6 of the consultation document.

FHB had prepared further information for Members’ reference. Members were welcomed to comment on the above or request for more details.

61. The Chairman said FHB had provided a detailed introduction to the consultation document, and Members might study the document. He invited Members to comment on the document.

62. Mr. SO Sik-kin highlighted the importance of the regulatory work by FHB and FEHD. He supported the proposed granting of exemption to columbaria operated by charitable organisations or existed for a long time, as they have proven track records. Without a licensing system, consumers or bereaved families might have to relocate cremains after purchasing niches. This was disrespectful to their ancestors, and also a nuisance to the bereaved. Hence, it was necessary to regulate operators through licensing system. He reiterated that FEHD’s regulatory work was of utmost importance, but had an open mind about introducing a licensing scheme for private columbaria. He hoped that FEHD would carry out the regulatory work sensibly and impose fewer restrictions to those who had operated for a long time.

63. Mr. WONG Kwok-tung commented that double-standards had been used by FEHD when it was talking about “buyers”, “standard”, “nuisance”, “present situation”, “regulation”, etc.. All unauthorised building works of small houses in the New Territories had to be removed as these building works constituted breaches of lease conditions, such as restrictions on land use. However, the Government was lenient about non-compliant columbaria. On one hand, it was going to “regulate” them, but at the same time trying to “exempt” them. As it would take one year to draw up the legislation, another two years to form the Private Columbaria Licensing Board, and the exemption period might last for five years, buyers would have a hard time to decide on what to do. At present there were few compliant columbaria, and only a handful of the 66 private columbaria announced by the Government could be modified to a licensable state. He queried that if a private building had to be demolished due to the presence unauthorised building works, the Government apply the double-standards when handling matters concerning the columbaria therein. The problems were caused by the Government’s tolerance, and failure to enforce land policy. The Government should compensate to the buyer because of the failure to executive the policy. However, it only turned a blind eye to the problems. Operators owning the land (on which the columbaria located) could sell the land and make profit, but those who paid \$600k-700k for the right to use the niches could not own the land. Introduction of a licensing system would only delay the said problems. He did not believe that operators of non-compliant columbaria would rectify the irregularities. They were operating against the law and the designated land uses. The Government’s proposed legislation meant further tolerance and delay, making consumers more vulnerable to losses. The consultation document set out that FHB would issue licences to non-compliant operators but ban them from selling new niches. Although they could not sell new niches, they could still let out these niches and make profit. For instance, every niche in the Po Fook Hill Columbarium carried a price tag of nearly one million dollars, but the seller only had the contractual right to use the land but he was not the owner. Introduction of the policy could only worsen this problem. The Government should stop unlicensed operators from continuing their business. If they owned the land in question, the Government might request them to sell the land and use the return to pay for compensation. Although the consumers had entered into a contract, they did not own any undivided share. Therefore, the Government should endeavour to inform them of the fact that they were not land permittees.

64. Mr. Andie CHAN said the Government should be obliged to solve the problems associated with columbaria, as the presence of private columbaria was a result of the inadequate supply of Government niches. Now, the Government proposed a licensing system to solve this historical problem. In the past, the public would have no

idea about legal operation of columbarium, so he remarked that the policy had to be introduced to inform the public of Part A and Part B columbaria. A list of columbaria pending improvement for compliance should also be provided for reference. There were a good number of “one-stop” burial services providers in Hung Hom and other districts. He opined that exemption should be granted to them as he understood that they were required to store cremains in their on-street shops. If they were not exempted, the cremains would have nowhere to go. As the Government allocated niches by lot drawing, cremains might have to be stored in these shops for five to ten years before niches were available. He suggested that niches might be allotted according to the date of the death certificates, and new niches should be used for interment of cremains cremated long ago. If the lot drawing system continued, some cremains would still have to be stored in undertakers’ shop after one or two decades. This was unfair to the ancestors. The Government might adopt a more open-minded approach when handling columbaria-related problems and provide more niches. He understood that all of the 18 districts in the territory were obliged to support the introduction of the columbarium policy, but he also knew that the public did not like to live beside columbaria. In consideration that some of his relatives were buried in remote parts of Shenzhen, he suggested the Government solve the existing problems by building columbaria at remote places such as outlying islands or caves.

65. Mr. WONG Kit-hin supported early introduction of the licensing system to solve problems associated with existing private columbaria, such as asking them to pay a regrant premium. On the other hand, charitable organisations should enjoy permanent exemption and no action would be taken against them. Some problems, however, could not be solved by regrant premium or other forms of payment. If FHB was over-demanding, operators might not be able to rectify their problems. In this connection, he enquired if FHB would request them to cease operation immediately. People who often sought legal advice from him said individual operators would pay money to private niche buyers, asking them not to disclose the illegal operation of business. Therefore, it would be unfair to pull private operators from the market if they could not pay the regrant premium or rectify their columbaria’s problems for technical reasons. Also, as charitable organisations would be exempted from the licensing system, private operators might be encouraged to register themselves as charitable organisations. The Government should clearly define the definition of “charitable organisations” and plug the loopholes that might be used by private operators for registering themselves as charitable organisations in accordance with section 88 of the Inland Revenue Ordinance.

66. Dr Wong Kam-chiu was concerned about the lengthy legislative proceedings. The Government was now conducting a consultation exercise and would not submit the Bill to the LegCo until the 4th quarter of 2013. In consideration of the time required for deliberation and other administrative work, it would take more than four years before the policy was introduced. He worried that during these four years, unruly businessmen would make use of the loopholes in legislation and make profit by setting up lots of columbaria and selling illegal niches. As this could harm consumers' rights, he advised that the Government should expedite the legislative proceedings. Regarding the 24 sites identified by the Government last year as being suitable for public columbaria development, he asked the Government to disclose those located in Wong Tai Sin to address public concern.

67. Ms. Maggie CHAN commented that the consultation paper failed to cover the most fundamental problems relating to the policy on columbaria. As this created more uncertainties, she believed that the policy would not be successful. The paper had not mentioned about the ratio between the numbers of public and private columbaria. In the section about the licensing system, the paper set out that some private columbaria might obtain a licence, and the Government hoped to grant a licence to unlicensed columbaria that might be qualified for a licence. However, some unlicensed columbaria might ultimately not be able to obtain a licence, so the Government still had to solve the long-standing problems relating to unlicensed private columbaria, such as relocation of cremains when these columbaria were found illegal, among others. Also, the paper had not mentioned about public columbaria at all, and no consideration had been given to the placement of cremains in this case. Policy on private columbaria had not been finalised, and the public were asking for more niches. On the other hand, it was proposed that private columbaria should operate in self-owned properties or temples. Those operated by charitable organisations registered under section 88 of the Inland Revenue Ordinance be exempted by LandsD if they were licensed. However, applications submitted by these qualified private columbaria were rejected. The Government should look into this matter squarely. She also commented on the need to provide compensation to individual communities. For instance, establishment of columbaria might be viable at certain locations, but such columbaria might be incompatible in the districts. Addition of a new columbarium in a district that already had 8-10 columbaria may have problem. She opined that without a prescribed ratio between numbers of private and public niches, it would be difficult to implement the policy. Hence, she suggested FHB, FEHD and PlanD join hands and look into this matter. It was amazing to hear that the Government would adopt an open-minded approach towards columbaria failing to obtain a licence, as it was ridiculous to grant exemption to columbaria that breached land use conditions, Fire

Safety Ordinance, etc. and failed to provide proper crowd control. The Government should consider how to resettle cremains interred in non-compliant columbaria and endeavour to increase the supply of public columbaria.

