

**Minutes of the 13th Meeting of the
Food and Environmental Hygiene Committee of the
Yau Tsim Mong District Council (2012-2015)**

Date : 20 March 2014 (Thursday)
Time : 2:30 p.m.
Venue : Yau Tsim Mong District Council Conference Room
4/F., Mong Kok Government Offices
30 Luen Wan Street
Mong Kok, Kowloon

Present:

Chairman

Mr YEUNG Tsz-hei, Benny, MH

Vice-chairman

Mr CHAN Wai-keung

District Councillors

Mr CHUNG Kong-mo, JP
Ms KO Po-ling, BBS, MH, JP
Mr CHAN Siu-tong, MH
Mr CHOI Siu-fung, Benjamin
Mr CHONG Wing-charn, Francis
Mr CHOW Chun-fai, BBS, JP
Mr HAU Wing-cheong, BBS, MH
Mr HUI Tak-leung
Mr HUNG Chiu-wah, Derek

Mr IP Ngo-tung, Chris
Ms KWAN Sau-ling
Mr LAM Kin-man
Mr LAU Pak-kei
The Honorable TO Kun-sun, James
Mr WONG Chung, John
Mr WONG Kin-san
Mr WONG Man-sing, Barry, MH
Ms WONG Shu-ming

Co-opted Members

Ms LAM Wai-lung
Mr SHUM Chu-wah
Mr CHOI Vai-hung

Mr JO Chun-wah
Mr MOK Yuk-kwong
Mr LUI Wing-kong, Vincent

Representatives of the Government

Mr LI Ka-kei	District Environmental Hygiene Superintendent (Mong Kok)	Food and Environmental Hygiene Department
Mr WONG Kam-wah	District Environmental Hygiene Superintendent (Yau Tsim)	Food and Environmental Hygiene Department
Mr LUK Kwok-po	Chief Estate Officer/Kowloon	Lands Department
Ms YUNG Po-ling, Maggie	Assistant District Leisure Manager	Leisure and Cultural

	(Yau Tsim Mong) 2	Services Department
Mr NG Ping-sum	Senior Environmental Protection Officer (Regional East) 6	Environmental Protection Department
Mr FAN Ka-fai, Raymond	Sergeant, Police Community Relations Office (Yau Tsim)	Hong Kong Police Force
Mr MAK Ching-yu	Station Sergeant (Mong Kok)	Hong Kong Police Force
Mr WONG Kok-seng	Task Force Sub-Unit Commander (Mong Kok)	Hong Kong Police Force
Mr TSANG Man-shing	Neighbourhood Police Co-ordinator, Police Community Relations Office	Hong Kong Police Force
Ms LEE Ka-mei, Patty	Senior Executive Officer (District Management), Yau Tsim Mong District Office	Home Affairs Department

In Attendance:

Mr HO Kwan-ho, Harry	Miscellaneous Enquiries Sub-Unit Commander (Mong Kok)	Hong Kong Police Force
Mr CHAN Chun-kit	Professional Officer	Joint Office (Buildings Department)
Mr CHEU Yu-kok	Station Commander Yau Ma Tei Fire station	Fire Services Department
Mr CHOI Sheung-ming	Senior Structural Engineer	Buildings Department

Secretary

Miss FUNG Hoi-ha, Martha	Executive Officer (District Council) 3, Yau Tsim Mong District Office	Home Affairs Department
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Absent:

Ms CHENG So-ngor	Co-opted Member	
Mr HO Siu-tak	Co-opted Member	
Mr LAI Ka-yin	Deputy District Leisure Manager (Yau Tsim Mong), Leisure and Cultural Services Department	

Opening Remarks

The Chairman welcomed all to the meeting and introduced Mr NG Ping-sum, Senior Environmental Protection Officer (Regional East) 6 of the Environmental Protection Department (“EPD”), a first-time attendee of the Food and Environmental Hygiene Committee (“FEHC”) meeting. The Chairman then introduced Mr MAK Ching-yu, Station

Sergeant (Mong Kok), Mr WONG Kok-seng, Task Force Sub-Unit Commander (Mong Kok), Mr TSANG Man-shing, Neighbourhood Police Co-ordinator of the Police Community Relations Office and Mr Harry HO, Miscellaneous Enquiries Sub-Unit Commander (Mong Kok) of the Hong Kong Police Force (“HKPF”). Furthermore, the Chairman reported that Mr Mohammad Munir KHAN, Police Community Relations Officer (Yau Tsim) of the HKPF was absent with apologies and Mr Raymond FAN, Sergeants of the Police Community Relations Office (Yau Tsim) stood in for him at the meeting. Besides, co-opted Members Mr HO Siu-tak and Ms CHENG So-ngor were also absent due to other commitments.

Agenda Item 1: Confirmation of Minutes of 12th FEHC Meeting

2. No proposed amendments were received by the Secretariat upon the issue of the draft minutes of the 12th meeting, and the minutes were confirmed without amendment.

**Agenda Item 2: To Beautify FEHD’s Temporary Storage Area for Refuse Collection Bins Under Prince Edward Road West Flyover (near Sai Yee Street Junction)
(YTMFEHC Paper No. 7/2014)**

----- 3. The Chairman said that the the written response of the Food and Environmental Hygiene Department (“FEHD”) (Annex 1) had been sent to Members for perusal before the meeting. He then welcomed Mr LI Ka-kei, District Environmental Hygiene Superintendent (Mong Kok) of the FEHD, for joining the discussion.

4. Mr WONG Kin-san briefly introduced the contents of the paper.

5. Mr LI Ka-kei said that the FEHD had instructed its frontline staff that the cleaning utensils stockpiled under Prince Edward Road West Flyover should not exceed the height of the hoardings erected there. In the long run, the FEHD would take the initiative to find another location in Mong Kok for the stockpiling of cleaning utensils.

6. Mr WONG Kin-san praised the FEHD for their proactive response in following up the issue. He hoped that the department would work out a solution as soon as possible for the relocation of the temporary storage area mentioned above.

7. There being no further comments, the Chairman closed the discussion on this item.

(Mr CHOW Chun-fai and Ms KWAN Sau-ling joined the meeting at 2:40 p.m.)

