

**Minutes of the 11<sup>th</sup> Meeting of**  
**Yau Tsim Mong District Council (2012-2015)**

**Date** : 20 June 2013 (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 CHUNG Kong-mo, JP

Vice-chairman

Ms KO Po-ling, BBS, MH, JP

District Council Members

Mr CHAN Siu-tong, MH	Ms KWAN Sau-ling
Mr CHAN Wai-keung	Mr LAU Pak-kei
Mr CHOI Siu-fung, Benjamin	Mr LEUNG Wai-kuen, Edward, JP
Mr CHONG Wing-charn, Francis	The Honourable TO Kun-sun, James
Mr CHOW Chun-fai, BBS, JP	Mr WONG Chung, John
Mr HAU Wing-cheong, BBS, MH	Mr WONG Kin-san
Mr HUI Tak-leung	Mr WONG Man-sing, Barry, MH
Mr HUNG Chiu-wah, Derek	Ms WONG Shu-ming
Mr IP Ngo-tung, Chris	Mr YEUNG Tsz-hei, Benny

Representatives of the Government

Ms HO Siu-ping, Betty, JP	District Officer (Yau Tsim Mong)	Home Affairs Department
Mr CHIU Chung-yan, Charlson	Assistant District Officer (Yau Tsim Mong)	Home Affairs Department
Mr TANG Fuk-kin	Chief Health Inspector 1	Food and Environmental Hygiene Department
Mr WONG Kam-wah	District Environmental Hygiene Superintendent (Yau Tsim)	Food and Environmental Hygiene Department
Mr Duncan Stuart MCCOSH	District Commander (Mong Kok)	Hong Kong Police Force
Mr YU Tat-chung	District Commander (Yau Tsim)	Hong Kong Police Force
Mr CHOY Chik-sang, Mario	Chief Transport Officer/Kowloon	Transport Department
Mr SO Ting-lut, Vincent	District Leisure Manager (Yau Tsim Mong)	Leisure and Cultural Services Department
Mr WONG Chi-sing, Janson	Chief Engineer/Kowloon 2 (Kowloon)	Civil Engineering and Development Department

Ms WONG Shui-wah	Senior Housing Manager (Kowloon West)	Housing Department
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**In Attendance:**

Mrs TAN KAM Mi-wah, Pamela, JP	Director of Home Affairs	Home Affairs Department
Mr HON Chi-keung, JP	Director of Civil Engineering and Development	Civil Engineering and Development Department
Ms HO Ka-yee, Carol	Senior Engineer/Media Communications	Civil Engineering and Development Department
Mr TANG Kwan-lam, Lawrence	General Manager, Building Rehabilitation	Urban Renewal Authority
Mr So Ngai-long	Senior Manager (Community Development)	Urban Renewal Authority
Mr CHAN Chi-hung	Manager (Building Rehabilitation)	Urban Renewal Authority
Mrs LING SO Ka-lan, Jacqueline	Chief School Development Officer (YTM)	Education Bureau
Mr LEUNG Shun-kai, Winston	Chief Officer (Licensing Authority)	Home Affairs Department
Mr WONG Ka-fai, Simon	Divisional Officer (Licensing Authority) (Atg)	Home Affairs Department
Mr CHOI Sheung-ming	Senior Structural Engineer/F4	Buildings Department
Mr CHUI Man-leung	Divisional Commander (Kowloon South)	Fire Services Department

**Secretary**

Ms WONG Ka-wing, Glorious	Executive Officer I (District Council), Yau Tsim Mong District Office	Home Affairs Department
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**Opening Remarks**

The Chairman welcomed representatives from government departments and attendees to the meeting of the Yau Tsim Mong District Council (“YTMDC”). He reported that Ms CHUNG Siu-lan, Joanne, Senior Executive Officer (District Council) of the Yau Tsim Mong District Office (“YTMDO”) was unable to attend the meeting. Ms Glorious WONG, Executive Officer I (District Council) would stand in for her as the Secretary of the current meeting. Moreover, Mr. LUI Kwong-fai, Chief Manager/Management (Kowloon West and Hong Kong) of the Housing Department and Mr. LI Ka-kei, District Environmental Hygiene Superintendent (Mong Kok) of the Food and Environmental Hygiene Department (“FEHD”) were absent due to other commitments. Ms WONG Shui-wah, Senior Housing Manager (Kowloon West) and Mr TANG Fuk-kin, Chief Health Inspector 1 were attending the meeting on their behalf respectively. The Chairman asked attendees to keep questions short and concise as there were many items on the agenda. He proposed that Councillors with documents to present be given two minutes to make additional remarks on the contents, and that

each Councillor be allowed to speak twice on each item: two minutes for the first time and one minute for the second time. There was no objection.

(Mr CHOW Chun-fai and Mr Edward LEUNG joined the meeting at 2:40 p.m.)

(Mr Francis CHONG joined the meeting at 2:45 p.m.)

**Item 1:            Visit of Director of Home Affairs to Yau Tsim Mong District Council**

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2.        The Chairman welcomed Mrs Pamela TAN, the Director of Home Affairs (“DHA”), to the meeting.

3.        Mrs Pamela TAN gave a PowerPoint presentation to introduce the work of the Home Affairs Department (“HAD”) on implementing district administration, Signature Project Scheme, community involvement projects, “Hong Kong: Our Home” public participation campaign, district minor works (“DMWs”), district facilities management and building management.

4.        Mr CHAN Siu-tong indicated that the YTMDC would implement signature projects in the Yau Tsim Mong (“YTM”) District focusing on the promotion of cultural diversity and social cohesion. The YTMDO and the YTMDC had organised a consultation forum on 18 June 2013 targeted at ethnic minorities in the district to collect their views and aspirations on the projects. He continued that the HAD would pay the consultancy and Resident Site Staff fees centrally for the DMWs in each district starting from the current year. He considered that this new initiative would enable the YTMDC to implement the minor works more smoothly. Moreover, he commended the YTMDO and the YTMDC for making use of community donations to launch the YTM Community Partnership Scheme on Building Security. Under the scheme, metal gates would be installed and lighting and anti-burglary systems would be improved for buildings in the district with low security measures so as to enhance security and reduce crime.

5.        Mr Barry WONG said that the current-term Government was concerned about the housing needs of the public and was rezoning various “Government, Institution or Community” (“G/IC”) sites for residential use. However, the G/IC sites in the YTM District should maintain their original use as there were not many of them. He hoped that the HAD could pay more attention to the inadequacy of community hall facilities in the district. He continued that, in support of the “Hong Kong: Our Home” public participation campaign, the Working Group on Care for the Community under the YTMDC endorsed “Our Home Hong Kong, Our Caring Community Yau Tsim Mong”

as the theme of the year. As the Chairman of the working group, he cordially invited the DHA to attend their activities to be organised. Moreover, he urged the HAD to seriously address the manpower shortage of the YTMDO as well as the occupational safety and health issues of the YTMDC Secretariat.

6. Ms KWAN Sau-ling indicated that the lack of community sites in Tsim Sha Tsui (“TST”) should not be overlooked. She also urged the HAD to work out a complete solution to solve the problems of unlicensed guesthouses and shadow guesthouses in the district.

7. The Chairman opined that in view of the considerable number of unlicensed guesthouses and shadow guesthouses in the district, the Government should consider imposing heavier penalties and enhancing the starting point for sentencing in order to curb the epidemic.

8. Mr CHAN Wai-keung would like to know the reason for the Government to implement “Hong Kong: Our Home” public participation campaign.

9. Ms WONG Shu-ming concurred with the Government’s move to empower District Councils to undertake and manage DMW projects. She said that the YTMDC intended to invite professional arts groups to advise on individual DMW projects. She would like to know the DHA’s view on this. She also asked the DHA for her views on the model of “small district management”, under which property management companies would be commissioned by the Urban Renewal Authority (“URA”) and Hong Kong Housing Society for adjoining “three-nil” buildings (i.e. buildings which did not have an owners’ corporation (“OC”) nor any form of residents organisations nor engage a property management company). Moreover, she said that, in support of “Hong Kong: Our Home” public participation campaign, the Working Group on Women Affairs under the YTMDC was planning to produce a publication on the oral history of the YTM District, and might launch a mobile app with the same content.

10. Mr HUI Tak-leung pointed out that there was indeed a lack of community hall facilities in the YTM District, which made it difficult for OCs to secure venues for holding their meetings. The shortage was especially acute in TST. Besides, he supported the concept of “small district management” and hoped that the HAD would formulate policies in this perspective to provide assistance to households in “three-nil” buildings in the district. He also requested the HAD to assist OCs in taking out third party risk insurance.