68. Mr. CHAN On-tai said the crux of the problem was that the Government failed to provide adequate niches. As the unlicensed operators would only like to make “quick money”, after-sale niche management, if any could be poor. Moreover, these columbaria might be operated as conglomerate or by overseas operators, so the Government might not be able to investigate the operator. Ruly companies would not operate illegally. Due to shortage of supply, a niche in private columbarium could currently carry a price tag of a few hundred thousand dollars. The Government should be responsible for solving this problem. Merely by changing the planned land use, land lots in Sha Ling, Tung Lung Chau, Stonecutters Island, Sunny Bay in the Lantau Island, Sha Lo Tung, as well as Hok Tau and Lau Shui Heung in Tai Po might be used to build columbaria, and the public would certainly support that. Areas along the West Rail Line were sparsely populated in the past, but these areas could be readily accessible by public transport. Therefore, the Government should no longer allow village representatives to sell these lands to developers for construction of village houses and villa. Every one needed a place to rest in peace after death, and the Government was responsible to provide such service. With the Government’s dedication, villages would not be able to determine everything. He shared Member’s suggestion about building columbaria in caves. On the other hand, he opined that existing cemeteries might be extended. Wo Hop Shek Cemetery, which was large and not as densely used as the Junk Bay Cemetery. He suggested design of the former be improved for better utilisation. In addition, he said the Government might buy Chinese tenements and convert them into 10-storey columbaria. Not only were these Chinese tenements readily accessible and fully equipped, using them as columbaria might also suppress speculation, which had attributed to the very high niche price that Hong Kong people were paying. The Government thought that all problems could be solved by a licensing system, but such a system could only discourage good - but not the unruly - operators from continuing their business. As the Government would not know who were responsible, it could only solve all problems by itself. Therefore, the Government was urged to overcome the difficulties and build more niches. If necessary, it might even build an artificial island to solve the niche shortage problem.

69. The Chairman said Members had already commented on the topic. As FHB had prepared a PowerPoint presentation on the consultation document, he invited Miss Diane WONG to make her presentation first, and Members could continue the discussion afterwards.

70. Miss Diana WONG made a PowerPoint presentation as follows:

(i) Present situation

FHB representatives had attended the WTSDC meeting held on 14 September 2010, during which Members made a written submission and requested the Government to release the information about private columbaria. The tables one and two had been released in December 2010 and were renewed quarterly. The latest information was released on 30 December 2011. Part A of the information document set out information of the 32 private columbaria compliant with user restrictions in the land leases and the statutory town planning requirements and were not illegally occupying Government land; whereas Part B provided a list of 66 private columbaria that do not fall under Part A. These columbaria might have found non-compliant, or failed to provide adequate evidence to support their listing in Part A. The department had responded to Members' views by urging those private columbaria to rectify their irregularities and apply to BD and LandsD for compliance. Currently, more than 20 columbaria had made applications and it was expected that more private columbaria would do so in future;

(ii) The First Public Consultation on Review of Columbaria Policy

Views received by FHB centred on two aspects. One of them was about the supply of public columbaria facilities. As Members had mentioned, the supply of such facilities should be increased. To this end, the Government had identified 24 sites in the 18 districts to provide 120 000 new niches in the coming five years. Eventually, a few hundred thousand niches could be provided to meet the public demand. On the other hand, the Government also understood that in addition to complementing the public counterpart in boosting the supply of niches, the private columbaria also offered choices. Some people hated public niches, thus they purchased niches at private columbaria when they were alive. Also, some people chose niches in private columbaria because of the ritual services available there. Therefore, existence of private columbaria was justified. In

response to the public's call, the Government should enhance the regulation of private columbaria. This could be time-consuming as it involved a number of complicated issues and traditional beliefs. As public views over the scope and intensity of regulation of private columbaria were divergent, FHB should consider the following factors:

(a) A robust but pragmatic way forward

While it was necessary to give due consideration to the pre-existing private columbaria and the public concern about handling of interred cremains, these private columbaria should apply for regularisation according to the provisions stipulated by the Government. The licensing scheme should be a forward-looking and robust regulatory regime.

(b) Respect for arrangements already made under traditional customs

The Chinese people attached high importance to “rest in peace” (入土為安) and were reluctant to relocate the interred cremains of their ancestors. FHB noted Members' concern, hence required in the paper that upon winding up of business, the private columbaria should inform the descendants to arrange relocation of cremains, so as to minimise the trouble caused to them;

(c) Due regard for the living and feelings of those living near the columbaria should be taken into account; and

(d) Sustainable development of the trade should also be considered.

(iii) Private Columbaria Ordinance

At a previous DC meeting, Members in general had supported the regulation of private columbaria and introduction of a licensing system. In this connection, the Private Columbaria

Ordinance was proposed to establish a licensing system that required operators of new columbaria to apply for a licence from the authority. The paper also set out arrangements applicable to pre-existing columbaria, such as provision of transition period, and the need to seek regularisation to rectify their breaches with a view to applying for a licence. Exemption might be granted to columbaria that did not sell niches publicly, such as those only offered niches to Buddhists. Of course, the paper also set out that criteria for exempting certain private columbaria would be sufficiently stringent so as to avoid abuse. Regarding Members' concern about granting of exemption to charitable organisations registered under section 88 in the Inland Revenue Ordinance, FHB understood that the relevant definition under the ordinance was broad, so the licensing authority would give thorough consideration to the applications, and formulate a set of licensing conditions/criteria acceptable to the general public.

(iv) Private Columbaria Licensing Board

A Private Columbaria Licensing Board comprising official and non-official members appointed by the Secretary for Food and Health would be formed. The paper also set out the jurisdiction of the Licensing Board, as well as the work of and power to be conferred to FEHD, executive arm of the Licensing Board, in respect of law enforcement.