**Agenda Item 3: Attention Sought to Hygiene Problems Arising from Accumulation of Waste and Miscellaneous Articles and Rodent Infestation at Intersection of Anchor Street and Pine Street
(YTMFEHC Paper No. 8/2014)**

----- 8. The Chairman said that the the written response of the FEHD (Annex 2) had been sent to Members for perusal before the meeting. He then welcomed Mr LI Ka-kei, District Environmental Hygiene Superintendent (Mong Kok) of the FEHD, for joining the discussion.

9. The Hon James TO briefly introduced the contents of the paper.

10. Mr LI Ka-kei said that the FEHD had taken the back lane at the intersection of Anchor Street and Pine Street as one of the hygiene blackspots in the district which required intensive cleaning. The department had stepped up cleaning work at that location since March to improve environmental hygiene.

11. The Hon James TO said that miscellaneous items were always piled up there, resulting in woeful hygienic situations. He hoped that the FEHD could face this problem.

(Mr Derek HUNG joined the meeting at 2:45 p.m.)

12. Mr LI Ka-kei said that the FEHD would make arrangement with the cleansing service contractor to tackle the hygienic problem there and take vigorous enforcement action.

13. The Vice-chairman held that the FEHD should carry out more spot checks at the junction to combat illegal dumping of refuses.

(Mr HAU Wing-cheong joined the meeting at 2:50 p.m.)

14. Mr Barry WONG reckoned that the FEHD did not have the resolution to solve the hygienic problem at the location concerned. He prodded the department to follow-up on this item proactively.

15. Mr HUI Tak-leung believed that the FEHD did have the resolution to improve the hygienic conditions of the location concerned. He pointed out that most of the refuses and miscellaneous items piled up there came from the shops in the vicinity. He suggested that the FEHD should deploy more staff to patrol there and remind the shopkeepers to keep the environment clean.

16. Mr Benjamin CHOI asked the FEHD what enforcement actions had been taken to address the hygienic problem of the above location.

17. Mr LAM Kin-man opined that the FEHD should investigate the sources of the refuses dumped there and step up enforcement action.

18. Mr LI Ka-kei responded that if the staff of the FEHD caught sight of miscellaneous items on the street, they would issue a "Notice to Remove Obstruction" requiring the parties concerned to remove those items before a designated time. He reiterated that the FEHD would enhance cleaning work for the above location to ensure improvement of the hygienic conditions there.

19. Ms LAM Wai-lung reflected that the hygienic conditions of the back lane of the Chungking Mansions was unsatisfactory. She hoped that the FEHD could increase the frequency of cleaning for that back lane.

20. Mr WONG Kam-wah said that the FEHD would consider stepping up the cleaning work for the back lane of the Chungking Mansions when necessary.

21. There being no further comments, the Chairman closed the discussion on this item.

Agenda Item 4: Request for Reviewing the Effectiveness of Joint Offices for Investigation of Water Seepage Complaints in Handling Water Seepage/Leakage
(YTMFEHC Paper No. 9/2014)

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22. The Chairman said that the written response of the FEHD (Annex 3) had been sent to Members for perusal before the meeting. He then welcomed Mr WONG Kam-wah, the District Environmental Hygiene Superintendent (Yau Tsim) of the FEHD and Mr CHAN Chun-kit, Professional Officer of the Joint Offices for Investigation of Water Seepage Complaints (“the JO”) (Buildings Department) for joining the discussion.
23. Ms WONG Shu-ming, Mr John WONG and Mr Francis CHONG supplemented the contents of the paper. Ms WONG Shu-ming would like to know when the JO would adopt infra-red equipment to boost the efficiency in handling water seepage cases. Moreover, Mr Francis CHONG enquired about the numbers of “Nuisance Notice” issued and prosecution made by the JO in 2013.
24. Mr CHAN Chun-kit said that at present infra-red and microwave equipment was commonly used by private practitioners to identify the source of water seepage. These testing methods were more indirect and the findings had to be analysed by professionals before yielding any results. Hence, the colour water test and the moisture metre were the most direct ways to prove the source of water seepage. He added that with the assistance of the Hong Kong Applied Science and Technology Research Institute, the JO was now exploring the use of infra-red and microwave equipment to investigate water seepage cases. The JO would report to the FEHC in due course if any progress was made.
25. Mr WONG Kam-wah responded that he could not provide immediately the numbers of “Nuisance Notice” issued and prosecution made by the JO in 2013.
26. Mr HUI Tak-leung criticised that the JO was incompetent in its investigation of water seepage cases and the equipment used was outdated. The JO had even ceased following up a case after some of its staff members were posted out, resulting in a waste of public funds. He reckoned that the Government should stop allocating funds to the JO.
27. Mr HAU Wing-cheong said that the FEHC had discussed the issue years ago but nothing was done by the JO to enhance its work efficiency. Disappointingly, the JO still insisted to use the ineffective colour water test. He continued to say that after inspecting a site with water seepage problem, the JO had to spend a long time to complete the inspection report. Source of seepage had never been identified in some cases. Since no follow-up action could be taken, the problem kept haunting the members of public concerned.
28. Ms KWAN Sau-ling mentioned about a request for assistance from the public. The home of the victim had suffered from water seepage for two years. The staff of the JO had entered the premises for several times but still could not identify the source of the seepage. The victim was told later that the investigation had to be ceased. She would like to know how the JO would handle those cases with unidentified water seepage source.
29. Mr Benjamin CHOI opined that the JO was inefficient and had not adopted effective

test methods to identify the source of water seepage. Besides, the manpower shortage problem of the JO had yet to be solved.

30. Ms WONG Shu-ming stated that there should be professional staff in the Government competent for analysing infra-red test results; therefore, it was beyond understanding for the JO to refuse adopting the infra-red technology. She prodded the JO to report the progress of the review on work efficiency and the measures to address the manpower shortage problem. Moreover, she also urged the JO to adopt infra-red technology as soon as possible and expedite the procedures of applying court warrant.

31. Mr Francis CHONG said that improvements should be made in four areas with a view to enhance the efficiency of the JO: 1) to enhance the quality of the equipment; 2) to empower the staff of the JO to enter premises for investigation and stiffen penalty for water seepage in buildings; 3) to amend the legislations so that the certificate on the source of seepage could be taken as prima facie to facilitate arbitration; and 4) to set up a tribunal for the handling of water seepage cases.

