

**Minutes of the 16<sup>th</sup> Meeting of  
Yau Tsim Mong District Council (2012-2015)**

**Date** : 24 April 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 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 LAM Kin-man
Mr CHOI Siu-fung, Benjamin	Mr LAU Pak-kei
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, MH

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 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 CHUNG Sze-pong, Kent	District Commander (Mong Kok)	Hong Kong Police Force
Mr SIU Kit-hung, Tony	Deputy District Commander (Yau Tsim)	Hong Kong Police Force
Ms YUEN Miu-chun, Christine	Senior Transport Officer (Yau Tsim Mong)	Transport Department
Mr WONG Tat-ming, Richard	Chief Leisure Manager (Hong Kong West)	Leisure and Cultural Services Department
Mr FU Wang-kit, Thomas	Engineer/6 (Kowloon)	Civil Engineering and Development Department
Ms TSE Yuen-man, Eliza	Assistant Housing Manager/Tenancy (Kowloon West & Hong Kong 3)	Housing Department

**In Attendance:**

Mrs TAN KAM Mi-wah, Pamela, JP	Director	Home Affairs Department
Mr HUI Kwok-sun, Eric, JP	Assistant Director (2)	Home Affairs Department
Miss LO Mei-wan, Sharon	Project Manager	Home Affairs Department
Mr FAN Yung-kai	Assistant Director (Operations) 2	Food and Environmental Hygiene Department
Mr CHAN Hon-kwong	Senior Superintendent (Operations) 2	Food and Environmental Hygiene Department
Mr Joseph TUNG	Senior Superintendent of Police (Operations Wing)	Hong Kong Police Force
Mr YEUNG Man-pun, Ken	Superintendent of Police (Operations Wing)	Hong Kong Police Force
Mr NG Chung-lai	Principal Land Executive (Village Improvement and Lease Enforcement/Land Control Section)	Lands Department
Mr CHAN Hoi-sing	Principal Estate Officer/Kowloon West (South) (District Lands Office, Kowloon West)	Lands Department
Mr. LEUNG Tung-choi, Thomas	Assistant Director/Existing Buildings (2)	Buildings Department
Mr HO Ka-yin	Acting Chief Structural Engineer/F	Buildings Department
Mrs WONG HO Wing-sze, Susanne	Principal Assistant Secretary (Civic Affairs) 3	Home Affairs Bureau
Miss KWOK Kar-bo, Kay	Assistant Secretary (3)1	Home Affairs Bureau
Mr WAN Shun-leung, Vincent	Chief Executive Officer (LA)	Home Affairs Department
Ms MUI Yee-yu, Yvonne	Regional Officer/Kowloon West	Independent Commission Against Corruption
Mr CHUI Yu-ming, Daniel	Senior Community Relations Officer/Kowloon West	Independent Commission Against Corruption
Mr WONG Chi-sing, Janson	Chief Engineer/Kowloon 2 (Kowloon)	Civil Engineering and Development Department
Mr LEUNG Wing-tak, David	Senior Engineer/Kowloon 3 (Kowloon)	Civil Engineering and Development Department
Dr CHAN Man-wai	Executive Director, Project Delivery	West Kowloon Cultural District Authority
Mr YC NG	Head, Technical Services	West Kowloon Cultural District Authority
Mr Derek SUN	Head, Planning and Development	West Kowloon Cultural District Authority
Mr Patrick LAM	Senior Traffic and Transport Engineer	West Kowloon Cultural District Authority
Ms WONG Yin-yee	District Social Welfare Officer (Kowloon City & Yau Tsim Mong)	Social Welfare Department
Mr PUI Wai-yiu, Frankie	Senior Social Security Officer (Sham Shui Po & Yau Tsim Mong)	Social Welfare Department
Mr CHU Wing-keung, Lennon	Senior Assistant Shipping Master/Pollution Control Unit	Marine Department
Mr LU Jian-jian	Marine Officer/Licensing & Port Formalities (2)	Marine Department

Mr NG Ping-sum	Senior Environmental Protection Officer	Environmental Protection Department
Mr MOK Wai-kee, Kenneth	Acting Senior Engineer/Kowloon & New Territories South 3	Drainage Services Department
Ms Lilian YEUNG	Public Relations Manager/External Affairs	MTR Corporation Limited
<u>Secretary</u>		
Ms CHUNG Siu-lan, Joanne	Senior Executive Officer (District Council), Yau Tsim Mong District Office	Home Affairs Department