(v) Licensing Scheme for Private Columbaria

“Private columbaria” referred to any place which offered to store human cremains, but which were not built and/or operated/maintained by the Government. The keeping of cremains of a limited number of deceased family members at home would normally not be covered by this definition. Under the Licensing Scheme for Private Columbaria, the licence would be valid for five years, subject to renewal. The paper also consulted the public on the definition of “limited number”, and the arrangement concerned. The first consultation paper on the same subject had covered matters concerning the charging of

fees. However, FHB's site visits revealed that some niches were for sale but some were available for a nominal fee only. Having studied these cases, it might not be appropriate to define a columbarium as "private" solely because it charged fees. Requirements for licence applications were:

- (a) The applicants should have the right to use the premises. Hence the premises in question should be self-owned or rented under a long-term tenancy agreement, to satisfy the Licensing Board that the applicants could operate on the premises;
- (b) Premises for operation as private columbaria should comply with all statutory requirements such as those relating to town planning, building safety, fire safety, environmental hygiene and environmental protection.
- (c) Compliance with the lease condition and no unlawful occupation of Government land; and
- (d) The applicants should submit a management plan covering crowd management, among other things.

Miss WONG drew Members' attention that the Government took the licensing matters very seriously and it had no intention to let offenders off. Among the myriad of licensing conditions, Miss WONG focused on consumer protection:

- (a) DB submissions highlighted the importance of entering into contract. FHB proposed the operators of private columbaria to enter contract with the customers covering charges to be imposed, arrangements in case of cessation and winding up of business. All niches were assigned to designate person and could not be charged causally, in a bid to prevent speculation;
- (b) It would be the responsibility of the licensee to exert all reasonable efforts to handle the interred cremains properly after cessation of business. Failure to do so would be an offence punishable with imprisonment;

- (c) A licensee was required to set up a maintenance fund and make an initial deposit. A certain percentage of the sales proceeds received from subsequent transactions should be deposited to the fund as well. The fund should be devoted to the care and maintenance of the columbarium; and
- (d) In considering a licence application, the licensing authority would have to be satisfied that granting the licence would not be contrary to public interest, such as overall supply of columbarium niches in the territory, views from residents or district bodies, as well as the interest of patrons of columbarium niches which had come into existence before commencement of the licensing scheme.

(vi) Exemption from the Licensing Scheme

Members' concern about exemption from the licensing scheme was noted. For private columbaria that would be exempted from the licensing scheme automatically and unconditionally, the operators in question would not need to come forward to apply for exemption. Currently, 28 private columbaria within private cemeteries specified in Schedule 5 to Cap. 132 fell into this category, and niches were only available in 18 out of these 28 private cemeteries. The relevant by-law also clearly stated that private cemeteries should inform FEHD of their *modus operandi*, and the charges to be imposed were also subject to the department's supervision. Since undertakers of burials provided one-stop after-death services, including claiming of the deceased, and making cremation and interment arrangements, they would be permitted to store cremains temporarily, subject to the provisions under by-law of the Public Health and Municipal Ordinance (Cap. 132). Despite the said exemption, these undertakers should still apply for a licence. In addition, the licensing authority might impose additional licensing conditions, such as the prohibition of burning of joss papers or carrying out worshipping activities on pavement. In consideration of the fact that conditions imposed to undertakers of burials in Hung Hom had successfully mitigated the nuisances caused to the residents, she believed that the above measures had already addressed Members' concern.

FHB would certainly encourage private columbaria to apply for a licence after regularisation and support the licensing system. During the first public consultation, views had been expressed that a pragmatic way to deal with the historical legacy problems of certain pre-existing private columbaria was called for, instead of simply forcing them to cease operation. As traditional beliefs were involved in the regulation of private columbaria, in order not to disturb the deceased, their descendants and residents nearby, the Government should handle the matter tactfully. To avoid upsetting the final resting place of the deceased and lessening some of the social disruption which might result from enforcement action, it was suggested that consideration be given to empowering the authorities to exercise discretion (i.e. exempting from the licensing scheme) towards certain private columbaria. She reiterated that the licensing authority would handle applications with extreme care and formulate exemption conditions after public consultation. The licensing authority might also impose additional conditions to exempted private columbaria too, such as requiring them to contain their operation to the extent of the number of niches sold before a certain date, to have the sale of niches frozen, to properly manage the sold niches, etc. In response to Members' concern about building and fire safety, she said the department would not grant any form of exemption to private columbaria having these problems. It was believed that the above efforts and conditions could help ensure public acceptance of the operation of columbaria. The Government had an open mind to the above proposals, and would like to consult the public on what columbaria should be exempted and the conditions to be imposed.

The Government always encouraged regularisation of private columbaria. In this connection, temporary suspension from liability would be granted to operators, so that they could continue maintaining the operation of the columbaria (for niches already sold but not to sell new / unoccupied niches) while working to regularise the irregularities with a view to securing compliance with the licensing requirement(s) which they were meanwhile in breach of. In addition, the operators might have to submit relevant applications to PlanD or LandsD as well before their application for temporary suspension from liability could be considered. Factors that would be considered when assessing an application for temporary suspension from liability

were (a) the private columbarium concerned had been established before the commencement of the licensing scheme; (b) the applicant could prove that he / she had the right to use the premises / site involved; and (c) the private columbarium posed no obvious or imminent danger in terms of building and fire safety.

Conditions for Temporary Suspension from Liability were (a) Columbarium operators would be required to take effective remedial actions for the effective management of the pre-existing facilities and mitigation of nuisance to the neighbouring community; (b) Private columbaria which had applied for or been given temporary suspension from liability should freeze the number and sale of their niches; and (c) Upon commencement of the new legislation, an operator given temporary suspension from liability was still operating a private columbarium in breach of the licensing requirements. The scheme of temporary suspension from liability was intended only to be a transitional measure to be phased out at an appropriate time, taking into account the shortage of columbarium niches in general in the market.

The transition period would only be applicable to pre-existing columbaria, and new ones should operate under a licence. To allow sufficient time for the licensing authority to process applications, it would not be deemed as an offence if a pre-existing columbarium that had applied for a licence continued its operation. However, all columbaria should apply for a licence or temporary suspension from liability according to the ordinance. An appeal mechanism would also be available, through which applicants might lodge an appeal to the Municipal Services Appeals Board. It would be an offence punishable by imprisonment to operate a private columbarium without a licence or exemption, and the operator would be liable to ascending daily fines and / or imprisonment.

(vii) Consultation Period

The public consultation on licensing scheme for private columbaria would end on 30 March 2012, and the relevant Bill would be introduced to LegCo in the fourth quarter of 2013. She hoped that Members would understand that the legislation

should be drawn up by jointly FHB and the Department of Justice. This would not be an easy task as the provisions were controversial in nature, and views from different sector of the community were divergent. Therefore, she hoped that the finalised proposal could strike a balance between the conflicting views.

71. Ms. Maggie CHAN would like to know the duration of the temporary suspension of liability. If the duration was long, it would violate the temporary nature or undermine the regulatory efforts. Temporary suspension of liability also involved long-term planning, such as change of outline zoning plans approved by TPB. For instance, columbaria in Part A could apply for a licence direct and be regulated. However, applications from columbaria in Part B should be considered by TPB. As TPB was a statutory body that had more functions compared with the Licensing Board, it would conduct hearings to consider such applications. She would like to know if TPB's decision could be overridden by the Licensing Board, and urged FHB to study the roles of the Licensing Board in details.