32. Mr LAU Pak-kei reckoned that the success rate of the JO in solving water seepage cases was low. He would like to know what follow-up actions would be taken by the JO for cases with unidentified seepage source as well as their criteria to determine that water seepage had stopped. He continued to say that a member of the public told him that the JO had ceased following up water seepage cases due to changes in staff posting. He wanted to know the manpower arrangement of the JO so that the water seepage cases handled by the predecessors could be followed up when there were staff deployments.

33. The Hon James TO said that the standard of proof adopted by the JO for water seepage cases was much higher than that for the civil cases. He wanted to know if the JO had ever consulted the Department of Justice (DoJ) or legal advisers about the refusal to accept scientific investigation results as evidences. He reckoned that the JO must improve the testing techniques to raise the success rate of identifying the source of seepage.

34. Mr CHUNG Kong-mo would like to know the success rate of the JO in identifying the source of water seepage. He said that many members of the public had been haunted by the water seepage problem and the long-running water seepage problem at their premises also led to other problems, for example, disrupted electricity supply and woeful sanitation situation. He urged the Government to face the water seepage problem and step up monitoring of JO's performance.

(The Hon James TO left the meeting at 3:25 p.m.)

35. Mr LAM Kin-man opined that the JO's progress in following up seepage cases was slow. It was quite often that the source of seepage could never be identified after investigating for a long time. He enquired why it took so long for the JO to apply for court warrant and enter the premises for investigation, and why a case had to be stalled for several months before they could send professionals to conduct phase three investigation when the source of seepage could not be identified. He also enquired about how the JO could determine that the seepage had been stopped and no follow up actions were required for the cases concerned.

36. Mr CHAN Chun-kit responded as follows:

- (i) Last year, the JO had handled 2 469 water seepage cases in the Yau Tsim Mong (YTM) District. 1 425 of them were cases that could not be followed up by the JO under its statutory authority or had been proven to be unrelated to water seepage. As for the remaining 1 044 cases, the JO had identified the source of seepage for 664 cases while the seepage problem of 341 cases had ceased during the testing period or the complainants had solved the problem by themselves. There were a few dozens of cases that the source of seepage could not be identified. Besides, the JO had received 2 457 new water seepage complaint cases in the YTM District last year.
- (ii) Various methods would be adopted by the JO to identify the causes of water seepage. However, the cause of seepage would be difficult to identify in some complex cases; for example, the seepage was not obvious or came in fits and starts. For cases with unidentified source of seepage, the JO would document the relevant information to facilitate investigation in the future.
- (iii) To lower the attrition rate, the JO would operate as a permanent office, with non-civil service contract (“NCSC”) posts gradually changed to posts in the civil service establishment. He said that 17 NCSC staff of the JO at the YTM District had taken up posts in the civil service establishment, representing 1/4 of the total number of staff.

37. Mr WONG Kam-wah responded that as cases with seepage of rain water through external wall fell under the purview of the Buildings Department (“BD”), the JO would refer these cases to them for follow-up action in case this kind of complaints were received. He also said that the time needed for applying warrant for entering into a premises varied from case to case. Previously, a person being complained employed a lawyer to contest the JO’s decision to enter the premises for investigation. The JO had to seek legal advice from the DoJ before it could obtain a warrant, resulting in a longer application time.

38. Mr Chris IP reckoned that the JO had only changed the NCSC posts into Civil Service ones. Since no additional staff members were employed, the work efficiency could not be improved. He hoped that the JO could adopt more advance equipment and increase manpower as soon as possible.

(Mr Chris IP left the meeting at 3:40 p.m.)

39. Mr HAU Wing-cheong said that although the JO had successfully solved some of the water seepage cases, unsolved cases were still in the majority.

40. Mr CHOW Chun-fai proposed an oral motion, urging the JO to: 1) increase manpower; 2) purchase advance and effective testing tools; and 3) commence legal procedures and institute prosecution against uncooperative tenants in an active, reasonable and effective manner so as to expedite the processing of backlog cases. He hoped to relay the above views to the relevant Secretaries in the name of the FEHC for follow-up actions.

41. The Chairman said that according to the “Standing Orders of the Yau Tsim Mong District Council (“DC”)”, there was no such arrangement for Members to propose motions during a DC Committee meeting. He suggested that Members’ views should be consolidated

and relayed to the departments concerned through letters issued in the name of the FEHC.

42. Ms KO Po-ling reckoned that the Authority should strengthen the power of the JO to enable its effective operation. She agreed with Mr CHOW Chun-fai and proposed that the Committee's demands be relayed to the Directors of the FEHD and the BD.

43. Ms KWAN Sau-ling enquired again about how the JO would handle cases with unidentified water seepage source.

44. Mr Benjamin CHOI wanted to know if the JO would refer cases of water seepage from building roof to the BD. He pointed out that according to the statistics of the JO, over 1 400 cases handled last year in YTM District were cases that could not be followed up by the JO under its statutory authority or had been proven to be unrelated to water seepage. He wanted to know had all these cases been referred to the BD for follow-up actions. He reckoned that the Authority should strengthen the power of the JO so that it could offer one-stop service for water seepage cases.

45. Mr Barry WONG hoped that the JO could provide data to illustrate the average time needed for the investigation of water seepage cases. He also suggested that the JO should compare the colour water test with the infra-red test to see which one was more effective.

46. Mr CHAN Siu-tong said that some of the water seepage cases held by the JO as beyond its authority were related to external wall seepage. Though many Owners' Corporations (OCs) were willing to solve this kind of seepage problem by themselves, confirmation from the JO that there were external wall seepages were still needed before they could justifiably use the building maintenance fund to hire professionals to follow up the cases. He added that infra-red or microwave tests were commonly adopted by private practitioners to ascertain the source of seepage and the accuracy were as high as 70% to 80%. He hoped that the JO could introduce advance testing technology as soon as possible to enhance work efficiency.

47. Mr Derek HUNG reckoned that with serious manpower shortage, the JO failed to effectively handle such a large number of water seepage cases. The JO should deploy more resources to handle complicated cases.