11. Mr Edward LEUNG reflected that local residents had a keen demand for community hall facilities. He hoped the HAD would understand that although there were two community halls in the district, viz. the Mong Kok Community Hall and Henry G. Leong Yaumatei Community Centre, they had a relatively high utilisation rate and were always fully booked. He also said that the high construction costs of DMWs often provoked criticism against District Councils (“DCs”) for wasting public money. In addition, he hoped that the HAD would enhance the provision of legal assistance in the area of building management.

12. Mr Derek HUNG reported that the Tung Wah Group of Hospitals Jockey Club Tai Kok Tsui Integrated Services Centre, which had joined the Enhancing Self-Reliance through District Partnership Programme under the HAD in November 2010, proposed to implement the phase 2 development plan of “Blue Sky Gallery” at the Tsim Sha Tsui Star Ferry Pier. On 13 July 2011, he and the Chairman attended a joint meeting which introduced details of this social enterprise (SE) scheme. Attendees also included representatives from the Social Welfare Department (“SWD”), Transport Department (“TD”), Lands Department (“LandsD”), FEHD and “Star” Ferry Company Limited (“Star Ferry”). Representatives of the government departments present at the meeting generally supported the phase 2 development plan of the social enterprise scheme, except that the Star Ferry had raised some comments. Subsequently, the Government approved a funding of \$1.15 million for the scheme. On 20 June 2012, the DHA entered into a contract with the in-charge of the Tung Wah Group of Hospitals for implementing the scheme. Though the HAD and the government departments concerned had conducted a site visit to the Star Ferry Pier in mid-January 2013, the scheme had yet to commence as at mid-June 2013. He did not understand why the scheme had made no progress. Besides, he requested the HAD to enhance support to the district.

(Post-meeting note: The SWD approved the implementation of the scheme by the Tung Wah Group of Hospitals on 4 July 2013.)

13. Mr Benny YEUNG opined that the Government should review the penalties under the existing legislation with an aim to enhance the deterrent effect against unlicensed guesthouses. He continued that there was an acute manpower shortage in the YTMDO’s District Building Management Liaison Team. Moreover, there was a severe lack of community halls and community centres, which made it difficult for OCs and ethnic minorities to secure venues for meetings and activities. He hoped that the

HAD could extend the opening hours of the Mong Kok Community Hall and Henry G. Leong Yaumatei Community Centre.

14. Mr WONG Kin-san said that the YTMDC reserved only around \$150,000 every year for the YTM District Building Management Promotion Campaign Organising Committee to organise promotion activities on building management. He opined that the allocation was insufficient in view of the large number of private buildings in the YTM District. He suggested the HAD to create a dedicated block vote to subsidise the YTMDC in organising promotion activities on building management in the district.

15. Mr CHOW Chun-fai said that the Mong Kok Pedestrian Precinct had been in a state that run counter to the original purpose of pedestrianisation by the TD. Currently, the lack of supervision over the Pedestrian Precinct presented a severe nuisance to the residents living in buildings on both sides of Sai Yeung Choi Street South. However, they had no way to lodge their complaints. He hoped that the HAD could convey the relevant views to the government departments concerned.

16. Mr HAU Wing-cheong said that there were not many venues available for OCs in the YTM District to hold their meetings. He looked to the Government to provide more community halls in the district. He also hoped that the HAD could recruit additional Liaison Officers to alleviate the manpower shortage of the YTMDO. Moreover, he pointed out that problems had been created by the existence of numerous unlicensed guesthouses in TST. He urged the Authority to take the matter seriously. He added that the Mong Kok District Cultural, Recreational and Sports Association would organise thematic activities in the second half of 2013 in support of the “Hong Kong: Our Home” public participation campaign.

17. The Chairman invited the DHA to respond to the issues in four areas: community halls, building management, unlicensed guesthouses and pedestrian precincts.

18. Mrs Pamela TAN responded as follows:

- (i) The Home Affairs Bureau (“HAB”) and the HAD would strive to bid for additional manpower.
- (ii) The Office of the Licensing Authority (“OLA”) under the HAD

conducted a large-scale joint operation with the Police on 11 June 2013 to inspect 81 licensed guesthouses at Chungking Mansions in TST, of which 51 were found with minor irregularities such as obstruction to the means of escape by floating objects, defective emergency lightings and failure to display licensed guesthouse logos. Twenty three of these guesthouses had rectified the irregularities promptly and the remaining cases would continue to be followed up by the HAD. On the same day, the HAD and the Police carried out a covert operation to inspect 16 suspected unlicensed guesthouses at Chungking Mansions, and was able to gather sufficient evidence from one of the premises. The HAD would consider instituting prosecution in this respect.

- (iii) On 14 June 2013, the HAD conducted a joint inspection with the Buildings Department (“BD”), Fire Services Department (“FSD”) and Electrical and Mechanical Services Department (“EMSD”) to inspect licensed guesthouses at King Hing Building in Mong Kok. Some irregularities such as defective fire stop doors and exit signs were found, and the HAD had immediately followed up the situation. On the same day, the HAD and the Police carried out a covert operation to inspect suspected unlicensed guesthouses in the building, and was able to gather sufficient evidence from one of the premises. The HAD was considering instituting prosecution in this respect.
- (iv) In addition to large-scale inter-departmental operations performed on a regular basis, the HAD had also stepped up enforcement, publicity and intelligence gathering to combat unlicensed guesthouses.
- (v) On law enforcement, the OLA would conduct surprise inspections during and outside office hours, and carry out large-scale joint surprise operations with other relevant government departments against target establishments. In 2012, the OLA had carried out nearly 7 000 inspections to suspected unlicensed guesthouses.
- (vi) On publicity, the OLA had implemented the Licensed Guesthouse Logo Scheme since 2009. All licensed guesthouses were required to display the licensed guesthouse logo at the main entrance and on the door of each guestroom to facilitate tourists’ identification. Moreover, the Government had increased the frequency of Announcements in Public

Interest (“APIs”) on television and radio, whilst posters/banners were displayed and publicity leaflets distributed at immigration checkpoints and districts with more suspected unlicensed guesthouses, urging tourists to patronise licensed guesthouses. The OLA, in collaboration with the Tourism Commission and the Hong Kong Tourism Board, encouraged tourists to patronise licensed guesthouses.

- (vii) Regarding intelligence gathering, the OLA staff had taken an active role in conducting inspections at district level in a bid to collect publicity materials of suspected unlicensed guesthouses. Recently, the OLA had set up a dedicated team to browse web pages, discussion forums and blogs to collect information about suspected unlicensed guesthouses. The OLA had also established a communication mechanism with the Travel Industry Council of Hong Kong and the Consumer Council. Upon receipt of complaints of suspected unlicensed guesthouses, the Consumer Council would refer the cases to the OLA immediately for follow-up actions. The OLA had also set up a hotline for the public to report any suspected cases. Alternatively, the public could lodge complaints by email or by filling out the report form downloadable from the OLA website.
- (viii) To strengthen deterrent effect, the OLA would pass information on convicted records of successful prosecution cases to the Rating and Valuation Department, the Inland Revenue Department, mortgage banks or monetary institutions, OCs and management offices of the buildings, so that they could take follow-up actions under their purview. Should any property or insurance agent be convicted, the OLA would also pass the conviction records to the Estate Agents Authority or the Office of the Commissioner of Insurance for follow-up actions.
- (ix) In 2012, the number of inspections, prosecutions and convictions had doubled compared with 2011.
- (x) The HAD might file an appeal should it consider the penalty imposed by the Court on a particular unlicensed guesthouse case was too light.
- (xi) The HAD and the YTMDO attached great importance to building management. To strengthen the support for property owners of old



buildings, the HAD commissioned property management companies under a pilot scheme called Building Management Professional Service Scheme to provide free professional advice and follow-up services on building management to 300 target buildings in the YTM District. The services included assisting the buildings in forming OCs or other forms of owners/residents' organisations, preparing management audit reports for the common areas of the buildings, assisting OCs in taking out third party risks insurance and providing training to office-bearers of OCs and other owners on building management. For old buildings without any form of management and not meeting the eligibility criteria of the scheme, the HAD would arrange for Resident Liaison Ambassadors to assist government departments in contacting the residents concerned and engaging them in discussion and handling of day-to-day building management matters. Since the implementation of the pilot scheme, seven OCs had been newly established in the YTM District.

- (xii) The HAD and the YTMDO were actively identifying sites for the provision of community halls in the YTM District.
- (xiii) The HAD would consider subsidising the YTMDC by a dedicated block vote to promote building management in the district.
- (xiv) The Mong Kok Pedestrian Precinct straddled the purview of various government departments and involved different ordinances. The Steering Committee on District Administration, made up of heads of government departments, would continue to follow up the problems arising from pedestrian precincts.
- (xv) The phase 2 development plan of "Blue Sky Gallery" was expected to kick off shortly.
- (xvi) "Hong Kong: Our Home" was a public participation campaign which aimed to inject positive energy into society, foster social cohesion and promote care, mutual help and solidarity in the community.