72. Ms. Ava CHIU thanked Members for their thorough study into the paper. Her response was summarised below:

- (i) Most of the 66 private columbaria in Part B were preparing for regularisation, thus the number would drop gradually over time;
- (ii) FHB noted Members' concern about the lack of consumer protection and the possible speculation in a bid to make quick money during the lead time before the introduction of the policy. Therefore, it had proposed to strengthen publicity to educate consumers during the lead time, so that they could understand all proposals in the consultation documents;
- (iii) She agreed that columbaria might be built in remote locations. Sha Ling was one of the locations shortlisted, and relevant consultancy study was underway. She hoped that at least 200 000 niches could be provided there, but supporting works such as site formation and construction of roads should be underpinned by a series of technical feasibility studies. FHB was "burning the midnight oil" in this regard, and would announce the project once outcome of these studies were available;

- (iv) FEHD had also considered building columbaria in caves, such as rock caverns. However, experts pointed out that burning joss sticks in caves could be dangerous. While FEHD was not optimistic about this initiative, it would continue to study its feasibility;
- (v) Although Members considered that it was too long to submit the Bill to LegCo in 2013, FEHD had endeavoured to shorten the time required as FHB also wished to implement the policy as soon as possible. However, it took time to achieve consensus among various sectors by means of thorough consultation;
- (vi) Regarding columbarium sites in Wong Tai Sin, the number of niches in the district was above standard, and it was the first district that supported the initiative. New niches built by FEHD would be completed in April 2012. While expressing her gratitude to Members for their support, she commented that the award-winning columbarium in Diamond Hill was readily accessible from the urban area and thus was highly welcomed by the public;
- (vii) FEHD had carried out studies in respect of the 24 shortlisted site, and hoped that 90 000 new niches could be provided in these site in 2014, either by public or private columbaria, and up to 120 000 in 2016, subject to the outcomes of consultation in the other 17 districts, as well as the technical feasibility studies;
- (viii) She clarified that FEHD would grant “temporary suspension of liability” - but not “temporary exemption” - to an operator who was rectifying the irregularities and applying for a licence, so that he/she would not be penalised for operating the pre-existing columbarium during the period between submission of application and granting of licence, but they would not be permitted to sell new niches. The length of the period of “temporary suspension of liability” should depend on actual circumstances. FEHD would authorise the Licensing Board to determine the length of the period, on the basis of the improvement made by the operator. His attitude in seeking

the improvement, and submission of all of the application-related information to TPB would also be considered as well;

- (ix) Regarding land use optimisation, she would study the suggestions with other FEHD staff. She also pointed out that niches in private columbaria were more densely packed than those in the public counterparts, and said the Government would be responsible for studying the design with a view to optimising land use; and
- (x) Regarding the question about double standards, as the issue involved interests of different parties, the Government had to strike a balance among them.

73. The Chairman concluded that most of the Members supported the licensing scheme and voiced their views on the licensing conditions and rules. Members also reminded FHB to consider the situation during the consultation exercise. The consultation period regarding the paper would end on 30 March 2012, and Members who had yet to comment on it might forward their views to FHB in writing or by other means. He thanked representatives of FHB, FEHD, LandsD and PlanD again for attending the meeting.

(Miss Diane WONG, Ms. Ava CHIU, Mr. YEUNG Chun-hoi, Mr. LEUNG Kam-wing and Mr. Richard SIU left the meeting at this juncture.)

X. Hawker Licence Cancellation Policy
(WTSDC Paper 16/2012)

74. The Chairman asked, and Members agreed to discuss agenda item X – Hawker Licence Cancellation Policy (WTSDC Paper 16/2012) first. He then invited Mr. WONG Wai-wan, MH to introduce the paper.

75. Mr. Wong Wai-wan, MH said even though investigation on the fire at the stalls at Fa Yuen Street (FYS) on 30 November 2011 was still underway, the Government was of the view that a lesson should be drawn from the incident and new measures should be introduced to improve hawker management. While FEHD thought that hawkers had to exercise self-discipline, proper management was also needed.

Therefore, FEHD suggested ten penalties be introduced, among them three involved immediate cancellation of licences. Wong Tai Sin did not suffer much from problems associated with hawker stalls/pitches. There were 31 licensed hawkers in the district, including 11 operators of cooked food stalls in housing estates such as Choi Wan Estate, Tung Tau Estate and Fu Shan Estate, and 20 operators of fixed pitches (wall stalls and newspaper stalls). In response to the fire at FYS stalls, a mechanism for cancellation of hawker licences was proposed. He wanted to listen to the views of DC Members. After consolidation, their views would be relayed to the Food and Health Bureau (FHB) and LegCo.

76. Mr. Joe LAI disagreed with Mr. WONG's remark, viz. WTSDC should discuss the cancellation of licences of hawkers operating in the district because the fire at FYS stalls had become a territory-wide concern. He commented that the fire at FYS had involved a number of factors that were unique to that place, and there was a huge difference between the environment of FYS and that of Wong Tai Sin. Therefore, it did not make sense to bother hawkers in Wong Tai Sin or even cancel their licences just because a fire at FYS. He urged the Government departments and DC Members to look into the problems objectively. He understood that the hawker licensing system had been introduced since the British governance of Hong Kong to support grassroots at district level. In view of the proven effectiveness of the system, he had reservation to make change to policy merely because of the FYS fire. Also, he knew that even the Yau Tsim Mong District Council (YTMDC) had yet to agree on the mechanism for cancellation of hawker licences after the FYS fire, hence he commented that WTSDC needed not hurry to make decision. He suggested views of YTMDC and the public be sought before WTSDC provided comments.

77. Dr. Wong Kam-chiu, MH hoped that the Government could provide more policy support to hawkers, and sponsor non-conforming stallholders to rectify irregularities of their stalls at times of financial surplus.

78. Mr. MOK Kin-wing said the FYS fire was a tragedy. As investigation of its cause was still underway, it was premature to say whether the fire was related to hawking. He agreed that it was necessary to improve hawker management continuously, but the Government should not tighten the control just because of a single incident. Therefore, he had reservation over the introduction of the ten penalties. He also objected to the introduction of a demerit point system that led to cancellation of hawker licences, and said the public might think that the Government was merely making use of the FYS fire as an excuse to obsolete hawker licences gradually. At present, many shopping malls were run by the Link Management Ltd., which charged

high rent. On the other hand, operators of hawker stalls were primarily grassroots who had little capital. If they were banned from hawking, they could no longer make a living. He agreed that hawker management had to be improved, but object to the introduction of any demerit point system that led to cancellation of hawker licences. He opined that FEHD should liaise closely with trade associations of hawkers to compromise a mutually acceptable management strategy. This would be the correct way to eradicate the mismanagement problems.