48. Mr HUI Tak-leung hoped that the Authority would review the shortcomings of the JO under existing mechanism. Besides, he also proposed that the Authority should strengthen the power of the JO and provide additional resources to it.

(Mr JO Chun-wah joined the meeting at 4 p.m.)

(Mr Francis CHONG left the meeting at 4 p.m.)

49. Ms LAM Wai-lung said that the equipment used by the JO was outdated and the work progress was too slow. She hoped that the JO could take the initiative to enhance work efficiency.

50. The Chairman enquired about JO's progress in its study on the adoption of infra-red and microwave test methods. He suggested that the JO should adopt a two-pronged approach; that was, to conduct colour water test and infra-red/microwave test simultaneously to boost effectiveness for investigation.

51. Mr CHAN Chun-kit responded as follows:

- (i) The JO was now collecting data on the application of infra-red and microwave test methods. They were willing to adopt different test methods to boost effectiveness for investigation.
- (ii) The handling time for each case hinged largely on its complexity and the willingness to cooperate of the parties involved. If the water seepage case was not too complicated and the person being complained was willing to cooperate, the JO would in general take 45 working days for investigation. They could also complete the investigation report and reply to the complainant within 90 working days. If the case was complicated, the JO might need more time to conduct investigation.
- (iii) The cases of water seepage from building roof could not be handled by the JO under its statutory authority.

52. Mr WONG Kam-wah responded that after receiving water seepage complaints, the JO would conduct preliminary investigation at the premises concerned within six working days. If the case was a simple one and the person being complained was willing to cooperate, the JO in general could identify the source of seepage and inform the complainant the result within 90 working days. He added that if cases of water seepage from building roof were received, the JO would refer the cases to the OCs or owners concerned.

53. The Chairman criticised the complicated procedures for the JO to investigate water seepage cases. Their operation was inefficient, with months passed before they could get the results of the colour water tests. He adduced data to show that the cases with seepage sources identified only accounted for about 20% of the cases received.

54. After discussion, the Chairman concluded that Members agreed unanimously that a letter should be issued to the Chief Executive under the name of the FEHC, urging the Government to review the effectiveness of the JO and adopt improvement measures, for example, to strengthen its power and structure and increase manpower with a view to speeding up the processing of the backlog cases. Proposals would also be made in the letter that the JO should adopt advance testing equipment and methods to increase the success rate in seepage source identification and boost efficiency.

55. There being no further comments, the Chairman closed the discussion on this item.

(Mr CHUNG Kong-mo and Mr Barry WONG left the meeting at 4:15 p.m.)

----- (Post-meeting Notes: The Chairman issued a letter (Annex 4) to the Chief Executive on 27 March 2014 under the name of the FEHC to relay Members' demands.)

**Agenda Item 5: To Rectify Noise Problem in Barbecue Area on 1/F., Hung Fai Building, Tung Choi Street
(YTMFEHC Paper No. 10/2014)**

56. The Chairman said that the written responses of the Environmental Protection

Department (“EPD”), the Liquor Licensing Board (“LLB”) and the Fire Services Department (“FSD”) (Annexes 5 to 7) had been sent to Members for perusal before the meeting. He then welcomed the following representatives for joining the discussion:

- (i) Mr NG Ping-sum, Senior Environmental Protection Officer (Regional East) 6 of the EPD;
- (ii) Mr MAK Ching-yu, Station Sergeant (Mong Kok), Mr WONG Kok-seng, Task Force Sub-Unit Commander (Mong Kok), Mr TSANG Man-shing, Neighbourhood Police Co-ordinator, Police Community Relations Office and Mr Harry HO, Miscellaneous Enquiries Sub-Unit Commander (Mong Kok);
- (iii) Mr CHEU Yu-kok, Station Commander, Yau Ma Tei Fire station of the FSD; and
- (iv) Mr CHOI Sheung-ming, Senior Structural Engineer of the BD.

57. Mr LAM Kin-man supplemented the contents of the paper. He said that according to the information provided by the FEHD, the barbecue area on 1/F., Hung Fai Building, Tung Choi Street had obtained a Restaurant Licence. However, the written response of the FSD revealed that it had never received any licensing application from that premises. He asked the two departments to clarify this point. He continued to say that the occupation permit of the above premises stipulated that it could only be used as office and warehouse. He asked if the use of it as a barbecue area was in breach of the requirement on building use.

58. Mr CHEU Yu-kok said that after the FEHD had referred the Restaurant Licence application to the FSD, they would in general deploy staff to inspect the premises and demand the operator to fulfil the fire services requirements. However, according to the information of the FSD, the open terrace which was used as barbecue area did not fall into the approved business area stipulated by the Restaurant Licence.

59. Mr LI Ka-kei responded as follows:

- (i) According to the information of the Licensing Office of the FEHD, the FEHD issued a Restaurant Licence in October 2011 to the above premises (including the open terrace) with condition that no sitting accommodation was allowed at the open terrace concerned.
- (ii) Surprise inspections at the above premises by FEHD staff recently revealed that there was sitting accommodation at the open terrace, which violated the licensing conditions. He added that should a restaurant violate the licensing conditions, the FEHD would issue a verbal warning to the Licensee first, requiring him/her to rectify the irregularities within four days. If the Licensee failed to comply, the department would issue a warning letter to the Licensee, requiring him/her to rectify the irregularities within 12 days. If the Licensee still failed to rectify the irregularities after three “12-days warning letters” had been issued consecutively, the FEHD might consider suspending the Restaurant Licence of the premises concerned.

- (iii) The FEHD had referred the case of unauthorised building works (UBWs) at the 1/F of the Hung Fai Building to the BD in 2012. However, FEHD's staff found out that there were still UBWs during their inspection at the premises in mid-March this year. The case was again referred to the BD for follow-up action.

60. Mr CHOI Sheung-ming responded that the BD had issued a UBWs removal order for the above premises in May 2012 and had initiated prosecution against the owner in October 2013. Recently, the BD found out that there were still UBWs and a warning letter was issued to the owner concerned. They would consider prosecuting the owner again.

61. Mr NG Ping-sum said that after receiving a noise complaint against the premises, the EPD had asked the operator to adopt appropriate measures to reduce the noise and avoid causing nuisances to the residents nearby.