19. The Chairman urged the HAD and other relevant government departments to reach an early consensus on ways to solve the problems relating to the Mong Kok Pedestrian Precinct. He also suggested the HAD to have regular meetings with

buildings where unlicensed guesthouses were concentrated to get hold of the latest intelligence.

20. There being no further comments, the Chairman thanked the DHA for attending the meeting and closed the discussion on this item.

**Item 2: Visit of Director of Civil Engineering and Development to YTMDC  
(YTMDC Paper No. 43/2013)**

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21. The Chairman welcomed Mr HON Chi-keung, Director of Civil Engineering and Development (“DCED”), Mr Janson WONG, Chief Engineer/Kowloon 2 (Kowloon), and Ms Carol HO, Senior Engineer/Media Communications of the Civil Engineering and Development Department (“CEDD”) to the meeting.

22. Mr HON Chi-keung gave a PowerPoint presentation on the CEDD’s organisational structure and the scope of its main services, as well as the tasks currently undertaken by the CEDD in the YTM District.

23. Mr Derek HUNG recalled that the Highways Department (“HyD”) made a written reply to the Traffic and Transport Committee in March 2013, stating that there had been no pressing need for widening the elevated Nga Cheung Road (1(B) of Public Works Programme Item No. 6855TH). However, he considered that the vehicular traffic flow near West Kowloon would increase during the dispersal time after the opening of the performance venues in the West Kowloon Cultural District (“WKCD”). The traffic would become congested if vehicles were diverged to the elevated Nga Cheung Road. He hoped that the CEDD would consider the opinions raised by him and the residents in the district during the implementation of the Infrastructure Works for West Kowloon Cultural District phase I (Public Works Programme Item no. 753CL).

24. Mr LAU Pak-kei asked whether the CEDD would launch an open tender exercise for the funeral parlour at the Sandy Ridge Cemetery, if implemented, and how long the term of operation would be. He also indicated that the Kowloon Funeral Parlour was too close to residential areas. If the funeral parlour was to be provided at the Sandy Ridge Cemetery, the Government should take the opportunity to relocate the Kowloon Funeral Parlour.

25. Mr CHAN Wai-keung asked the DCED if he would personally read complaint

letters from the public. He proposed that the CEDD should urge the contractor to prune trees regularly in order to prevent blocking the sightlines of pedestrians and drivers.

26. Mr Edward LEUNG indicated that the CEDD had promised to replant the trees removed during the slope stabilisation works at the King's Park several years ago, but it was not done as promised.

(The Hon James TO joined the meeting at 4:15 p.m.)

27. Ms KWAN Sau-ling indicated that there were always works projects carrying out in TST, which had damaged the green areas. She criticised the CEDD for having failed to take timely remedial measures and urged the CEDD to restore the green areas in TST as soon as possible.

28. The Vice-chairman asked whether the design of nearby infrastructure projects and progress of site investigation would be adjusted due to the delay of the WKCD. Moreover, she enquired how the CEDD would reduce the nuisance caused by the WKCD infrastructure works to nearby residents, and whether the CEDD would establish a notification mechanism for Councillors to follow up the impact on residents caused by the works. She also asked if the CEDD would monitor the construction arrangement of the Mass Transit Railway Corporation Limited in the course of construction of the Express Rail Link ("XRL").

29. Mr HON Chi-keung responded as follows:

- (i) In response to Mr Derek HUNG's opinion on the widening of the elevated Nga Cheung Road, he would approach the HyD for details. He continued that the West Kowloon Cultural District Authority had confirmed the location of the connection points of flyovers in West Kowloon after a detailed traffic impact assessment. In accordance with the result of the assessment, the connection points could accommodate the increased vehicular traffic flow during the dispersal time of major events in West Kowloon.
- (ii) The CEDD was responsible for the land formation and related infrastructural works of the development of the Sandy Ridge Cemetery. It was estimated that the land formation would complete in 2019. Then

the Architectural Services Department (“ArchSD”) would be responsible for the construction of cemetery facilities. It was currently premature to discuss the operation issues of the funeral parlour at the Sandy Ridge Cemetery.

- (iii) The CEDD was responsible for planting in green areas and the subsequent plant maintenance work for two years. After the maintenance period, the Leisure and Cultural Services Department (“LCSD”) would be responsible for the work.
- (iv) The CEDD would request the contractor to prune the plants in green areas regularly in order to prevent them from blocking the sightlines of pedestrians and drivers. The CEDD would convey Mr CHAN Wai-keung’s opinion to the LCSD.
- (v) The CEDD would approach Mr Edward LEUNG for further information on his suggestion of replanting trees on the slope at the King’s Park after the meeting.
- (vi) It was the CEDD’s usual practice to replant the trees removed for the purpose of carrying out works only upon completion of the works. The CEDD would confirm the exact location of the affected green areas with Ms KWAN Sau-ling for follow-up action.
- (vii) The CEDD would proceed with the design of infrastructural projects and site investigation depending on the progress of the WKCD project.
- (viii) Government departments would normally report the progress of major project items to DCs regularly and collect Councillors’ opinions in this regard. Moreover, the complaint hotline number would be displayed at XRL works sites. The public could call direct to lodge their complaints about any of the projects.
- (ix) The HyD was responsible for monitoring the XRL project.
- (x) He would read every complaint letter addressed to him from the public.

30. There being no further comments, the Chairman thanked the DCED as well as

his colleagues for attending the meeting and closed the discussion on this item.

**Item 3: Confirmation of Minutes of 10<sup>th</sup> YTMDC Meeting**

31. The minutes of the last meeting were confirmed without amendment.

**Item 4: Matter Arising: — To Request Urban Renewal Authority to Carefully Select District Partners in Launching Services (YTMDC Paper No. 35/2013)**

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32. The Chairman welcomed Mr Lawrence TANG, General Manager, Building Rehabilitation, Mr SO Ngai-long, Senior Manager (District Development), and Mr CHAN Chi-hung, Manager (Building Rehabilitation), of the URA to the meeting.

33. Mr HUI Tak-leung supplemented the contents of the paper. He asked the URA for the reasons of collaborating with a local institution that carried political nature in launching its services.

34. The Hon James TO declared interest as a non-executive director of the URA.

35. Mr Lawrence TANG responded as follows:

- (i) The URA had been collaborating with local institutions in promoting building rehabilitation.
- (ii) In the YTM District, there were many old buildings without OCs. The URA had been promoting building rehabilitation in the district in collaboration with local institutions since 2005.
- (iii) In Kowloon West, the URA had commissioned various non-governmental organisations (“NGOs”)/voluntary bodies to promote building rehabilitation. The concerned organisations included the Democratic Alliance for the Betterment and Progress of Hong Kong (Yau Tsim Mong and Sham Shui Po branches), People Service Centre Limited (previously named ADPL Social Service Centre), The Mong Kok Kai Fong Association Ltd. Chan Hing Social Service Centre (“Chan Hing Centre”), TO Kun-sun Legislative Council Member Office and Sham Shui Po Neighbourhood Cares Association.

- (iv) The URA selected district partners through public tender to assist owners/OCs in need to prepare for building rehabilitation works. Tenderers had to be organisations registered under the Societies Ordinance (Cap. 151) or Trade Unions Ordinance (Cap. 332), or charitable institutions and/or trusts of a public character under Section 88 of the Inland Revenue Ordinance, of which their constitutions or trust deeds should specifically provide that members could not take any share of the profits or assets of the organisation. The URA would assess bidders based on their local network, past experience in organising similar activities, publicity proposal and expected outcomes, organisational structure, as well as the relevant working experience of their key staff.
- (v) During the latest tender process for district partners, 16 organisations had obtained tender documents, in which only the People Service Centre Limited submitted their collaboration recommendations for Yau Ma Tei (“YMT”) which fulfilled the tender conditions. Therefore, the URA selected that organisation as the district partner in YMT.
- (vi) The successful organisation must estimate the number of OCs they could assist to establish, the number of building rehabilitation works they could assist owners/OCs to prepare for, and the number of relevant promotional activities they could launch each year. The URA would determine the amounts of subsidy according to their service performance.

36. Mr HUI Tak-leung asked why the URA selected the Hong Kong Association for Democracy and People’s Livelihood (“ADPL”) as the district partner of Sham Shui Po and YMT in 2013. He also enquired why the ADPL promoted the building rehabilitation programme at Kwong Wa Street which was outside YMT.

37. Mr Lawrence TANG advised that in Kowloon West, the URA had commissioned the Sham Shui Po Neighbourhood Cares Association, Chan Hing Centre and People Service Centre Limited as the district partners of Sham Shui Po, Mong Kok and YMT respectively.