79. Ms. CHAN Yuen-han emphasised that the existing hawker policy had been in place before the introduction of the Comprehensive Social Security Assistance, in a bid to encourage needy people to work. At present, many grassroots still considered hawking to earning a living. In addition, hawking was indigenous and should have room for survival. Japan had the most successful hawking system around the world, and the Mainland China had also done much in this regard to solve the unemployment problem. She worried that the Government was merely using the FYS incident as an excuse to obsolete hawker licences. She thought it was fine to encourage hawkers to exercise self-discipline, such as having their stalls closed and cleared each night and set up for business during the day only, abiding to public security ordinance, etc. These requirements would not be opposed by hawkers. However, the Government's track record showed that it tended to take a "shoot-them-up" approach. She said in the United Kingdom, there was a very successful marketplace jointly managed by the Government, the stallholders and relevant professionals. Indeed, there were numerous successful cases worldwide. She hoped the Government would understand that the market had failed to cater for the employment needs of the grassroots, and hawking was a viable way. She commented that the motivation behind the Government's proposed mechanism for cancellation of hawker licences was to "eradicate" hawkers, rather than trying to solve problems by negotiation. The Hong Kong Federation of Trade Union would not accept the proposal. What the Government did showcased a "culture of lazy people". The Government had not consolidated views of different parties. Instead, it had decided to obsolete hawking merely because of a single incident. She suggested the problems be solved by multi-lateral negotiation between hawkers, DC and various sectors of the community.

80. Mr. HO Hon-man said FEHD submitted the paper to DC because of the FYS fire. However, the paper was not about how to improve the management system, but on cancellation of hawker licences. A fire had also broken out at FYS in 2010. Despite the thorough discussion by YTMDC, not all recommendations had been implemented. If sufficient regulatory work had been done by FEHD, there was no need to introduce a mechanism for cancellation of hawker licences. It was set out in

the paper that some licensees continued to breach the licensing condition, despite the fact that they had already been prosecuted for four times, hence more stringent enforcement actions were recommended. However, Mr. HO remarked that if FEHD had inspected the stalls daily and ticketed stallholders who had breached licensing conditions, these non-conforming stalls might not be able to operate any more. During a site visit to FYS in 2010 after the fire incident, he realised that the street had reverted to its original condition in merely six months, i.e. passages between stalls were occupied by stallholders for hawking purposes, despite the patrolling of FEHD staff. He thus opined that rather than cancelling hawker licences, it would be more effective to discuss ways to regulate the hawking activities and clearly define the penalties. He shared other Members' view and pointed out that hawking was part of the local culture and should be preserved, hence it was not appropriate to consider the mechanism for cancellation of hawker licences at this stage.

81. Mr. HO Yin-fai advised that historical factors should be considered in the discussion of the mechanism for cancellation of hawker licences. He opined that hawking had been indispensable in the prosperity of Hong Kong and the economic development in its early days, and said many grassroots had hawked in housing estates when he was small. He said that hawking was acceptable if the irregularities were rectified. However, the Government scared by the FYS incident and proposed a mechanism for cancellation of hawker licences. He opposed the cancellation, and shared Members' views on the fact that hawking was part of the community. Also, he said stalls which sold cheap and chic products were offering choices to the public. If people could only rent shops from large companies, Hong Kong's economic development would suffer. In view of the uncertain economic development, cancellation of hawker licences might imply that hawkers with low educational attainment would not be able to make a living. He suggested FEHD liaise and discuss with the Hong Kong and Kowloon Merchants and Hawkers Association, and study the possibility of adopting the arrangement about having stalls closed and cleared each night and set up for business during the day only, among the others. He reiterated his opposition to the mechanism for cancellation of hawker licences. In addition, he emphasised the need for better hawker management, and said FEHD might step up its enforcement efforts. Apart from warning non-compliant stallholders who had breached licensing conditions, FEHD should also prosecute the stallholders, as well as those who refused to co-operate.

82. Mr. WU Chi-wai, MH opined that the prevailing hawker licensing system was outdated, and said size and facilities of stalls should be reviewed according to the legislation in force. The paper revealed a technical phenomenon. One who operated

a stall in FEHD market should observe the terms of agreement, but a licensed hawker was not subject to any control. Even if he/she breached the licensing conditions, FEHD could not cancel the licence. He specifically pointed out that the offences that might lead to cancellation of hawker licences, namely subletting of stall, illegal connection of electricity and making false declaration for the purpose of obtaining a licence, were against the original intent of hawking – to make a living. If a licensee made use of his/her licence to sublet the stall, FEHD should tackle the problem with suitable “tools”. He said there were currently two problems: 1) regarding operators’ malpractices, FEHD should review its policy and make suitable arrangement, so that stallholders could operate their business at a proper place, instead of a 3’x4’ stall; and 2) FEHD should be empowered to cancel the licences of those who committed serious breach of licensing conditions. He disagreed, and did not believe that the Government would authorise licensees to let out their licences, as such an arrangement was unreasonable. He urged FEHD to look at the hardship of genuine operators and assist them to solve the problems. Also, he reiterated that FEHD should be empowered to cancel the licences of non-compliant hawkers.

83. Mr. SO Sik-kin said hawkers were part of the collective memory of the Hong Kong people. He said when he was small, Hong Kong people had a poor living and the social and economic development motivated by hawking. He quoted Qinghe Street in Hangzhou, Chenghuang Temple in Shanghai and Confucian Temple in Nanjing as examples to show the value of hawkers, and then urged the Government to look at the issue squarely. He agreed that management was necessary, and the problems at FYS might serve as a good example of mismanagement. In addition, the hawkers should exercise self-discipline too. He pointed out that it was improper to conduct business if the public passage was blocked. Many complaints were received about the obstruction by the stallholders in the Chuk Yuen Street Market. However, he had reservation to the mechanism for cancellation of hawker licences, and suggested negotiation be carried out to identify viable solutions, rather than cancelling the system immediately.

84. Mr. HUI Kam-shing said FEHD’s reasons to the proposed mechanism for cancellation of hawker licences were neither adequate nor strong. The paper set out the difficulties facing FEHD in hawker management, as well as the fact that some hawkers committed offences repeatedly, but there was no information about whether the offences concerned were of technical nature or could be solved by repeated prosecution. He opined that the cancellation of hawker licences should be handled with care, and adequate supporting reasons should be provided. There had already been irregularities at FYS before the fire. In this connection, he suspected that FEHD had not stepped up its enforcement and regulatory efforts, and thus it could not provide further and better

evidences to support about difficulties in dealing with irregularities. Not all irregularities should lead to cancellation of licences. Instead, different yardsticks should be used when handling different irregularities. For serious ones, such as making false representation, it was necessary to cancel the licence concerned. The paper set out that despite FEHD's endeavour, it had failed to curb the problems and thus proposed the mechanism for cancellation of hawker licences. He commented that this was not convincing, and said regulatory efforts should be stepped up. However, he did not agree with the reasons for the introduction of the mechanism for cancellation of hawker licences set out in the paper.