62. Mr MAK Ching-yu said that the Police had inspected the barbecue area at night and during midnight for many times. Two summonses were issued to the operator in January 2014. The Police would continue to step up inspection for the premises and relay the noise problem to the LLB.

63. The Vice-chairman urged the FEHD and the Police to step up inspection and enforcement action at the above premises to combat irregularities.

64. Mr LAM Kin-man asked the FEHD and the FSD to check whether the Restaurant Licence application of the above barbecue area was in compliance with the licencing conditions and were there adequate fire services facilities. He enquired again whether the use of the premises as a barbecue area had violated the requirement on building use. He hoped that the BD would institute prosecution against those UBWs and request the court to stiffen the penalty. He also asked the Police to keep following up on the noise problem. Besides, they should also relay to the LLB the nuisances caused by the premises to the residents nearby for their consideration of licence renewal application of that premises.

65. Mr LI Ka-kei responded that the FEHD would handle all the Restaurant Licence application in accordance with the established procedures. After receiving a Restaurant Licence application, the FEHD would send the particulars of the applicant to relevant departments (e.g. FSD, BD etc.) for approval. These departments would require the applicant to comply with the specific licensing conditions. The FEHD would only issue a Restaurant Licence after ascertaining that the premises under application had fulfilled all the licensing conditions. He said that he would contact the FSD to find out why their record showed that the open terrace was beyond the approved business area designated by the Restaurant Licence.

66. Mr MAK Ching-yu said that the Police would step up inspection for the premises and relay to the LLB the noise problem generated by it.

67. There being no further comments, the Chairman closed the discussion on this item.

Agenda Item 6: Departments Are Ineffective in Enforcing Law Against Street Obstructions by Food Premises
(YTMFEHC Paper No. 11/2014)

----- 68. The Chairman said that the written response of the FEHD (Annex 8) had been sent to Members for perusal before the meeting. He then welcomed Mr LI Ka-kei, District Environmental Hygiene Superintendent (Mong Kok) of the FEHD for joining the discussion.

69. Mr John WONG briefly introduced the paper.

70. Mr LI Ka-kei stated that the FEHD was very concerned about the street obstruction problem caused by food establishments. They would strengthen inspection and prosecution against premises in breach of the law to improve the street obstruction situation.

(Mr LAM Kin-man left the meeting at 4:40 p.m.)

71. Mr John WONG hoped that the FEHD could step up prosecution to combat street obstruction problem caused by food establishments.

72. There being no further comments, the Chairman closed the discussion on this item.

Agenda Item 7: Any Other Business

73. There being no other business, the Chairman closed the meeting at 4:46 p.m. The next meeting would be held at 2:30 p.m. on 29 May 2014.

Yau Tsim Mong District Council Secretariat
April 2014

油尖旺區議會
食物及環境衛生委員會第 7/2014 號文件

要求美化太子道西天橋底(鄰近洗衣街交界)
食環署垃圾收集箱臨時存放處

多謝油尖旺區區議會黃建新議員就上述標題事宜提呈文件，並要求食物環境衛生署（下稱「本署」）作出回覆。本署現按文件內提出的問題回覆如下：

1. 時至今日，旺角區內是否仍然沒有合適地方重置上述設施，安放相關設備？

旺角區土地資源緊絀，要在區內另覓適當地點代替太子道西天橋底作臨時存放處有一定困難。雖然如此，如地區人士認為上址天橋底有其他社區設施發展用途，本署十分樂意在覓得合適地點重置上述設施的情況下遷出，共同攜手建立美好的社區環境。

2. 食環署需每隔多久在上址存放或提取相關物資？

本署並無特定時間在上址天橋底存放或提取物資，主要視乎實際工作上的需要。現時臨時存放處主要存放全新的清潔工具包括垃圾收集箱、廢屑箱、掃把及手推車等工具。

3. 要求食環署儘速履行承諾，美化有關設施，減低社區滋擾。

在未覓得適當地點搬遷前，本署承諾在短期內採取以下措施改善及減低上址臨時存放處對社區的滋擾：

- (a) 在存放工具安排上盡量避免超越臨時存放處圍板的高度。
- (b) 要求建築署在臨時存放處圍板上塗上美化圖案的可行性，以配合花墟一帶的環境。在等待建築署回覆前，本署會在臨時存放處的圍網懸掛部門宣傳衛生教育之橫額。
- (c) 長遠而言，本署會積極在旺角區內另覓合適地點，搬遷上址天橋底的臨時存放處。

食物環境衛生署
旺角區環境衛生辦事處
2014 年 3 月

油尖旺區議會
食物及環境衛生委員會第 8/2014 號文件

要求正視晏架街及杉樹街交界堆滿垃圾、雜物及鼠患衛生問題

多謝油尖旺區區議會涂謹申議員就上述標題事宜提呈文件，並要求食物環境衛生署（下稱「本署」）作出回覆。本署現按文件內提出的問題綜合回覆如下：

1. 本署十分關注旺角區內後巷的環境衛生情況。就位於晏架街及杉樹街の後巷而言，本署街道潔淨服務承辦商每日均會清理上址後巷垃圾和每週清洗該處一次。此外，本署防治蟲鼠服務承辦商亦會定期在後巷內進行防控鼠患的工作，包括擺放毒鼠餌和放置捕鼠器，以確保環境衛生。
2. 接獲投訴後，本署人員於 3 月 12 日到上址後巷視察，發現整體衛生情況尚可，巡查亦發現有少量懷疑是附近店舖非法棄置的垃圾及雜物堆積於後巷內，本署隨即安排潔淨服務承辦商把垃圾及雜物清理。此外，本署已向附近店舖負責人作出勸喻，不要把垃圾及雜物堆積於後巷內，否則會遭檢控。根據記錄，在過去一年，本署在旺角區內向違反清潔法例人士合共提出了 1,950 宗檢控。
3. 為進一步改善上址後巷的環境衛生情況，本署已於今年三月把大角咀橡樹街與杉樹街之間的後巷列為區內其中一個衛生黑點，以進行重點清潔工作，包括增加清潔和清洗頻次、調派人手跟進環境衛生的妨擾事故及採取適當行動減除妨擾、加強防治蟲鼠工作及對違反清潔法例人士加強執法。本署會定期向區議會匯報有關清潔工作的成效。