### **Opening Remarks**

The Chairman welcomed representatives from government departments and participants to the meeting. He said that Mr YU Tat-chung, District Commander (Yau Tsim) of the Hong Kong Police Force (“HKPF”), Mr CHOY Chik-sang, Mario, Chief Transport Officer (Kowloon) of the Transport Department (“TD”) and Mr LUI Kwong-fai, Chief Manager/Management (Kowloon West and Hong Kong) of the Housing Department (“HD”) were absent due to other commitments. Mr Tony SIU, Deputy District Commander (Yau Tsim), Ms Christine YUEN, Senior Transport Officer (Yau Tsim Mong) and Ms Eliza TSE, Assistant Housing Manager/Tenancy (Kowloon and Hong Kong West 3) 2 were attending the meeting in their place respectively. He continued that Mr Janson WONG, Chief Engineer/Kowloon 2 (Kowloon) of the Civil Engineering and Development Department (“CEDD”) could not attend the entire meeting due to other official engagements. During his absence, Mr Thomas FU, Engineer/6 (Kowloon) of the CEDD would join the discussion in his place. The Chairman asked participants to speak as concise as possible since there were many items on the agenda. He proposed that Councillors who had submitted papers be given two minutes to make supplementary remarks, 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. Participants had no objection to the proposal.

2. The Chairman indicated that the Hon James TO informed the Secretariat of his withdrawal of the paper titled “to step up monitoring for skips placed on roadsides” in the morning before the meeting was held. The revised agenda was placed on the table for Members’ reference.

3. Mr HUI Tak-leung enquired whether there were any provisions in the Standing Orders of the Yau Tsim Mong District Council (“YTMD”) governing the timeframe of paper withdrawal. He said that since government departments had to make arrangements for officers to attend meetings, public money would be wasted if Councillors were allowed to withdraw papers at will.

4. The Chairman responded that the Standing Orders of the YTMD had no provision governing the timeframe for paper withdrawal. In general, if a Councillor submitting a paper for discussion took the initiative to withdraw it, he would respect the Councillor’s wish and agree to make such arrangement.

(Mr John WONG joined the meeting at 2:40 p.m.)

**Item 1      Public Consultation on Enhanced Measures Against Shop Front Extensions  
(YTMD Paper No. 27/2014)**

---

5.      The Chairman welcomed the following representatives to the meeting:
- (a)      Mrs Pamela TAN, Director of Home Affairs (“DHA”), Mr Eric HUI, Assistant Director of Home Affairs (2) and Miss Sharon LO, Project Manager of the Home Affairs Department (“HAD”);
  - (b)      Mr FAN Yung-kai, Assistant Director (Operations) 2, Mr CHAN Hon-kwong, Senior Superintendent (Operations) 2, Mr WONG Kam-wah, District Environmental Hygiene Superintendent (Yau Tsim) and Mr LI Ka-kei, District Environmental Hygiene Superintendent (Mong Kok) of the Food and Environmental Hygiene Department (“FEHD”);
  - (c)      Mr Joseph TUNG, Senior Superintendent (Operations Wing) and Mr Ken YEUNG, Superintendent (Operations Wing) of the Hong Kong Police Force (“HKPF”);
  - (d)      Mr NG Chung-lai, Principal Land Executive (Village Improvement and Lease Enforcement/Land Control Section) and Mr CHAN Hoi-sing, Principal Estate Officer/Kowloon West (South) (District Lands Office, Kowloon West) of the Lands Department (LandsD); and
  - (e)      Mr Thomas LEUNG, Assistant Director/Existing Buildings 2 and Mr HO Kar-yin, Acting Chief Structural Engineer/F of the Buildings Department (“BD”).
6.      Mrs Pamela TAN said that the Government had all along attached great importance to the problem of shop front extensions (“SFEs”), and the issue had been repeatedly discussed at the meetings of the Steering Committee on District Administration. She stated that the Government had issued a public consultation document on enhanced measures against SFEs in mid-March 2014. The consultation period would last for four months, during which the departments concerned would visit various District Councils (“DCs”) and consult shop operators for solicitation of views. She hoped that different sectors of the community would express their views in writing on the enhanced measures against SFEs by 14 July 2014 when the consultation period ended.
7.      Mr Eric HUI gave a PowerPoint presentation to briefly introduce the contents of the paper.
- (The Hon James TO joined the meeting at 2:55 p.m.)
8.      Ms KWAN Sau-ling supported the Government to step up action against the

problem of SFEs. She reckoned that a fixed penalty of merely \$1,500 might not produce the deterrent effect as expected and proposed to raise the amount. She also hoped that the enforcement departments concerned could deploy staff to patrol these black spots on a daily basis.