85. Mr. CHAN On-tai opined that hawker issues should better be handled by departments concerned. He concurred with Mr. WU Chi-wai, MH and remarked that it was unfair to the general public if licencees let out their licences to other people. The Government should protect people's livelihood, so it should not cancel the licences concerned. On the other hand, it should not turn a blind eye to the problem and allow licencees to make money. Therefore, he suggested a licence period be imposed, so that people could not make money with the licences illegally. Also, consideration should be made to improve hawker management policy and impose licence period, to help people who were genuinely in need and for the sake of fairness.

86. Mr. LEE Tat-yan, MH was surprised to see FEHD's odd introduction of the proposed mechanism for cancellation of hawker licences, and queried the sudden action by FEHD after the fire. This would be challenged by the public. As a Member he attached high importance to matters concerning hawker licences, especially those involved FEHD's management strategy. He opined that FEHD was improper to adopt a "shoot-them-up" approach to solve hawker-related problems, as the fire had been caused by the department's mismanagement. As Members' had mentioned just now, most of the grassroots in Hong Kong made a living wholly or partly by hawking. If the proposed mechanism was implemented rigidly, people's livelihood would be affected. Moreover, there was inadequate enforcement against non-conforming restaurants and street obstruction. Street obstruction was not unusual at FYS, but FEHD staff would just stand aside and do nothing. Same was observed in San Po Kong too. He wondered if the FEHD staff dared not to take any action, or there were other reasons. Hence, he suggested FEHD strengthen its management work, in addition to reviewing the hawker licensing system. He agreed that management should be strengthened endlessly, but disagreed to adopt a "shoot-them-up" approach.

87. Mr. MOK Ying-fan opined that FEHD officials in charge of policy should review their own faults in the FYS fire incident, instead of imposing the heavy penalty of cancelling the licences of operators who had repeatedly breached the law. He remarked that the Government should govern the territory properly, as suppression could only cause opposition. If FEHD introduced the mechanism for cancellation of hawker licences just because of the incident, licensed hawkers might become illegal hawkers, further complicating the problems. As FEHD did not know how to deal with illegal hawking, it would better formulate long-term policy, instead of cancelling hawker licences casually. He disagreed to the proposed introduction of a demerit point system that led to cancellation of hawker licences. Instead of solving problems by means of threatening, FEHD should review its own shortcomings in hawker management. Although some stallholders had breached the regulations repeatedly, such as occupying public places for display of goods, it was FEHD's fault not to prosecute them. He hoped representatives of FEHD would relay Members' views to the department, and urged the department not to shirk its responsibility. FEHD should look into its own problems before requesting the co-operation of stallholders. On the other hand, the Government should review its strategy in governance, and not to rely solely on its power and policy when tackling problems.

88. Ms. CHAN Yuen-han concurred with Mr. MOK Ying-fan and said she was puzzled about the Government's proposed cancellation of policy (sic.), in view of the possession of regulatory power. Re-issuing of a hawker licence involved a number of procedures, hence it would be disastrous to empower the Government to cancel hawker licences casually. She said economic activities in Japan's Asakusa, Odaiba and Chūgoku chihō which are rich in folk culture were supported by their local governments. She had also visited infrastructures in Beijing provided by the government to support local people. On the other hand, the Hong Kong Government would only try to eradicate hawkers with a "shoot-them-up" approach and shift its responsibility to others. She worried that such empowerment might not enable the Government to achieve the policy objective, viz. helping those had problems to secure a job and integrate into the employment market. She pointed out that she might consider the issue differently if hawker licensing was supervised and handled by the Urban Council. As hawker licensing was currently handled by the Hong Kong Government, she had to object to FEHD's proposed solution.

89. Mr. WONG Wai-wan, MH replied that FEHD would like to collect Members' views at the meeting, and submit their views to LegCo in late February upon consolidation. He added that the Director of Food and Environmental Hygiene had been empowered with the right to cancel hawker licences and this had nothing to do

with the FYS incident. FHED made about 7000-8000 prosecutions per year against irregularities. Having studied these irregularities, FEHD had identified ten serious ones that might have fire safety implications, including subletting of stall, illegal connection of electricity and making false declaration for the purpose of obtaining a licence. If a licensed hawkker was convicted of such serious offences, FEHD might immediately cancel the licence. It was also proposed that if a licensed hawkker was convicted for six times within three months for breaching the other seven hawkker-related provisions, consideration would be made for cancellation of the licence. The system would be underpinned by an appeal mechanism. The licensed hawkker in question might make representations to FEHD (against its decision) within seven days. If unsuccessful, he might lodge further appeals to the Licensing Appeals Board and the Municipal Services Appeals Board.

90. Ms. Kathy LI thanked Members for their advice, and added that FEHD always required licensed hawkkers to operate in the permitted area only and they should not store any goods there. The FYS fire was caused by oversized canopies of stalls and storage of goods, reflecting that it was inadequate to rely on self-discipline by hawkkers. To avoid re-occurrence of mishap, FEHD would enforce law stringently and introduce the mechanism for cancellation of hawkker licences for better deterrence effect. Regarding Members' query about FEHD's casual stance in cancellation of hawkker licences, she believed that if hawkkers were self-disciplined, FEHD was not required to initiate the hawkker licence cancellation mechanism.

91. The Chairman thanked Mr. Wong and Ms. LI for providing feedback to Members, and said Members' comments centred on the issue set out in the paper. If FHED had already been empowered to cancel hawkker licences, it was not required to carry out any consultation. Therefore, he commented that DC was consulted because changes might be introduced into the system, and Members had clearly stated their views. He concluded that the undesirable situation was resulted from FEHD's mismanagement, and said DC supported FEHD to enforce the law stringently.

XI. Market Management Consultation Committees
(WTSDC Paper 17/2012)

92. The Chairman invited Ms. Kathy LI, Chief Health Inspector of the Food and Environmental Hygiene Department (FEHD) to introduce the paper.

93. Ms. Kathy LI said there were four public markets in Wong Tai Sin, namely the Tai Shing Street Market, the Choi Hung Road Market, the Sheung Fung Street Market and the Ngau Chi Wan Market. To improve management and operating environment, these markets were managed jointly by the stallholders, the Government and council members. In this connection, DC Members of constituencies and those interested were invited to join the Market Management Consultation Committees (MMCCs). FEHD recommended that the number of DC Members to be nominated to individual MMCCs be proportional to the number of stalls in the markets concerned. As the Tai Shing Market, the Choi Hung Road Market, the Sheung Fung Street Market and the Ngau Chi Wan Market had 453, 116, 73 and 404 stalls respectively, it was recommended that 3, 2, 2 and 3 DC Members were nominated to the MMCCs of these markets.

94. The Chairman asked if Members agreed to FEHD's recommendation to nominate the relevant DC members to attend the MMCC meeting. Members agreed to the above arrangement. The chairmen asked FEHD to follow up.