38. Mr HUI Tak-leung reiterated that in the paper he submitted, Kowloon West included Kowloon City, YTM and Sham Shui Po. He pointed out that there were

many NGOs in Hong Kong and he did not believe that only the ADPL fulfilled the tender conditions. He urged the URA to select district partners in a fair, open and just manner.

39. Mr Lawrence TANG indicated that the URA had always adopted a fair, open and just approach in selecting partners. In fact, NGOs such as the Chan Hing Centre, Caritas, Friends of Tai Kok Tsui, Hung Hom Resident Service Organization and the Salvation Army had obtained tender documents for the URA's invitation of a district partner in YMT but they did not submit tenders in the end.

40. Mr HUI Tak-leung cited the allocation of the YTMDC funds as an example to point out that funding should not be used to subsidise projects organised/jointly organised/co-organised by political parties or organisations. He hoped that the URA could be more cautious when selecting partners to avoid possible perception of secret dealings.

41. Mr Benny YEUNG indicated that some owners of a building in YMT complained that the ADPL conducted home visits without consent from the building's OC. He requested the URA to deal with the complaint seriously and asked whether the URA had any punishments against the offender. Also, he requested the URA to quantify the achievements of the ADPL in promoting building rehabilitation in YMT, including the number of OCs the ADPL had assisted to establish and the number of buildings in YMT that had participated in the building rehabilitation programme. He also said that the building rehabilitation programme at Kwong Wa Street would only commence next year and did not understand why the ADPL had already posted the relevant promotional posters at Kwong Wa Street.

42. Mr Edward LEUNG indicated that political parties or organisations could gain political benefits from the URA's partnership scheme. The URA should therefore review whether it would continue to select political parties or organisations as partners.

43. Ms WONG Shu-ming said that in the case mentioned by Mr Benny YEUNG, the organisation involved was suspected of violating the regulations. She enquired about the organisation's code of practice and degree of involvement in the building rehabilitation programme.

44. Mr CHOW Chun-fai indicated that the URA's recruitment of district partners could serve as an example for public organisations subsidised by public money. To

avoid complaints, he suggested the URA make reference to the tendering procedures adopted by the YTMDO in recruiting partners for the YTM Community Partnership Scheme on Building Security.

45. Mr Lawrence TANG responded as follows:

- (i) The URA would increase its political sensitivity.
- (ii) The code of practice for the successful organisation was prescribed in the contract. The organisation must work with the URA to promote the building rehabilitation programme and to assist the owners/OCs in need to prepare for building rehabilitation works and apply for the relevant subsidy. In addition, when the organisation conducted any briefings, its publicity leaflets should first be submitted to the URA for approval and the related expenses would be reimbursed after the briefing.
- (iii) Regarding the cases mentioned by Mr Benny YEUNG, the URA would review the workflow with the organisation. Since the organisation was currently occupied with the publicity and liaison work related to the building maintenance programme, the URA was unable to provide data on the effectiveness of the organisation's efforts.
- (iv) The URA had requested the organisation not to promote building rehabilitation in buildings which were being handled by Councillors.
- (v) The organisation concerned had conducted home visits in four buildings in YMT.
- (vi) The URA would study the YTMDO's tendering procedures of the YTM Community Partnership Scheme on Building Security to consider whether it was applicable to the recruitment of district partners.

46. Mr Edward LEUNG said the URA's practice of requesting the organisation concerned not to intervene in the work of Councillors in individual buildings might not work. Furthermore, he pointed out that it would be more effective for professional social workers from NGOs than political parties or organisations to promote building maintenance in the district.



47. Mr LAU Pak-kei did not share Mr Edward LEUNG's views.
48. Mr Benny YEUNG requested the URA to provide information on the mechanism to determine the amount of funding to the successful organisation based on its anticipated effectiveness. He also asked the URA whether it would renew the contract if the organisation's performance did not meet the standard.
49. Mr Chris IP pointed out that the political parties or organisations working with the URA did not necessarily have political purposes. Their efforts in promoting building maintenance were also not necessarily less effective than those of professional social workers from NGOs. However, he thought that it was worth further discussing whether it was appropriate to recruit organisations with political background.
50. Ms WONG Shu-ming said that the URA's response was very ambiguous as to the code of practice of the successful organisation. She was dissatisfied that the URA failed to provide information on the performance of the organisation on the excuse that its main work was to liaise with buildings in the first three months of the contract period. She doubted if the URA was able to monitor the performance of district partners.
51. Mr Lawrence TANG responded as follows:
- (i) The URA would prudently consider whether it should tighten the requirements regarding tenderers.
  - (ii) Generally speaking, the successful organisation would focus on conducting preparatory work in the first three months of the contract period. In the case of the ADPL's publicity work in YMT, it had conducted two briefings, visited four buildings without OCs and followed up with over ten buildings on the preparation of building rehabilitation works in the first three months of the contract period. Since it took six months to a year to form an OC or prepare for building rehabilitation, the ADPL was unable to provide the data on its performance. The URA would compare the ADPL's actual performance against the expected performance at the end of the year to determine the funding amount. The annual performance of the organisation would be one of the factors for the URA to decide whether it would renew the contract in the coming year.

(iii) The URA's believed that the successful organisation did have the enthusiasm to help residents improve their living environment as the amount of funding was not huge.

(iv) The URA had invited the Salvation Army to submit tender, but it eventually did not do so.

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

**Item 5: Financial Position of YTMDC Funds as at 7 June 2013  
(YTMDC Paper No. 44/2013)**

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**Item 6: 2013-14 Yau Tsim Mong Excellence Award Scheme for Health Care Staff and Award Presentation Ceremony  
(YTMDC Paper No. 45/2013)**

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**Item 7: Funding Application from 2013-2014 Building Management Promotion Campaign Organising Committee  
(YTMDC Paper No. 46/2013)**

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**Item 8: Funding Application from 2013-2014 Yau Tsim Mong Organising Committee on Cultural Arts Events for Organising "Chinese Music YTM"  
(YTMDC Paper No. 47/2013)**

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53. The Chairman proposed that papers in respect of items 5 to 8 about DC funds be discussed together and attendees had no objection to the proposal. He reminded Councillors to fill in the Declaration of Interests form on the table if necessary.

54. Councillors noted the financial position of DC funds as at 7 June 2013 and endorsed the funding applications for items 6 to 8 (YTMDC Paper Nos. 45/2013 to 47/2013).

**Item 9: Construction of West Kowloon Government Offices  
(YTMDC Paper No. 48/2013)**

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55. The Chairman said that the Secretariat was just informed by the Government Property Agency that it would not send representatives to attend the meeting to give a briefing on Paper No. 48/2013 as it had to consider the latest information. It would report to the YTMDC in due course.

**Item 10 WKGO Will Soon Be Constructed at Hoi Ting Road, but the Facilities for the Leisure and Sports Site Nearby, and the Commencement Date of Its Development, Are Yet to be Confirmed**  
**(YTMDC Paper No. 49/2013)**

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56. The Chairman said that the written response of the LandsD (Annex 1) had been placed on the table for Councillors' information. He then welcomed the following representatives to the meeting:

- (a) Mr Vincent SO, District Leisure Manager (Yau Tsim Mong) of the LCSD; and
- (b) Ms Betty HO, District Officer ("DO") (Yau Tsim Mong).

57. Mr CHAN Wai-keung briefly introduced the paper. He conveyed the requests of residents near the site of the West Kowloon Government Offices ("WKGO") to reduce the height of the building to a minimum and provide community facilities such as public libraries and post offices in the WKGO. He quoted the Government Property Administrator who said that a library would be provided in the sports complex to be built adjacent to the WKGO. He asked the LCSD whether the information was accurate.

58. The Chairman said that the housing estates in the vicinity of Hoi Wang Road had been completed for 15 years, but the community facilities nearby were yet to be confirmed. He hoped that the departmental representatives could provide specific information concerning the planning of community facilities for the site near the WKGO.

59. Mr Vincent SO responded that the LCSD had planned to provide a small library and an indoor swimming pool in the multi-purpose sports and recreation centre to be built adjacent to the WKGO due to the ever-increasing population in the vicinity of Hoi Wang Road. However, the ArchSD pointed out that the site might not be able

to fully accommodate the proposed small library and indoor swimming pool since its area was only 0.56 hectares. After considering the views of the YTMDC and consulting the HAB, the LCSD would consult the YTMDC again concerning the specific facilities.

60. Ms Betty HO responded that the DHA noted the Councillors' request for a community hall in the district. The HAD would consider the request having regard to the area of Hoi Ting Road site and the utilisation rate of community halls in the district. The YTMDO was glad to discuss and follow up on the suggestion with the LCSD if the proposed plan of providing a community hall at the Hoi Ting Road site was feasible.