9. Mr CHAN Wai-keung held that if the amount of the fixed penalty was too low, it might not produce the deterrent effect as expected. Conversely, if the amount were too high, small shops like pharmacies would probably disown the goods that had blocked the streets. Besides, he was sceptical of the FEHD's manpower capacity to take continuous enforcement action. He also said that if the DCs were allowed to propose their enforcement priority to the Government according to the characteristics of their own district, it might result in inconsistency in enforcement standards. As a matter of fact, it was difficult for the DCs to define what "district characteristics" were.

10. Mr Francis CHONG said that the existing six ordinances regulating SFEs mainly targeted at the hogging of public space and its consequences. He hoped that when tightening laws to deal with the problem of SFEs, the Government would focus on the non-compliance and put aside the problems arising from it so as to relieve the difficulties of adducing proof. As for the fixed penalty, he reckoned that a fine of \$2,000 should be imposed on operators occupying an area of three feet in front of their shop. Those blocking a larger area should be fined \$5,000 to achieve deterrent effect.

11. Mr Barry WONG indicated that the Yau Tsim Elderly Association formed by seven non-subservent service centres for the elderly had expressed its views on enhanced measures against SFEs on 23 April 2014. The Association pointed out that the footpath of Nelson Street was blocked by goods of dried seafood shops operating there. Pedestrians were forced to use the carriageway, causing vehicle-pedestrian conflicts. He urged the departments concerned to take follow-up action at the above location. He further stated that the public hoped that the Government could enhance enforcement against SFEs. In regard to the fixed penalty, he held that the amount must be higher than the existing level of \$1,500 stipulated by the Fixed Penalty (Public Cleanliness Offences) Ordinance. Besides, relevant departments should also intensify their enforcement efforts so as to achieve deterrent effect. As far as the setting of enforcement priority with DCs' assistance was concerned, he held that the DCs could draw reference from the views of district organisations and various stakeholders.

12. Mr CHAN Siu-tong agreed that frontline staff must step up law enforcement to increase the deterrent effect. He further asked the LandsD and the Buildings Department ("BD") if there were shops illegally expanding their business areas, would the two departments take enforcement action first before issuing summons, or would two things be done simultaneously.

13. Ms WONG Shu-ming supported the Government's enhanced measures against shop front extensions and agreed that deterrent effect could only be achieved if the frontline staff stepped up law enforcement. She was concerned about what follow-up action the Government would take to enhance measures against SFEs. She would like to know if the person-in-charge of a shop argued that the goods

outside did not belong to the shop, how the department would handle it. She opined that the Government should make no exception when enforcing the law to regulate SFEs.

14. The Chairman said that Councillors were concerned about the law enforcement frequency of the departments regarding the problem of SFEs. He enquired about whether the fine for restaurants obstructing the streets was calculated according to the size of the illegal extension of business area. In addition, he requested the Government to study the fixed penalty system in detail during the consultation period. He further asked what the LandsD or the other relevant departments would do if restaurants extended their business areas by building an extra concrete platform outside the restaurant.

15. Mr HAU Wing-cheong supported the Government to toughen the measures against the problem of SFEs, but reckoned that it should consider the unique situation of places with district characteristics, such as Flower Market, with discretion.

16. The Hon James TO supported the Government to toughen the measures against the problem of SFEs and the establishment of a fixed penalty system in this regard. He suggested the Government confiscating the goods illegally hawked outside the shops. Furthermore, he enquired how the relevant departments would handle the cases of shops using adjustable brackets to extend their business areas above the ground outside the shop.

17. Mr LAM Kin-man asked was the fixed-pitch hawker areas not covered in the consultation paper of the Government. He pointed out that illegal hawking at the fixed-pitch hawker areas in this district (for instance, the section of Sai Yeung Choi Street South along Fa Yuen Street, Dundas Street to Argyle Street) was serious and he would like to know how the Administration would follow it up.

18. The Chairman replied that the Government only conducted public consultation on the enhancement of the measures against the problem of shop front extensions this time.