XII. Wong Tai Sin District Year-end Cleaning Campaign 2012
(WTSDC Paper 18/2012)

95. The Chairman invited Ms. Kathy LI, Chief Health Inspector of FEHD to introduce the paper.

96. Ms. Kathy LI said FHED launched Year-end Cleaning Campaign in Wong Tai Sin every year. This year's campaign comprised three phases. The first phase, focussing on public markets and cooked food centres in the district, had been held between 30 December 2011 and 5 January 2012. The second phase held from 6-12 January 2012 was also completed and involved pest and mosquito control operations carried out at tenement buildings, streets and rear lanes in the district, WTS was subdivided into seven areas in the second phase. The third phase was held from 13-19 January 2012. To keep the district clean, places cleaned during phases 1 and 2 would be cleaned again. The paper set out details of the operations, including pest control, removal of rubbish from rear lanes, roadside and turf, and reminding restaurant management to keep the environment clean and hygienic. During this period, FHED would adopt a "no tolerance" approach and take immediate action against offenders of littering and spitting. FEHD would like to invite WTSDC Members to participate in and comment on the Year-end Cleaning Campaign. District Environmental Hygiene Superintendent (Wong Tai Sin) and the Secretariat would arrange with Members.

97. The Chairman said the operations under the Year-end Cleaning Campaign 2012 would end on 19 January 2012. He asked Members to note the paper and wished FEHD every success in the campaign.

XIII. Wong Tai Sin District Anti-rodent Campaign 2012 (Phase I)
(WTSDC Paper 19/2012)

98. The Chairman invited Members to note the paper.

XIV Date of the Next Meeting

99. The Chairman invited Members to the dinner party to be host jointly by him and the Vice-chairman. Representatives from Government departments would also be invited.

100. The third WTSDC meeting would be held on 13 March 2012 (Tuesday) at 2:30 p.m.

101. The meeting adjourned at 6:30 p.m.

Wong Tai Sin District Council Secretariat
February 2012

Ref.: WTSDC 13-5/5/53

Membership List of Committees/Working Groups of the Fourth Term of Wong Tai Sin District Council, HKSAR

	Name	Committee						Working Group		
		CB&SSC	DFMC	T&TC	FG&EAC	HC	FEHC	GPUWP	TFSCCL	WGHYCD
Chairman	Mr. LI Tak-hong, MH, JP	Member	Member	Member	Member	Member	Member		Member	Member
Vice-chairman	Dr. WONG Kam-chiu, MH	Member	Member	Member	Member	Member	Member	Member	Member	Member
Members	Ms CHAN Man-ki, Maggie		Member	Member		Member				
	Mr CHAN On-tai	Member	Member	Member			Member		Member	
	Mr CHAN Wai-kwan, Andie	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr CHAN Yim-kwong, Joe		Member			Member		Member	Member	
	Ms CHAN Yuen-han, SBS, JP	Member	Member						Member	
	Mr HO Hon-man	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr HO Yin-fai	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr HUI Kam-shing		Member	Member	Member	Member			Member	
	Mr KAN Chi-ho, BBS, MH	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Ms KWOK Sau-ying		Member			Member	Member			
	Mr LAI Wing-ho, Joe	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr LEE Tat-yan, MH	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr MOK Chung-fai, Rex, MH	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr MOK Kin-wing	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr MOK Ying-fan		Member	Member		Member	Member	Member		
	Mr SHUM Wan-wa	Member	Member	Member	Member					
	Mr SO Sik-kin	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Ms TAM Heung-man		Member	Member		Member			Member	
	Ms TAM Mei-po	Member	Member	Member	Member	Member	Member		Member	
	Mr TING Chi-wai, Roy	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr WONG Kam-chi, MH, JP		Member	Member		Member		Member		
	Mr WONG Kit-hin		Member	Member				Member		
	Mr WONG Kwok-tung	Member	Member	Member		Member				
	Mr WONG Kwok-yan	Member	Member	Member	Member	Member	Member	Member	Member	Member
	Mr WONG Yat-yuk		Member	Member			Member		Member	
	Mr WU Chi-wai, MH		Member	Member				Member	Member	
Mr Yuen Kwok-keung, Stephen	Member	Member	Member	Member	Member	Member	Member	Member	Member	
	Total	19	29	26	17	23	19	18	22	13

(Letterhead: Transport and Housing Bureau, Government Secretariat)

Our Ref.: LM(19) to THB(T)L 10/20/6(11)

Tel.: 3509 7257

Fax: 2523 6242

(By Registered Post)

(Total No. of Pages: 2+6)

Mr. LI Tak-hong,
Chairman of Wong Tai Sin District Council
Wong Tai Sin District Office
6/F, Lung Cheung Office Block,
138 Lung Cheung Road,
Wong Tai Sin, Kowloon

13 January 2012

Dear Mr. LI,

Railways Ordinance (Cap. 519)

Shatin to Central Link

Case No.: LM(19) to THB(T)L 10/20/6(11)

I refer to my previous reply pertaining to your objections to the captioned railway scheme.

According to the Railways Ordinance (the Ordinance), the Secretary for Transport and Housing (the Secretary) has to submit the railway scheme concerned and/or its amendments gazetted under the Ordinance, together with all unwithdrawn objections, to the Chief Executive in Council for consideration. Prior to the said procedure, a panel of independent persons appointed by the Secretary will conduct a hearing in respect of all unwithdrawn objections. This is not a statutory procedure under the Ordinance, but an administrative measure to ensure that the objections are handled in a fair, open and transparent manner. The panel's terms of reference are set out in **Annex I**.

As you have not withdrawn the objections, a panel is hereby set up to conduct a hearing in respect of your objections and all other unwithdrawn objections on a collective basis. The panel will listen to the views of both the objectors and the Administration, make comments on the way the Administration dealt with the

objections, and compile a report. Relevant parts (i.e. summary of the opinions put forth at the hearings) of the report will be served to objectors attending the hearing for information and comments. The Secretary will submit the report, the railway scheme and all unwithdrawn objections to the Chief Executive in Council for consideration.

Details of the hearing are set out below:

Date: 6 February 2012 (Monday)

Time: 4:15 p.m.

Venue: Conference Room, Kowloon City District Office

17/F One Harbourfront

18-22 Tak Fung Street, Hung Hom, Kowloon

(Note: Please bring along the completed copy of “Form for Attendance at Hearing” and arrive at the venue 10 minutes before the prescribed time. **The hearing will be conducted in Cantonese.** House rules for the hearing are set out at **Annex II.**)

Please complete the form at **Annex III** and return it to the Bureau by fax (Fax No.: 2523 6242) or by post using the enclosed envelop by **20 January 2012 (Friday)**. If we do not receive your reply after the above deadline, we will assume that you will not attend the hearing. A case summary of your objections will be served to you in due course.

Attendance at the hearing will not affect your statutory rights under the Ordinance. You may also submit supplementary information on your objections in writing by 24 February 2012 (Friday) for the Bureau’s consideration and incorporation into the documents to be considered by the Chief Executive in Council.

Finally, I’d like to invite you to reconsider withdrawing the objections.

Please complete the reply form at Annex IV and return it to us using the enclosed envelop not later than **20 January 2012 (Friday)**.