61. The Vice-chairman would like to know the schedule of the construction of leisure and cultural facilities at the Hoi Ting Road site.

62. Mr CHAN Wai-keung was pleased with the LCSD's plan to provide a small library and indoor swimming pool at Hoi Ting Road and hoped that the plan could be implemented as soon as possible.

63. Mr Benny YEUNG said that there were quite a lot of housing estates and schools near Hoi Ting Road. The government departments concerned had to effectively deal with the potential noise and air pollution problems arising from the construction works at the Hoi Ting Road site.

64. Mr CHAN Siu-tong said that the YTMDC had been fighting for the provision of community halls, indoor swimming pools, public libraries and self-study rooms in the district for many years. He welcomed the Government's plan to provide leisure and cultural facilities at the Hoi Ting Road site and hoped that the LCSD could take the opportunity of the construction of the multi-purpose indoor sports complex to provide the aforementioned facilities in it to satisfy the needs of local residents.

65. The Chairman welcomed the positive responses of the LCSD and the YTMDO. He would like to know when the LCSD could complete the design of the multi-purpose centre and seek funding approval from the Legislative Council (LegCo). He also said that the Hoi Ting Road site was currently used as the XRL site until 2016. He hoped that the Government could promise not to use the area as the site or offices of other projects but directly for the construction of leisure and cultural facilities after 2016.

66. Mr Vincent SO responded that the Hoi Ting Road site was temporarily used as

the XRL site until late 2016 and there was sufficient time for the LCSD to carry out the detailed design work for the leisure and cultural facilities of the proposed multi-purpose centre and apply for funding from the LegCo. If the application for resources of the works went smoothly each year, the LCSD would commence the works for the leisure and cultural facilities at Hoi Ting Road upon completion of the XRL project. He would reflect Councillors' concern to the ArchSD regarding the potential noise and air pollution problems arising from the construction works.

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

**Item 11            To Request Government to Take Effective Measures to Prevent  
Occupy Central Organisers from Disturbing Social Order  
(YTMDC Paper No. 50/2013)**

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68. The Chairman said that the written response of the Security Bureau (Annex 2) had been distributed to Councillors for perusal before the meeting. He then welcomed the following representatives to the meeting:

- (a) Mrs Jacqueline LING, Chief School Development Officer (YTM) of the Education Bureau ("EDB"); and
- (b) Mr Duncan Stuart MCCOSH, District Commander (Mong Kok) and Mr YU Tat-chung, District Commander (Yau Tsim) of the Hong Kong Police Force ("HKPF").

69. Mr Francis CHONG supplemented the contents of the paper. He pointed out that the organisers of the "Occupy Central" movement ("the movement") had started planning since January of 2013 a long-term and collective occupation of the major roads of Central. The movement was expected to start from 1 July 2014 onwards in which participants would paralyse the traffic and financial activities in Central and resort even to collective arrest in order to force the Central Government to accept their request of holding the Chief Executive ("CE") election in 2017. He declared that he opposed the movement which was tantamount to the serious crime of inciting members of the public to break the law. He continued that the movement damaged the rule of law in Hong Kong and deliberately created confrontational situations. He hoped that the government departments concerned could take decisive actions to maintain law and discipline.

70. Mr Duncan Stuart MCCOSH replied that the HKPF had always respected the freedoms of assembly and expression of the public but it also had the duty to ensure that every public activity was conducted in a safe and orderly manner. He indicated that the public should abide by the law. The HKPF would act in accordance with the law to maintain public safety should there be any acts that paralysed the traffic. He urged the supporters of the movement to think over the consequences, which involved blocking the road and bringing about disruptions, causing inconvenience to other members of the community and all walks of life, endangering the safety of individuals and property as well as attracting legal liability.

71. The Hon James TO indicated that the movement was a peaceful non-cooperation movement. The participants adopted an illegal but non-violent means to occupy Central, with an aim to fight for Hong Kong people the selection of the CE by universal suffrage. Since the Central Government had repeatedly procrastinated in implementing universal suffrage in Hong Kong, the organisers of the movement decided to adopt an illegal but non-violent measure by collective occupation of public space in order to urge the Central Government to change the current political situation in Hong Kong. The supporters of the movement clearly understood that the Government might take further action against the movement. Moreover, he declared that he supported the movement.

72. Mr CHAN Wai-keung considered that the movement was not widely accepted and the preparation process was not done in a democratic manner. The organisers excluded other political parties from participating in the movement. He therefore had reservations about the movement.

73. Mr Francis CHONG indicated that the method for selecting the CE was stipulated in Article 45 of the Basic Law. He did not understand why the organisers of the movement took illegal action and promote unlawful behavior to force the Central Government to accept CE Election in 2017, instead of discussing the method by consultation. He criticised the organisers of the movement for abetting students, teenagers and others to participate in illegal activities in order to achieve their so-called “justice”. Furthermore, he doubted whether the organisers could ensure a peaceful movement.

74. The Vice-chairman indicated that the Basic Law had sufficiently protected the public’s freedoms of assembly and expression. She disagreed with the comment of a Councillor that the Central Government had repeatedly procrastinated in implementing

universal suffrage in Hong Kong. She pointed out that it had been stated clearly at the meeting of the Standing Committee of the National People's Congress in 2009 that there would be a selection of the Chief Executive and election of the LegCo by universal suffrage in Hong Kong in 2017 and 2020 respectively. The Central Government had formulated five steps on the implementation of universal suffrage in Hong Kong. Every stratum in Hong Kong should therefore initiate a rational discussion on dual universal suffrage in order to achieve a consensus. She continued that Central was the economic and political hub of Hong Kong. The movement organisers' plan to paralyse Central by collective illegal behavior would have a profound impact on the social order. She considered that the real solution to the problem should be rational discussion and active communication.

75. Mr Benny YEUNG indicated that Hong Kong is a free society where people had the freedom of expression. However, the organiser of the movement spoke publicly on matters that disrupted public order and incited students to commit illegal acts. He hoped that the government departments concerned could take effective measures to maintain the law and order as well as prevent the disruption of social order.

76. Mr Barry WONG enquired how the HKPF trained their front-line police officers to handle the movement and how the HKPF took the effective measures to maintain the law and order.

77. Mr HUI Tak-leung said that the HKPF would enforce the law against illegal behaviors and it was unnecessary for Councillors to propose a motion at the DC meeting. He requested the HKPF to step up enforcement action. He sympathised with people who aimed at forcing the Government to respond to the request of universal suffrage for the CE by resorting to illegal acts.

78. Mr Duncan Stuart MCCOSH replied that the HKPF would handle any possible scenarios of the movement in a professional manner. The HKPF had to strike a balance between the respect for the freedoms of assembly and speech of the public and the safeguard of the life and property of individuals. The HKPF would use minimal force to maintain public order and safety as necessary.

79. Mrs Jacqueline LING responded as follows:

- (i) The EDB always emphasised that schools should instil in students a respect for different viewpoints, and to develop their ability to think

independently from multiple perspectives and to develop positive values.

- (ii) Schools should guide students to refer to information and opinion with different orientations and adopt a multi-dimensional thinking to enable them to make balanced and reasonable judgments.
- (iii) No one should arrange or encourage students to participate in any possible illegal activities. Based on the above principles, schools should ensure that extra-curricular activities were related to the learning of students, in the interests of student learning and could satisfy their learning needs.
- (iv) When organising or supporting a particular activity, schools should refer to the Guidelines on Extra-curricular Activities in Schools issued by the EDB and follow the instructions as stated in the chapter on matters requiring attention, including detailed planning, seeking prior consent from parents and safety precautions, etc.
- (v) The EDB had taken out the Block Insurance Policy for all students of aided schools. Only activities that were organised and approved by schools were covered by the insurance.

80. The Chairman indicated that the Vice-chairman and Mr Francis CHONG had proposed the following motion in the discussion paper, “Considering that the Occupy Central Movement is an unlawful act of resistance which will disrupt social order and violate the core values of our society, the Yau Tsim Mong District Council states as follows: To uphold the essential values of the rule of law in Hong Kong, we oppose the Occupy Central Movement lest Hong Kong will become unsettled. We demand that the departments concerned adopt effective measures to maintain law and discipline to prevent disruption of social order.” Mr Benny YEUNG seconded the proposed motion.

81. The voting result was as follows: The Chairman, the Vice-chairman, Mr CHOW Chun-fai, Mr HAU Wing-cheong, Mr Edward LEUNG, Mr CHAN Wai-keung, Mr CHAN Siu-tong, Mr WONG kin-san, Mr Barry WONG, Mr LAU Pak-kei, Mr John WONG, Mr Francis CHONG, Ms WONG Shu-ming, Ms KWAN Sau-ling, Mr Benny YEUNG, Mr Benjamin CHOI, Mr Chris IP, and Mr Derek HUNG voted for the motion; the Hon James TO and Mr HUI Tak-leung voted against the motion.