食物環境衛生署
旺角區環境衛生辦事處
2014 年 3 月

油尖旺區議會
食物及環境衛生委員會第 9/2014 號文件

**2012-2015 年度油尖旺區議會
食物及環境衛生委員會**

檢討滲水投訴調查聯合辦事處成效

就議員的提問聯合辦事處的回應如下：

1. 聯合辦事處去年所處理的滲水個案數字

屋宇署及食物環境衛生署(食環署)成立的聯合辦事處(聯辦處)，以「一站式」的運作模式，統一處理滲水舉報。聯辦處於 2013 年，共接獲 28 504 宗滲水舉報。完成處理的共有 24 856 宗，其中有 13 062 宗(53%)不屬於聯辦處根據法定權限可採取跟進行動的範圍，亦包括缺乏理據的個案和舉報人撤回的個案。餘下 11 794 宗(47%)需要進行滲水測試，其中能成功確認滲水源頭的個案有 4 692 宗(40%)。未能找到滲水源頭的個案有 2 336 宗(20%)，餘下的 4 766 宗(40%)個案為在測試期間滲水情況經已停止或業主自行解決，無需跟進。

2. 聯辦處的法定權力及於什麼情況下才會使用相關權力進行檢控

聯辦處職員獲授權執行《公眾衛生及市政條例》的相關條文，當證實滲水源頭後，可發出「妨擾事故通知」予有關人士，規定在通知指明的期限內減除妨擾，否則有關人士會被檢控；一經定罪，最高可被罰款港幣 10,000 元，另加每日罰款港幣 200 元。當局亦可向法庭申請「妨擾事故命令」，命令有關人士減除妨擾。如有關人士沒有遵照法庭命令，會被檢控；一經定罪，最高可被罰款港幣 25,000 元，另加每日罰款港幣 450 元。

3. 食環署及屋宇署於聯辦處各自擔任的角色、職責及權力

聯辦處調查滲水舉報的工作分三個階段進行，第 I 階段(確定滲水滋擾) 由聯辦處的食環署人員進行初步查核。第 II 階段(基本調查) 由聯辦處的食環署人員進行，並會根據個別個案的情況及需要，進行有關排水渠管的色水測試及/或供水喉管的反向壓力測試，以嘗試找出滲水源頭。若在「基本調查」中未能找出滲水源頭，聯辦處的屋宇署人員及聯辦處委派的顧問公司職員會進行第 III 階段的「專業調查」，包括滲水位置的濕度監察、地台蓄水測試、牆壁灑水測試及供水喉管的反向壓力測試，以嘗試找出滲水源頭。若調查結果確認滲水源頭，食環署會根據《公眾衛生及市政條例》採取執法行動。

4. 聯辦處如何提升市民對聯辦處的認識

聯辦處已修訂〈樓宇業主/住戶須注意事項〉簡章，簡介聯辦處成立的目的及服務範圍，並詳細列明聯辦處調查及測試方法和程序，以及預計完成調查的時間。在接獲有關滲水的舉報後，聯辦處會把該簡章發給舉報人和懷疑滲水處所的住戶/業主，藉此增加市民對聯辦處工作的認識。有關聯辦處的職責、法定權力及工作等相關資料亦已上載於食環署及屋宇署的網頁，以供市民參閱。

5. 聯辦處如何改善跟進個案的進度

處理每宗滲水個案所需的時間，很大程度視乎所涉個案的複雜性和事涉各方(尤其是有關業主和住戶)的合作程度。由於每宗個案的情況不盡相同，所涉及的調查程序和所需的時間會有很大的差異。對於一些複雜的個案，如涉及多於一個滲水的源頭、重複或間斷性的滲水情況，調查人員須進行不同或重複的測試、或要持續進行調查和監察，以確定滲水的成因。由於測試需時，並要得到有關業主/住戶的充分合作，處理這類個案一般需要較長時間。如個案涉及空置單位或不合作的業主/住戶，以致聯合辦事處需要向法庭申請手令進入有關單位進行調查，則處理有關個案會更費時。

自成立以來，聯合辦事處已不時檢討工作安排，並透過增加人手和加強監察，提升工作效率及服務質素。聯合辦事處已逐步落實多項改善措施，包括透過定期舉行聯絡會議，以加強聯合辦事處人員彼此協調和合作；訂定工作指標和優化投訴管理資訊系統，以加強監察處理個案的進度；並且就不同範疇為員工制訂工作指引，以提升處理個案的效率和成效。此外，食環署已展開一項對投訴管理資訊系統的改善計劃，分階段強化資訊系統。經提升後的系統不僅有助加強監察滲水調查的進度，也便利數據的使用和加強個案管理的協調。

6. 聯辦處的工作成效、運作及架構檢討

聯辦處已實行多項措施，包括擬定調查工作的內部指引、制訂指標以監察各階段調查工作的進度、修訂根據《公眾衛生及市政條例》行使進入權力的運作指引和加強資訊管理，以提升處理滲水舉報的成效。發展局、食物及衛生局已經完成對聯辦處的架構及運作的檢討，有關檢討的主要結論和建議包括設立恆常的聯辦處及維持聯辦處現行的組織和架構。檢討的結論建議應繼續推行更多優化措施，以改善聯辦處的運作，部分的優化措施已經落實或正在籌劃中。首先，聯辦處已經落實兩項服務承諾，涉及滲水個案的調查和就已確證滲水源頭構成衛生妨擾的個案進行執法。此外，食環署已展開一項對投訴管理資訊系統的改善計劃，分階段強化資訊系統。經提升後的系統不僅有助加強監察滲水調查的進度，也便利數據的使用和加強個案管理的協調。

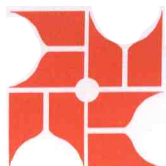
7. 屋宇署/聯辦處人手檢討

考慮到公眾對聯辦處提供的服務有強烈需求，局方建議聯辦處應以恆常辦事處的模式繼續運作，建議將有助減低員工流失率和在聯辦處累積經驗和專業知識，改善聯辦處的運作。由於現時聯辦處(屋宇署部份)的人事編制大部分都是合約員工，多年來合約員工的經常性流失，對聯辦處的有效運作確實造成很大的影響，為了解決這問