19. Mr Benjamin CHOI said that since shop front extensions might cause environmental hygiene and pedestrian safety problems, the Government should impose heavier penalty and toughen law enforcement in accordance with the level of seriousness of SFEs and give priority to cases which would seriously affected public safety.

20. Mr HUI Tak-leung supported the Government to toughen the measures against the problem of SFEs. He believed that the Government should clearly define what “shop front extensions” were and enforce the law against this problem in a fair and impartial manner. He suggested the Government adopting demerit points system to regulate the restaurants with SFEs. Restaurants accumulated a certain number of demerit points would result in licence suspension.

21. Mr WONG Kin-san said that government departments’ effort to solve the problem of SFEs was praiseworthy. He supported the direction and principle the Government held when enhancing measures against the problem of SFEs. He also

disclosed that he was personally conducting a district consultation on the introduction of a fixed penalty system and the level of penalty, and the opinions collected would later be submitted to the Government for consideration. In order to avoid inconsistency in enforcement standard which could lead to disputes over fairness, he objected to having enforcement priority determined by the DCs, in particular, to have it determined with reference to district characteristics.

22. Mr Benny YEUNG held that since district characteristics were easy to create, he disagreed with the idea proposed in the consultation document that the DCs should consider enforcement priority against SFEs in accordance with district characteristics. He further said that the definition of “shop front extensions” might vary in different time slots. The Government should work out a general standard for “shop front extensions” after listening to the comments from the DCs and various stakeholders.

23. Mr Chris IP suggested that government departments should make a running on the issue, with consultation committees formed by representatives of trade associations and Councillors of that district to discuss the enforcement priority. He considered that this could facilitate the law enforcement by government departments, and therefore a “triple-win” solution to the Government, residents and tenants.

24. Mrs Pamela TAN responded as follows:

- (i) She noted that Councillors agreed with the introduction of a fixed penalty fine system as an additional law enforcement tool to strengthen the Government’s combat against SFEs.
- (ii) The departments concerned would enhance law enforcement under the existing mechanism.
- (iii) The Government would adopt corresponding measures before the relevant legislation could be revised, such as reviewing the current manpower situation to see if it was necessary to increase or redeploy manpower, re-prioritising work and enhancing training for frontline staff.
- (iv) On the issue of SFEs, the government departments were the law enforcement agencies whereas the DCs only served an advisory role. For example, the DCs offered advice on SFE black spots, scope of street areas with distinctive characteristics and enforcement priority. Also, views of individual Councillors would be treated as the general views of the DC concerned.
- (v) Regarding the criteria for setting enforcement priority against SFEs laid out in paragraph 4.4 of the consultation document, the Government could give a more detailed list and further elaboration. However, the adoption of the criteria in the actual circumstances of individual districts would be contingent on the participation of the DCs.
- (vi) As to the proposal by a Councillor to set up advisory bodies with the participation of Councillors and trade representatives of the districts

concerned, the Government would take it into account when looking into the actual implementation of the criteria. It was pointed out in paragraph 3.7 of the consultation document that in tackling the problem of SFEs more effectively, the livelihood of small businesses and their employees might be affected. Hence, it was hoped that a balance could be stricken.

- (vii) As the Chairman and some of the Councillors pointed out respectively that shops might illegally extend their business areas without directly occupying the streets, the Government would study this matter in detail when working out a clear definition for SFEs.
- (viii) Paragraph 1.1 of the consultation document had clearly set out the main points for the definition of “SFEs”.
- (ix) The Government was open-minded about whether to set a single fixed penalty fine amount or incremental fines according to the gravity of the offence or the number of contraventions. However, due consideration had to be given to the feasibility of such proposals. The authorities would listen to the views of the DCs before making any decision. She stressed that the amounts of fines must have deterrent effects so as to contain SFEs effectively.
- (x) A number of Councillors stated that the deterrent effect might not be enough if the fine for SFEs was \$1,500 only. The Government would take into consideration the gravity of the SFE offence and make reference to the fines for other offences of similar gravity when setting the penalty fine amounts for SFEs. The Government was aware that the deterrent effect might not be sufficient if the amount of fine was too small, but if the amount was too big, the policy might be deemed too harsh.
- (xi) Some people opined that for those shops which kept blocking streets with goods without making any rectification within a reasonable period of time after being served with a fixed penalty notice, they should be served with such notices again or even repeatedly. The Government would further examine this proposal.
- (xii) This consultation document had not covered fixed pitch hawker stalls, but the Government was not oblivious to the street obstruction problem caused by them or other business activities. The street obstruction problem would be tackled through enhanced enforcement under the existing law enforcement mechanism.
- (xiii) As to one Councillor’s proposal to confiscate the goods placed outside the shops causing street obstruction, the Government would consider this when working out the detailed arrangements.