82. The Chairman announced that the motion was passed with 18 Councillors voted for and two Councillors voted against it.

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

**Item 12: No Control on Unlicensed Guesthouses. Rental Accommodation by Uninformed Tourists Continues.**  
**(YTMDC Paper No. 51/2013)**

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**Item 13 Yau Tsim Mong District = A Paradise for Operation of Unlicensed Guesthouses?**  
**(YTMDC Paper No. 52/2013)**

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84. The Chairman said that as contents of Items 12 and 13 were interrelated, he proposed that the two be discussed together. There was no objection.

85. The Chairman said that the written response of the BD (Annex 3) had been distributed to Councillors for perusal before the meeting. The written response of the HAD (Annex 4) was also placed on the table. He then welcomed the following representatives to the meeting:

- (a) Mr Winston LEUNG, Chief Officer (Licensing Authority) and Mr Simon WONG, Divisional Officer (Licensing Authority) (Atg) of the OLA under the HAD;
- (b) Mr CHOI Sheung-ming, Senior Structural Engineer/F4 of the BD;
- (c) Mr CHUI Man-leung, Divisional Commander (Kowloon South) of the FSD;
- (d) Mr TANG Fuk-kin, Chief Health Inspector 1 and Mr WONG Kam-wah, District Environmental Hygiene Superintendent (Yau Tsim) of the FEHD; and
- (e) Mr Duncan Stuart MCCOSH, District Commander (Mong Kok) and Mr YU Tat-chung, District Commander (Yau Tsim) of the HKPF.

(Mr HAU Wing-cheong left the meeting at 6:02 p.m.)

86. Ms WONG Shu-ming supplemented the contents of Paper No. 51/2013. She considered that the BD's Minor Works Control System in fact encouraged owners to convert private buildings into unlicensed guesthouses. Also, she was doubtful about the OLA's response that it had already stepped up publicity of licensed guesthouses at immigration checkpoints.

87. Ms KWAN Sau-ling supplemented the contents of Paper No. 52/2013. She pointed out that the operators of unlicensed and shadow guesthouses neglected the laws enforced by the FSD, BD and EMSD, thus seriously threatening the lives and properties of tourists and members of the public. She urged the government departments concerned to consider rewarding the informants so as to contain the increase of unlicensed and shadow guesthouses.

88. Mr Winston LEUNG responded as follows:

- (i) To step up efforts against unlicensed guesthouses, the OLA had hired additional manpower and the number of frontline workers had been increased to over 60. Recently, the OLA had also set up a dedicated team to browse web pages, online discussion forums and blogs to collect information about suspected unlicensed guesthouses, and then pass the relevant information to the Enforcement Team of the OLA for follow-up investigation.
- (ii) The OLA had been enhancing publicity efforts, such as increasing the frequency of APIs on television and radio, and would later launch a smartphone application to facilitate tourists in searching information of licensed guesthouses and reporting unlicensed guesthouses.
- (iii) The OLA would step up enforcement during peak travel seasons and long holidays to crack down on unlicensed guesthouses. The OLA had conducted more than ten large-scale inspections at target buildings during the Lunar New Year and Labour Day Golden Week in 2013, and was currently studying the evidence collected for consideration of initiating prosecution against operators of suspected unlicensed guesthouses.

89. Mr Benny YEUNG indicated that if guesthouse licence holders operated unlicensed guesthouses, the OLA would cancel all the licences being held by the licensee concerned. But for other operators of unlicensed guesthouses, the penalties were usually just several thousand dollars and the deterrent effect was minimal. He held that the OLA must review the current penalties.

90. Ms WONG Shu-ming said that the OLA's current publicity efforts were inadequate. She suggested the OLA collaborate with publishers to provide information of licensed guesthouses in tourist books or on websites that introduced Hong Kong. This could attract tourists to browse the information and achieve publicity effect. She also suggested the OLA distribute publicity leaflets at immigration checkpoints.

91. Mr Francis CHONG considered that the BD's Minor Works Control System had given rise to the problems of sub-divided units and unlicensed guesthouses. He also indicated that the OLA must impose heavier penalties as the existing penalties imposed on operators of unlicensed guesthouses were too light with no deterrent effect at all.

92. The Vice-chairman pointed out that the OLA would specify which floors of premises could be used for guesthouse purpose on issuance of licence. She asked what measures the OLA would adopt if the licensee operated guesthouses on other floors. She hoped the OLA could review the penalties imposed on operators of unlicensed or shadow guesthouses as soon as possible.

93. Ms KWAN Sau-ling pointed out that both unlicensed and shadow guesthouses had caused problems on public order, the environment and hygiene, etc. She agreed that heavier penalties must be imposed to achieve a deterrent effect.

94. Mr HUI Tak-leung indicated that the relevant government departments could not enforce the law effectively because of the loopholes in the existing legislation. He urged the Government to amend the laws and plug the loopholes as soon as possible. He also reported that 259 Reclamation Street and some flats in Sun Hing Building had been converted into unlicensed guesthouses and demanded the Government departments to carry out follow-up investigation.

95. Mr CHAN Siu-tong said that the supply of hotel rooms was inadequate to meet the demand from a large number of visitors to Hong Kong, and visitors were indirectly encouraged to patronise unlicensed guesthouses. To contain the increase of unlicensed

guesthouses, he suggested the Government increase the supply of hotel rooms by allocating more land for hotel development. He also pointed out that although some premises had been issued with a guesthouse licence, the buildings concerned might not be structurally suitable for guesthouse use. He urged the OLA to be more prudent in issuing licences.

96. Mr Chris IP pointed out that unlicensed guesthouses were usually located near licensed guesthouses. Councillors and OCs of the buildings concerned had reflected the situation to the HAD and requested it to review the existing licensing regime. However, the HAD just ignored the issue, causing the problems of unlicensed and shadow guesthouses to deteriorate continually. He hoped the DO could convey his opinions to the HAD. He also requested the HAD to review the licensing regime where stakeholders should be granted leave to appeal to the OLA against individual applications for guesthouse licence.

97. Mr CHAN Wai-keung would like to know the number of successful prosecutions against unlicensed guesthouse operators by way of covert operations by the OLA, and asked if the HAD had consulted the Police on its approaches of collecting evidence.

98. The Hon James TO enquired whether the HAD would work with the Department of Justice to study the possibility of adjusting penalties to fit individual circumstances in respect of unlicensed guesthouse operation.

99. The Chairman enquired whether the OLA would consider immediate cancellation of all licences held by a licensee who operated unlicensed guesthouses. He also said that as it took time for the OLA to approve guesthouse licenses, some operators would take a risk to operate guesthouses when their applications were being processed. He urged the government departments concerned to impose heavier penalties and raise the starting point of sentence so as to achieve a deterrent effect. He continued that the HAD was advised to notify the informants upon completion of enforcement procedures. Also, the OLA ought to conduct regular meetings with the OCs of buildings regarded as unlicensed guesthouse black spots in order to strengthen information exchange.

(Mr Derek HUNG left the meeting at 6:37 p.m.)

100. Mr WONG Kin-san opined that the existing licensing process should be

reviewed during which the OLA was not required to consult residents or consider their opposing views.

101. Mr YU Tat-chung responded that the Police was greatly concerned about problems arising from unlicensed and shadow guesthouses, and would combat unlicensed guesthouses by routine inspections as well as intelligence collection. In addition, the Police would take law enforcement actions in collaboration with other government departments including the OLA, FSD and Immigration Department. He reiterated that the Police would continue to work closely with the government departments concerned to combat unlicensed and shadow guesthouses.

102. Mr Winston LEUNG responded as follows:

- (i) Operating unlicensed guesthouses was a criminal offence and the offender would be liable on conviction to a fine of \$200,000 and imprisonment for two years. In the YTM District, eight people who had been convicted of offences of operating unlicensed guesthouses were sentenced to imprisonment ranging from seven days to three months.
- (ii) The OLA officers would explain to the Court that the offence of operating unlicensed guesthouses would endanger public safety so that the Court could take the factor into consideration when metering out sentences.
- (iii) Upon receipt of reports of suspected unlicensed guesthouse operation, the OLA would deploy staff to conduct investigations, including covert operations, and institute prosecutions immediately after collecting sufficient evidence.
- (iv) If a licence holder was convicted of operating an unlicensed guesthouse, the OLA would consider cancelling all licences held by the holder or refusing to renew the licences. Between 2011 and 31 May 2013, the OLA had cancelled or refused renewal of the licences of a total of 13 licensed guesthouses.
- (v) The OLA would list those buildings with a relatively large number of suspected unlicensed or shadow guesthouses as targets. The OLA

would focus on combating these target buildings by strengthening routine inspections and carrying out large-scale inspections.