題，聯辦處會計劃逐步將非公務員合約員工的編制轉為公務員編制員工。聯辦處會繼續檢討所需的人手編制及爭取增加資源，以改善聯辦處的運作。

屋宇署/食物環境衛生署
滲水投訴調查聯合辦事處
油尖旺區辦事處

2014 年 3 月



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

檔號 : (1) in HAD YTMDC 13-30/1/1 Pt.40

電話 : 2399 2154

傳真 : 2722 7696

香港特別行政區

行政長官辦公室

行政長官梁振英先生, GBM, GBS, JP

梁先生：

要求檢討滲水投訴調查聯合辦事處的工作成效

在 2014 年 3 月 20 日油尖旺區議會食物及環境衛生委員會第十三次會議上，有委員表示，由食物環境衛生署及屋宇署組成的滲水投訴調查聯合辦事處(滲水辦)跟進滲水個案不力，工作效率欠佳，往往調查經年，仍毫無寸進，部分個案更找不出滲水源頭，無法處理，令受影響的市民飽受困擾。

此外，委員認為滲水辦沿用的滲水測試方法過時，作用成疑，滲水辦同時面對人手嚴重不足的問題，凡此種種，皆顯示當局有必要認真檢討滲水辦的運作模式。

委員對滲水辦未能有效處理滲水投訴，深感遺憾，並表示強烈不滿。為此，委員一致議決致函行政長官，促請政府檢討滲水辦的工作成效，並採取改善措施，例如擴大滲水辦的職能和架構，以增聘人手，加快處理積壓的個案，並且引入先進的測試儀器和方法，提高確定滲水源頭的成功率，藉以改進滲水辦的工作效率。

特此反映委員的意見和建議，冀盼行政長官能體察民情，責成相關部門尋求改善方案，盡早提升滲水辦的工作成效，以符合市民對政府服務的期望。

油尖旺區議會
食物及環境衛生委員會主席

楊子熙



附件：油尖旺食物及環境衛生委員會第 9/2014 號文件

副本送：食物及衛生局局長高永文醫生，BBS, JP
發展局局長陳茂波先生，MH, JP
食物環境衛生署署長劉利群女士，JP
屋宇署署長區載佳先生，JP

2014 年 3 月 27 日

**2012-2015 年度油尖旺區議會
食物及環境衛生委員會**

檢討滲水投訴調查聯合辦事處成效

背景：

由食物環境衛生署及屋宇署組成的滲水投訴調查聯合辦事處一直負責處理滲水個案，但不少市民表示滲水辦跟進個案進度緩慢，不少個案無疾而終，有市民更曾直指：「不明兩個部門所負責的工作，部門只是互相推卸責任，滲水源頭找不出就中止調查；滲水導致塌石屎，屋宇署一句不影響結構安全便算，最終問題解仍然決不了，何以不由屋宇署一條龍式處理個案？」

提問：

請食物環境衛生署及屋宇署代表回答：

1. 請問滲水辦去年所處理的滲水個案數字為？
2. 請問滲水辦的法定權力？於什麼情況下才會使用相關權力進行檢控？
3. 請問食環署及屋宇署於滲水聯合辦事處各自擔任的角色、職責及權力？
4. 請問滲水聯合辦事處如何提升市民對滲水辦的認識？
5. 請問滲水聯合辦事處如何改善跟進個案的進度？
6. 數年前，部門曾承諾就滲水辦的工作成效提供檢討報告；現在部門是否可交代該報告進度及去向？
7. 屋宇署曾表示因人手長期不足及流失率極高，以致 署方內部出現「人手荒」。就此，我們希望了解 貴署是否已就問題作出相應改善或補救措施？

文件提呈

本文件將於 2014 年 3 月 20 日提呈油尖旺區議會食物及環境衛生委員會上供全體委員討論，並邀請食物環境衛生署及屋宇署代表出席回應。

提呈人：黃舒明、黃建新、莊永燦、黃頌

日期：二零一四年三月四日

2012-2015 油尖旺區議會
食物及環境衛生委員會第13次會議

要求改善通菜街鴻輝大廈一樓燒烤場噪音問題

就上述討論文件，環保署回覆如下：

過去兩年，本署共收到五宗有關通菜街鴻輝大廈一樓燒烤場發出噪音的投訴，當中兩宗在今年 3 月 11 日收到的個案現仍正跟進中。在三宗已完成跟進的投訴中，其中兩宗的投訴人沒有提供處所作調查，我們只能到該食肆毗鄰的鴻禧大廈作評估。過去兩年，我們在晚上及深夜時分在鴻輝大廈附近共跟進巡查五次，其中並沒有發現過量的噪音。另外，我們在 2014 年 1 月 15 日曾到第三宗投訴的投訴人處所作調查，沒有發現噪音滋擾的情況；我們在今年 2 月 13 日聯絡投訴人作跟進，得悉情況已改善；然而本署在今年 3 月 11 日收到警方轉介該投訴人的個案，我們現正再與他聯絡及跟進事件。

就上述收到的投訴個案，我們已多次提醒該食肆負責人有關投訴事宜，並要求他們採取適當措施減低噪音（如勸喻顧客不要喧嘩及高聲談話，控制揚聲器的音量及提供“消減卡拉 OK、的士高及酒吧噪音的優良手法”單張予該食肆負責人作參考），以免對附近住戶構成滋擾。

本署會繼續跟進鴻輝大廈一樓燒烤場發出噪音事宜。一旦發現該食肆有噪音滋擾的情況，我們會按情況考慮根據《噪音管制條例》(第 400 章)向該食肆發出消減噪音通知書。

環境保護署

2014 年 3 月 14 日



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Room 106, 1/F, 258 Queen's Road East, Wan Chai, Hong Kong
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來函檔號: () in HAD YTMDC 13-30/1/1 Pt.