25. Mr Eric HUI responded as follows:



- (i) Under current legislation, enforcement departments could serve fixed penalty tickets successively to a shop operator if he/she did not rectify the problem within a reasonable period. The arrangement was tantamount to increasing the amount of fine indirectly.
- (ii) For shop operators causing substantial obstruction, law enforcement officers could consider issuing a penalty notice directly if the serving of fixed penalty tickets failed to produce effects as expected. Prosecutions should also be made so that the court could decide whether the business of these shops be suspended after listening to the gravity of street obstruction offences committed by them.
- (iii) When deciding the starting point for sentencing in the future, the court might also take into account mainstream public opinion on the amount of fixed penalty. We would consult the views of the Department of Justice as required.
- (iv) After listening to the views of various DCs and different sectors of the society, the Government would decide whether or not to amend the legislation for the implementation of the proposed system of fixed penalty. Enforcement guidelines would be developed when the law was drafted to explain under what circumstances should fixed penalty be imposed, and penalty notice served.

26. Mr CHAN Siu-tong asked whether the Police could take enforcement action against SFEs.

27. Mrs Pamela TAN replied that according to current legislation, the Police could take enforcement action against SFE offences.

28. Mr Kent YEUNG responded that the HKPF would actively provide assistance to the departments concerned such as the FEHD and the LandsD in their law enforcement work for general street management problem including street obstruction. They would also maintain law and order at the scene under the requests of the departments concerned to prevent any breaching of peace and ensure public safety and order. Generally speaking, the HKPF would take action on street management issues under the following situations:

- (i) In case of crimes or incidents involving a breach of peace;
- (ii) In case the incidents would pose immediate danger to the public; and
- (iii) In case the incidents would seriously affect road traffic or/and other road users.

29. The Chairman concluded that most of the Councillors held that the minimum fine for SFEs should be \$1,500 in order to achieve deterrent effect. He also said that the YTMDC supported the related departments to increase manpower to combat the problem of SFEs.

30. The Vice-chairman believed that apart from increasing manpower, the related departments should strengthen their publicity and promotion work with a view to minimising conflicts between law enforcement officers and small shop operators.

31. Mr Benny YEUNG said that some shops in the Fruit Market at Reclamation Street and restaurants at Temple Street north had posed serious street obstruction problems. He hoped that the law enforcement departments could handle the problem expeditiously. He further said that as the land in the YTM District was valuable and the problem of SFEs was particularly serious, related departments should increase manpower substantially for effective enforcement of the law.

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

**Item 2      Confirmation of Minutes of 15th YTMDC Meeting**

---

-----  
33. The Chairman said that the Secretariat had received from the HKPF proposed amendments to the minutes of the last meeting. The document (see Annex 1) was distributed at the meeting for Councillors' information.

34. The amended minutes of the last meeting were confirmed.

**Item 3      2014-2015 District Council Funds ("DC Funds") for  
Community Involvement Projects ("CIPs")  
(YTMDC Paper No. 28/2014)**

---

**Item 4      Application for DC Funds to Cover Payment for CIPs Carried  
Forward from 2013-2014 to 2014-2015  
(YTMDC Paper No. 29/2014)**

---

**Item 5      Funding Application for Organising Hong Kong Reunification  
Anniversary Cantonese Opera Show by Yau Tsim Mong ("YTM") Area  
Committees  
(YTMDC Paper No. 30/2014)**

---

35. The Chairman proposed that papers in respect of items 3 to 5 about DC funding be discussed together and there was no objection. He reminded Councillors to fill in the Declaration of Interests form on the table if necessary.

36. The Chairman said that during the 2014 annual in-house meeting, Councillors agreed that if the funding amount granted by the HAD to the YTMDC in 2014-15 was the same as that of the previous year, the YTMDC would reserve the same amount of fund for the same projects/activities. He also enquired whether Councillors would agree to reserve \$180,000 for the promotion of district football activities. There was no objection.