- (vi) According to Section 8 of the Hotel and Guesthouse Accommodation Ordinance, the OLA would consider granting a license only if the premises intended to be used as a guesthouse met the requirements relating to structural and fire safety under the Buildings Ordinance and the Fire Services Ordinance. Moreover, a hotel or guesthouse had to be located in a building approved by the BD for domestic purposes in accordance with the Buildings Ordinance. Under the existing legislations, the OLA could refuse applications for guesthouse licence only if the premises intended to be used as a guesthouse failed to comply with the requirements relating to structural or fire safety as set out in the Buildings Ordinance or the Fire Services Ordinance.
- (vii) The enforcement unit of the OLA had employed manpower including retired and auxiliary police officers with enforcement experiences to step up enforcement actions.
- (viii) The number of successfully prosecuted cases by the OLA in 2012 and 2013 was higher than that in 2011. The OLA would spare no effort in combating and raiding unlicensed guesthouses.

(The Hon James TO left the meeting at 6:45 p.m.)

103. Mr CHUI Man-leung reported that the FSD had received two cases about obstruction to fire escapes of unlicensed guesthouses in the past 10 months. He continued that the FSD would deploy staff to carry out monthly inspections to the more familiar buildings concentrated with guesthouses in the district. On receipt of a fire report from any of these buildings, the FSD would deploy additional fire engines to cater for unexpected situations. Besides, the FSD would strengthen publicity on fire prevention in these buildings.

104. Mr CHOI Sheung-ming responded that upon receipt of reports of subdivided units, the BD would first inspect the premises. If the subdivided units had affected the structural safety, fire escapes and emergency escapes of the building, the BD would issue a removal order against the owner of the premises concerned. He continued that during inspections, if any sub-divided units were found to be used for unlicensed

guesthouses, the BD would forward the information of the cases to the OLA for follow-up.

105. Ms KWAN Sau-ling enquired the OLA whether the electricity capacity of the building, lift capacity or other restrictions would be excluded in the consideration for granting guesthouse licences.

106. Mr HUI Tak-leung urged the OLA to review the current consultation mechanism in granting licences and to include the comments of Councillors and OCs of the buildings concerned as factors for consideration.

107. Mr Benny YEUNG hoped that, in determining the issuance of guesthouse licences, the OLA would consider not only whether the premises intended to be used for the purposes of a hotel or a guesthouse had met the requirements of the BD and the FSD, but also whether there were sufficient common facilities for use by lodgers of guesthouses.

(Mr Benjamin CHOI, Mr Francis CHONG and Mr CHOW Chun-fai left the meeting at 6:53 p.m.)

108. Mr Winston LEUNG responded that the OLA could only exercise the power conferred by the existing legislation to process applications for guesthouse licences. In accordance with Section 8 of the Hotel and Guesthouse Accommodation Ordinance, the OLA's decision to issue a licence to an applicant in respect of a hotel or a guesthouse would depend on whether or not the premises intended to be used for the purposes of a guesthouse had met the requirements relating to structure and fire safety under the Buildings Ordinance and the Fire Services Ordinance, and whether the electrical installations on the premises had fulfilled the EMSD's requirements. He continued that the OLA would convey Councillors' comments on the licensing regime to the relevant policy bureaux.

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

## **Item 14: Progress Reports**

### **(1) District Management Committee**

- (YTMDC Paper No. 53/2013)
- (2) **Community Building Committee**  
(YTMDC Paper No. 54/2013)
  - (3) **District Facilities Management Committee**  
(YTMDC Paper No. 55/2013)
  - (4) **Traffic and Transport Committee**  
(YTMDC Paper No. 56/2013)
  - (5) **Working Group on Ethnic Affairs**  
(YTMDC Paper No. 57/2013)
  - (6) **Working Group on Care for the Community**  
(YTMDC Paper No. 58/2013)
  - (7) **Working Group on Women's Affairs**  
(YTMDC Paper No. 59/2013)
  - (8) **Area Committees**  
(YTMDC Paper No. 60/2013)

110. Councillors noted the contents of each progress report.

**Item 15: Any Other Business**

- (1) **Community Participation Programme in Collaboration with District Councils**

111. Ms Betty HO briefly introduced the community participation programme on environmental protection. She indicated that the Environmental Campaign Committee and the HAD granted a funding of \$150,000 under the programme to each DC during 2012-2013 for organising activities with the theme “Go Green on Waste Management – Reduce, Reuse, Recycle”. The Environmental Protection Department would continue the granting of \$150,000 to each DC through the HAD to implement the programme in the current year. She called for the support and participation of Councillors in the programme.

112. The Chairman asked Councillors whether they agreed to follow the practice adopted in 2012-2013, where the YTMDC would authorise the YTM District Environmental Improvement Campaign Organising Committee to continue to work with the Executive Committee of YTM Healthy City under the YTMDO to participate in the programme. There was no objection.



113. The Chairman announced that the YTMDC authorised the YTM District Environmental Improvement Campaign Organising Committee, in collaboration with the Executive Committee of YTM Healthy City under the YTMDO, to implement the community participation programme on environmental protection during 2013-2014.

(2) **Briefing on Harbourfront Authority**

114. The Chairman indicated that the Development Bureau recently invited the Chairman, Vice-chairman and two Councillors of the YTMDC through the HAD to attend a briefing on the Harbourfront Authority held at the Government Headquarters at 3:00 p.m. on 12 July 2013. The Chairman invited nomination of two Councillors representing the YTMDC to attend the briefing.

115. Mr Chris IP said that Mr Derek Hung was willing to represent the YTMDC to attend the briefing.

116. Mr John WONG indicated his interest to represent the YTMDC to attend the briefing.

117. The Chairman announced that the Vice-chairman, Mr Derek Hung, Mr John WONG and he would represent the YTMDC to attend the briefing on the Harbourfront Authority.

118. There being no other business, the Chairman closed the meeting at 7:00 p.m. The next meeting would be held at 2:30 p.m. on 22 August 2013 (Thursday).

Yau Tsim Mong District Council Secretariat  
July 2013

地政總署的書面回應

"根據地政總署鐵路發展組的資料，於海庭道擬建室內運動場的用地現由路政署以撥地形式暫時佔用作高鐵工程工地及工地辦事處。該用地將陸續還原，並於2016年年底分階段交還予政府。

一旦康樂及文化事務署有確實的發展計劃，九龍西區地政處定會儘量配合，作出適時的撥地安排。"

香港特別行政區政府  
保安局



The Government of the  
Hong Kong Special Administrative Region  
Security Bureau

香港添馬添美道 2 號

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本函檔號 Our Ref.:

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電話號碼 TEL. NO.: 2810 2686

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By Fax : 2722 7696

(Total : 1 page)

17 June 2013

Yau Tsim Mong District Council Secretariat  
Yau Tsim Mong District Council  
4/F, Mong Kok Government Offices  
30 Luen Wan Street  
Kowloon

Dear Ms Chung,

**Request to the Government for taking effective measures to curb  
"Occupy Central" organisers from causing disruption to social order**

Thank you for your letter of 7 June 2013 on the captioned subject.

The Government respects people's rights of assembly and expression. In exercising such rights, they should ensure that their activities are conducted in a peaceful and orderly manner, with the premise of observing the laws of Hong Kong and avoiding disruption of social order.

Illegal acts, such as causing traffic paralysis and obstructing public access in a collective fashion, will have serious implications for social order and public safety, and even hamper emergency services for members of the public, thereby posing a threat to their life and property. As a professional enforcement team, the Hong Kong Police Force (HKPF) are responsible to take decisive enforcement actions according to law against any illegal behaviour as well as any acts which constitute a breach of the peace or public order, with a view to restoring social order and maintaining public safety.

Handling public order events and maintaining public safety and public order fall within the purview of the HKPF. The District Commander (Yau Tsim) and District Commander (Mong Kok) will attend the District Council meeting on 20 June 2013 to answer questions from District Councillors.

Yours sincerely,

(Miss Kathleen Fung)  
for Secretary for Security

c.c.