本處檔號: () in FEHD B&C 36-55/30/2 (Part 2)

傳真回覆

九龍聯運街三十號
旺角政府合署四樓
油尖旺區議會食物及環境衛生委員會
經辦人: 馮凱霞女士
(傳真號碼: 2722 7696)

馮女士:

**2012至2015年度油尖旺區議會
食物及環境衛生委員會第十三次會議**

謝謝你於2014年3月11日的傳真，邀請酒牌局委派代表出席貴區議會轄下食物及環境衛生委員會的會議，討論由林健文議員提呈題為「要求改善通菜街鴻輝大廈一樓燒烤場噪音問題」的文件。

酒牌局是一個根據香港法例第109B章《應課稅品(酒類)規例》而設立的獨立法定機構，負責處理簽發酒牌及會社酒牌的有關事宜。酒牌局須遵循法例賦予的權責，根據每宗個案的獨特情況考慮個別的酒牌申請。在審議酒牌申請時，酒牌局會緊守公開、透明和公平的原則，務求在商業活動利益和區內居民生活方式權益兩者之間取得平衡。就此，在考慮牌照申請時，酒牌局會透過各區民政事務處收集區內人士及居民的意見，亦會徵詢各有關的政府部門，例如警務處、屋宇署、環境保護署、消防處、食物環境衛生署及民政事務局等的建議及意見。遇有爭議性的申請，例如市民、當區區議員、及/或政府部門提出反對，酒牌局會召開公開聆訊審議申請個案，並會邀請申請人及反對者，包括地區人士、居民及/或區議員出席公開聆訊以便他們直接向酒牌局陳述意見。待細心聽取申請人及各反對者的陳述及理據後，酒牌局才會就酒牌申請個案作出議決。

在上述機制下，酒牌局設立的性質和運作，是類似司法機構，獨立審議每一宗的酒牌申請個案。故此，酒牌局不適宜就簽發酒牌的各項事宜於公開聆訊以外的場合參與居民或區議員的討論。

根據酒牌局的紀錄，位於旺角通菜街2Q-2Z號鴻輝大廈一樓5及6室的處所「HALOHA」於2010年首次獲簽發酒牌，現有酒牌的有效期將於2014年5月24日屆滿，酒牌局已接獲該處所提交的酒牌續期申請。除了規定申請人於報章刊登酒牌申請的公告外，酒牌局亦已將該宗申請的公告刊登於酒牌局網頁，公眾人士可以在公告刊登於報章或酒牌局網頁的日期起十四天內提出反對意見。此外，酒牌局已就該宗酒牌續期申請經油尖旺民政事務處諮詢當區區議員的意見。地區人士、居民及區議員可利用以上的公眾諮詢機制，以及出席酒牌局召開的公開聆訊，向酒牌局表達意見，以便酒牌局可以一併考慮各方意見後，才作出裁決。

多蒙關心有關簽發酒牌的事宜。

酒牌局秘書 余繼光



2014年3月14日

Annex 7

附件七

油尖旺區議會
食物及環境衛生委員會第10/2014號文件

有關提呈人要求消防處加強巡查該燒烤場事宜

一般而言，消防處的分區防火辦事處在收到食物環境衛生署(食環署)有關食肆牌照的申請時，會向有關經營者發出消防規定以予遵辦。唯本處並未曾收到有關地點的牌照申請，亦未曾要求負責人增設消防裝置及設備。此外，在平台進行燒烤並未違反消防條例，故本處不能對此採取任何執法行動。

由於未經授權改變樓宇用途及非法經營燒烤場乃屬地政總署及食環署的權責範圍，相信有關部門會跟進有關事宜。

油尖旺區議會
食物及環境衛生委員會第 11/2014 號文件

食肆阻街，部門執法未見成效

多謝油尖旺區區議會黃頌議員就上述標題事宜提呈文件，並要求食物環境衛生署（下稱「本署」）作出回應。本署回應如下：

1. 請問食環署收到舉報後，在什麼情況下會執法？

本署一直十分關注食肆違例擴展營業範圍的問題，除日常巡查外，在收到舉報後，會特別在投訴所指時間調派人員巡查及採取突擊檢控行動，打擊違規擴展營業範圍的食肆。

2. 承接上題，執法當中包括什麼程序？

本署會引用《食物業規例》（第 132X 章）第 34C 條的規定，檢控違例擴展營業範圍的食物業處所持牌人，若持牌人因違反就《食物業規例》第 34C 條或相關規例而被檢控及定罪，本署會根據持牌食物業處所「違例記分制」對違規食物業處所施加暫時吊銷牌照或取消牌照的處分。此外，本署亦會引用《簡易程序治罪條例》（第 228 章）第 4A 條，檢控在食物業處所外擺放物品造成阻街的食肆。

3. 請問食環署就此類型事件，過去一年在油尖旺區及櫻桃區分別進行過多少次執法行動？有何成效？

根據記錄，本署在過去一年在油尖旺區及櫻桃區食肆違例擴展營業範圍的黑點分別進行了 112 次和 11 次執法行動，向違規食肆負責人分別提出 672 宗和 26 宗檢控。為加強對違例食肆持牌人的阻嚇力，當持牌食肆的違例事項被定罪後，除法庭罰款外，本署亦會根據「違例記分制」暫時吊銷或/取消其牌照。在過去一年在油尖旺區及櫻桃區食肆在「違例記分制」下分別有 43 間及 3 間食肆被本署執行暫時吊銷或/取消其牌照的處分。

4. 要求部門加強巡查及執法，盡快解決此問題，共同建設一個潔淨舒適的居住環境。

對屢犯不改，持續漠視法例的食肆持牌人，本署除加強執法外，並會加快處理個案的程序和時間，並向法庭提供違規者過往的違例記錄和經營規模，以便法庭在考慮判刑時提高刑罰。同時，我們亦會不時檢討規管持牌食物業處所擴展營業範圍措施的成效，並推出針對性政策，持續打擊位於非法擴展營業範圍情況嚴重的黑點內經常違反相關規例的食物業處所。此外，本署在處理經常被檢控食肆的暫准牌照申請時，會施加額外發牌條件，規定申請人不得佔用處所範圍外的公眾地方，否則不會獲發牌照，以提升阻嚇力。對持續在處所範圍以外違例經營的無牌食肆，本署會採取更嚴厲的執法行動，包括增加巡查和檢控的頻密度及向法庭申請封閉令等，以遏止該等違規活動，確保環境衛生。

食物環境衛生署
2014 年 3 月