For further enquiries, please contact Miss MAK Yin-shan, Angel of the Bureau at 3509 7259, or address to us in writing with the case number quoted.

Yvan HAU Cheuk-pun
for Secretary for Transport and Housing

Railway Objections Hearing Panel

Terms of Reference

- (a) According to the Railways Ordinance (the Ordinance), the Secretary for Transport and Housing (the Secretary) has to submit the railway scheme concerned and/or its amendments gazetted under the Ordinance, together with all unwithdrawn objections, to the Executive Council for consideration not later than nine months after the expiration of the 60-day period for lodging objections in respect of the scheme (or three months after the expiration of the 60-day period for lodging objections in respect of an amendment to the scheme). Prior to the said procedure, a panel of independent persons appointed by the Secretary will conduct hearings in respect of all unwithdrawn objections. This is an administrative measure to ensure that the objections are handled in a fair, open and transparent manner.

- (b) In particular, the panel will be responsible for advising the Secretary on:
 - (i) whether the Administration has dealt with such objections in accordance with pledges made;
 - (ii) whether the objectors have been given adequate opportunity to express their views;
 - (iii) whether the Administration has properly reviewed the scheme having regard to the objectors' views; and
 - (iv) whether the Administration has explained fully to the objectors the findings of its review.

- (c) The panel will also be responsible for conducting hearings in respect of all unwithdrawn objections on a collective basis in order to :
 - (i) listen to the views of the objectors;
 - (ii) listen to the views of the Administration and the relevant railway corporation;
 - (iii) confirm that the objection has been dealt with in a fair, open and transparent manner by the Administration; and
 - (iv) compile a report on its findings for submission to the Secretary for consideration.

House Rules for the Railway Objections Hearing

To ensure smooth running of the hearing, all attendees are required to observe the following house rules.

Admission

- (a) Persons other than the objectors and their representatives may be admitted into the venue as visitors, subject to availability of seats. However, they should not comment on, or participate in discussion of cases.
- (b) Visitors should be seated as instructed by staff or personnel / security guards authorised by them. Visitors will not normally be admitted after the hearing begins.
- (c) No loud speakers and devices/equipment that may disturb the hearing should be brought into the venue.
- (d) Objectors should attend the hearing at the prescribed time.

Conduct and Behaviour

- (e) No one admitted to the hearing venue should cause any nuisance or disturb the hearing.
- (f) Smoking is prohibited in the hearing venue.
- (g) Save and except staff conducting the hearing, no one should take photographs or make video/audio recordings in the hearing venue. Members of the press and the media should be registered at the reception before admission.
- (h) The convenor may order to remove from the venue any person who interrupts or disturbs the hearing against his warning.
- (i) All pagers and mobile phones should be switched off.
- (j) Any person admitted will be warned off if he contravenes the house rules.

Form for Attendance at Hearing

Railways Ordinance Unit,
Transport and Housing Bureau
17/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir/Madam,

Railways Ordinance (Cap. 519)
Shatin to Central Link
Case No.: LM(19) to THB(T)L 10/20/6(11)

I refer to your letter dated 13 January 2011 which has notified me that an independent panel will be formed to conduct hearings in respect of my objections on a collective basis.

I, _____ (# my appointee _____) hereby confirm the following (Please put a “✓” in the appropriate box):

- a) I (# and my appointees / representatives) **will not** attend the hearing
 I (# and my appointees / representatives) **will** attend the hearing
 The following person will attend the hearing on my behalf:

<u>Name of</u> <u>representatives</u>	<u>Name of</u> <u>organisation/position</u> <u>(if applicable)</u>	<u>Occupation</u> <u>(if applicable)</u>
_____	_____	_____
_____	_____	_____

Note: Due to venue size constraint, only two attendees (including the objector) will be admitted in respect of every case

- b) I do not object to the disclosure of my identity, as well as letters/documents from me in respect of my objections, to members of the hearing panel. I understand that the information concerned will only be used to process my objections and related matters.
- c) I agree that the hearing panel has the right to compile a report for the Secretary for Transport and Housing's consideration. I also agree that the report and other documents concerned be submitted to the Chief Executive in Council for consideration of the railway scheme in question.
- d) I (#and my appointees / representatives) agree to observe the house rules for hearing.

Signature and seal⁺ : _____
 Name of objector / : _____
 authorised representative _____
 Date : _____

Note:

The above information may be used by the Secretary for Transport and Housing for the handling of objections to the abovementioned scheme and other related matters, and the information may be disclosed to the Chief Executive in Council, the Railway Objections Hearing Panel and other Government bureaus, departments and organisations in charge of handling such objections or related matters.

Personal data access or correction requests regarding this form may be made in writing to the Railways Ordinance Unit of the Transport and Housing Bureau. (Address: 17/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong; Fax: 2523 6242; Email: enquiry@thb.gov.hk).

Delete as appropriate

+ Name, signature and seal of the objector / his authorised representative should be identical to those appeared on the objection.

To: Secretary for Transport and Housing,
17/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
(Attn : Mr. Yvan HAU Cheuk-pun)

Railways Ordinance (Cap. 519)
Shatin to Central Link
Case No.: LM(19) to THB(T)L 10/20/6(11)

Reply Form

In respect to the objection to the above railway scheme submitted to the Secretary for Transport and Housing by the Wong Tai Sin District Council on 21 January 2011, I, LI Tak-hong, decide on behalf of the District Council to:

(Please add a “✓” to the appropriate box)

- Formally and unconditionally withdraw[#] the objection.
- Formally withdraw[#] the objection on the following condition:

- Formally and unconditionally withdraw[#] the following part of the objection:

- Formally withdraw[#] the following part of the objection on the following condition:

- Maintain the objection.

Signature and seal*: _____

Name (in block letters): LI Tak-hong, representative of
Wong Tai Sin District Council

Residential / correspondence address: _____

Tel. No.: _____

Date: _____

- # In accordance with section 10(5) of the Railways Ordinance, an objection or a part of an objection that has been withdrawn is to be treated to the extent that it is withdrawn as not having been lodged and need not be referred to the Chief Executive in Council.
- * Signature and seal should be identical to those appeared on the objection.

Note:

The above information may be used by the Secretary for Transport and Housing for the handling of objections to the abovementioned scheme and other related matters, and the information may be disclosed to the Chief Executive in Council, the Railway Objections Hearing Panel and other Government bureaus, departments and organisations in charge of handling such objections or related matters.

Personal data access or correction requests regarding this form may be made in writing to the Railways Ordinance Unit of the Transport and Housing Bureau.

(Address:- 17/F, East Wing Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong

Fax No.: 2523 6242; Email: enquiry@thb.gov.hk)

Address of the Conference Room, Kowloon City District Office:
Room 1706-1713
17/F One Harbourfront
18-22 Tak Fung Street, Hung Hom, Kowloon

Front of Whampoa Flagship



One Harbourfront

Bus Routes:

3B, 7B, 15, 268B, 269B and 297