District Commander (Yau Tsim)  
District Commander (Mong Kok)

Fax: 2314 8872  
Fax: 2397 8819

## 2012-2015 年度油尖旺區議會

### (無牌賓館事宜)

#### 處理建築工程事宜

1. 根據《建築物條例》的規定，任何涉及私人樓宇及土地上的建築工程（包括在現有樓宇加建及改建），除非符合《建築物條例》第 41(3) 條有關豁免審批工程的規定，或屬於可透過「小型工程監管制度」的簡化規定而進行的指定為小型工程的建築工程，樓宇業主應該根據《建築物條例》第 14 條規定委聘認可人士向屋宇署提交圖則，圖則獲批准後及得到屋宇署同意展開工程後，方可進行有關工程，否則該項工程會被視作「違例建築工程」，屋宇署會以針對僭建物的執法政策處理。

#### 處理舉報事宜

2. 在接獲市民就樓宇內的違例建築工程或僭建物的舉報後，屋宇署會派員到有關現場進行視察。根據現行對僭建物的執法政策，採取相應的行動。如有關僭建物屬於須予以優先取締的類別（例如：影響樓

宇結構安全或阻礙走火逃生通道)，屋宇署會向有關業主發出法定命令，着令業主在指定期限內清拆有關僭建物。如業主不遵從命令，屋宇署便會考慮根據《建築物條例》採取進一步之檢控行動或安排政府承建商清拆有關僭建物，並於其後向業主悉數追討工程費連監工及附加費。

3. 倘若本署人員發現有關單位是用作經營「無牌賓館」或是非法「住宅賓館」，便會將這些個案轉介給民政事務總署轄下的牌照事務處（牌照處）跟進。
4. 本署並沒有就無牌賓館或住宅賓館的舉報所作的統計數字。

屋宇署

2013年6月20日

**Meeting Document for Yau Tsim Mong District Council  
Combating Unlicensed Guesthouse Operation  
in Yau Tsim Mong District**

According to the existing legislation, the operation of hotels or guesthouses in Hong Kong is regulated by the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the Ordinance). The Ordinance aims to ensure that premises intended to be used as a hotel or guesthouse have complied with the regulatory standards on building and fire safety in order to protect the safety of the lodgers and other users of the building. The Office of the Licensing Authority (OLA) of the Home Affairs Department is tasked with the issuance of hotel and guesthouse licences and enforcement work under the Ordinance.

2. The Ordinance stipulates that any premises providing sleeping accommodation at a fee shall obtain a licence before commencing operation unless it is exempted under the Hotel and Guesthouse Accommodation (Exclusion) Order (Cap. 349C). Operating an unlicensed hotel or guesthouse is a criminal offence and will lead to a criminal record. Upon conviction, the offender may be liable to imprisonment. The maximum penalty upon conviction is a fine of \$200,000 and imprisonment for two years, and a fine of \$20,000 for each day during which the offence continues. Since 2009, a total of 21 persons have been sentenced to imprisonment for operating unlicensed hotels or guesthouses and the maximum sentence imposed was three months' imprisonment.

3. To ensure the safety of tourists and the public, the OLA has adopted a multi-pronged approach, including strengthening enforcement actions, enhancing deterrent effect and stepping up publicity, combating and cracking down unlicensed hotels and guesthouses.

Law Enforcement

4. The OLA will conduct an inspection within eight working days upon receipt of a report on suspected operation of unlicensed hotels or guesthouses. Having regard to the circumstances of each case, the OLA will collect evidence through various means, including conducting surprise inspections and large-scale inter-departmental blitz operations with other government

departments concerned during and outside office hours and posing as clients to collect evidence (commonly known as “snaking”) when necessary. The OLA will continue to strengthen enforcement actions against unlicensed hotel and guesthouse operation during travel peak seasons and long holidays as more tourists are visiting Hong Kong. It will also step up publicity to tourists, which includes leaflets for tourists encouraging patronization of licensed hotels or guesthouses to ensure their own safety.

5. To step up operations to combat and crack down on unlicensed hotels and guesthouses, the OLA has strengthened its manpower and engaged frontline staff with law enforcement experience. The numbers of inspections, prosecutions and convictions have all increased significantly in 2012 as compared with 2011. The figures in respect of the OLA’s enforcement action against unlicensed hotels and guesthouses in Yau Tsim Mong district from 2011 to 31 May 2013 are as follows:

		2011	2012	2013 (As at 31 May)	Total
Complaint <sup>Note 1</sup>		411	825	298	1 534
Inspection		1 435	3 321	1 868	6 624
Prosecution <sup>Note 2</sup>		31	95	42	168
Conviction <sup>Note 2</sup>	(No. of cases)	17	66	42	125
	(No. of persons)	21	77	50	148

6. Since operating an unlicensed hotel or guesthouse is a criminal offence, the prosecution must be proceeded in accordance with the procedures under the criminal law, which includes collection of evidence under the Evidence Ordinance. In this connection, the enforcement could not be revealed. The

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Note 1: Including complaints against the same premises. In some cases, the investigation revealed that the premises concerned were let out on a monthly basis, thereby falling outside the ambit of the Ordinance.

Note 2: Indicating the number of prosecution instituted and convicted in that year. As the trials of some prosecution cases were conducted in the following year, the two figures in the same year were slightly different.

enforcement officers of the OLA will institute a prosecution when sufficient admissible evidence is collected.

7. To enhance the collection of intelligence, the OLA has set up a hotline (Tel. No.: 2881 7498) and provided an email address ([hadlaeng@had.gov.hk](mailto:hadlaeng@had.gov.hk)). A report form has also been uploaded onto its website ([www.hadla.gov.hk](http://www.hadla.gov.hk)). In addition, enforcement officers of the OLA often conduct inspections in districts, and proactively collect and investigate information about promotion of suspected unlicensed hotels and guesthouses. The OLA has also set up a dedicated team to closely monitor websites, discussion boards, blogs, etc. for collecting information on the Internet about suspicious unlicensed hotels or guesthouses.

#### Deterrent Effect Enhancement

8. The OLA will refer information of convicted cases to the Rating and Valuation Department, the Inland Revenue Department, mortgage banks or monetary institutions, property owners, owners' corporations and management offices of the buildings concerned for follow-up action under their respective purview. Should any estate agent or insurance agent be convicted, the OLA will also pass the conviction records to the Estate Agents Authority or the Office of the Commissioner of Insurance for follow-up action.

9. The OLA has also established a mechanism for communication with the Travel Industry Council of Hong Kong (TIC) and the Consumer Council (CC). If it is found during investigation that an illegal operator only receives Mainland inbound tours, OLA officers will refer the relevant information to TIC for appropriate action and will also notify the Mainland tourism authorities for follow-up action. Similarly, when the OLA receives complaints against suspected unlicensed hotels or guesthouses operation referred by the CC, follow-up action will be taken immediately.

10. The OLA has put in place a stringent new measure against hotel or guesthouse licence holders operating unlicensed hotels or guesthouses. If a licence holder is convicted of unlicensed hotel or guesthouse operation, the OLA will consider cancelling all the licences under the name of the licence holder or refusing to renew the licences concerned by invoking section 10 of the Ordinance. So far, the OLA has cancelled or refused to renew the licences



of 13 licensed hotels and guesthouses for this reason<sup>Note 3</sup>.

### Publicity

11. The Government has also increased the frequency of broadcast of announcements of public interest (APIs) on TV and radio, distributed leaflets and displayed posters/banners at immigration control points and in districts with more suspected unlicensed hotels or guesthouses to call on tourists to patronize licensed hotels or guesthouses. The OLA has uploaded the full list of licensed hotels and guesthouses onto its website ([www.hadla.gov.hk](http://www.hadla.gov.hk)) to facilitate tourists and requires all licensed hotels and guesthouses to display the Licensed Guesthouse Logo at the main entrance and on the doors of all guestrooms for tourists' identification. It has also collaborated with the Tourism Commission and the Hong Kong Tourism Board to encourage tourists to patronize licensed hotels or guesthouses and to convey related messages to the Mainland tourism authorities. The message of not patronizing unlicensed hotels or guesthouses and relevant information are posted on the "Shop Smart" website designed for Mainland tourists by the CC.

12. The OLA plans to launch a new round of large-scale publicity campaign locally and on the Internet, including a new promotional drama series, TV and radio APIs, posters, etc., to encourage tourists to patronize licensed hotels or guesthouses to ensure safety, and publicise that operating an unlicensed hotel or guesthouse is a criminal offence and will lead to a criminal record. The OLA will also launch a mobile application to facilitate tourists to look up the information on licensed hotels and guesthouses in due course.

### Conclusion

13. The OLA will continue to spare no effort in combating and cracking down unlicensed hotels and guesthouses to ensure the safety of the tourists and public.

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Note 3: Licence holders of six of the 13 licensed hotels and guesthouses which had their licences cancelled or refused renewal appealed to the Hotel and Guesthouse Accommodation Appeal Board against the decisions of the Hotel and Guesthouse Accommodation Authority on cancellation of licences. Hence, the decisions on licence cancellation have been suspended in operation under section 13 of the Ordinance until such appeals are disposed of, withdrawn or abandoned.

Home Affairs Department  
June 2013