-----  
(Post-meeting note: The meeting endorsed the 2014-2015 DC Funds for CIPs.  
Please refer to Annex 2 for details)

37. Councillors endorsed Item 3 (YTMDC Paper No. 28/2014) which was related to the budget of and vetting procedures for CIPs of the YTMDC in 2014-15.

38. Councillors endorsed Item 4 (YTMDC Paper No. 29/2014), and an amount of \$1,343,883.9 from the 2014-15 DC Funds would be used to cover the payment for CIPs carried forward from 2013-2014.

39. Councillors endorsed the funding application for Item 5 (YTMDC Paper No. 30/2014).

**Item 6      Appointment of Co-opted Members of YTMDC Committees**  
**(YTMDC Paper No. 31/2014)**

---

40. The Chairman said that during the 15<sup>th</sup> YTMDC meeting on 27 February 2014, Councillors resolved that the term of office of the YTMDC committees members would start from 1 April 2014 until the suspension of operation of DC for the next general election. In this connection, the Secretariat sent letters to invite Councillors to nominate co-opted members for the four committees to be established (excluding the District Facilities Management Committee (“DFMC”)).

41. The Chairman said that if the proposals on the quotas for co-opted members in paragraph three of the YTMDC Paper No. 31/2014 was adopted, the nominees for Food and Environmental Hygiene Committee (“FEHC”), Traffic and Transport Committee (“TTC”) and Community Building Committee (“CBC”) would be elected uncontested as the numbers of nominees did not exceed the maximum numbers of seat for co-opted members.

42. The Chairman further stated that since the number of nominees for the Housing and Building Management Committee (“HBMC”) exceeded the maximum number of seats for co-opted members, Councillors agreed after discussion to vote for the co-opted members of the HBMC.

43. The Chairman asked the Secretariat to distribute ballot papers to Councillors.

44. The Chairman reminded Councillors not to choose more candidates than they were allowed. They were also reminded to use an “X” to indicate their choices; otherwise the ballot would become invalid.

45. The Chairman invited Mr Charlson CHIU, Assistant District Officer (YTM) of the HAD to monitor the vote counting and announce the results afterwards. To avoid bogging down the discussion of other items, the Chairman asked Councillors if they agreed to have Mr Charlson CHIU and Mr HUI Tak-leung monitoring the vote counting outside the meeting room and then come back to announce the results after the counting was completed. There was no objection.

46. The Chairman suggested that the Secretariat should request Councillors to

use a “√” to indicate their choices in future elections of co-opted members for YTMDC committees and non-Councillor members of YTMDC working groups (“WGs”).

47. The Chairman said that the vote counting had been completed; he announced the list of co-opted members of YTMDC committees as follows:

**Community Building Committee**

- (i) Mr SIU Hong-ping
- (ii) Mr CHIU Sung-bun, Ernest
- (iii) Mr KO Hiu-wing
- (iv) Mr LAU Kai-kit, Vincent
- (v) Ms LEE See-yin, Leticia
- (vi) Mr KONG Pui-wai
- (vii) Mr TSE Ping-kwan, Raymond

**Traffic and Transport Committee**

- (i) Mr MAN Cheong-ming, Chris
- (ii) Mr LEUNG Shiu-cheong
- (iii) Mr CHAN Sik-ming
- (iv) Mr HUI Hon-man
- (v) Mr LEUNG Ping-foon
- (vi) Mr YIM Kin-ping
- (vii) Mr LAW Siu-hung, Paul
- (viii) Mr TONG Sze-pang

**Food and Environmental Hygiene Committee**

- (i) Mr CHOI Vai-hung
- (ii) Mr LEUNG Yiu-wah
- (iii) Ms LAM Wai-lung
- (iv) Mr CHAN Chung-cheung
- (v) Ms CHENG So-ngor
- (vi) Mr SHUM Chu-wah
- (vii) Mr JO Chun-wah
- (viii) Mr TSUI Siu-fai

**Housing and Building Management Committee**

- (i) Mr LEE Chung-ming
- (ii) Mr HO Fei-chi, Stephen
- (iii) Mr CHING Man-tai, Benny, MH
- (iv) Mr LEUNG Hang-fai
- (v) Mr CHIN Chun-wing

**Item 7      Appointment of Members of YTMDC WGs**  
**(YTMDC Paper No. 32/2014)**

---

48. The Chairman said that the Secretariat had invited Councillors to nominate candidates for YTMDC WGs at an earlier time. It had, after drawing reference to the numbers of Councillors joining these WGs (except the Working Group on Community

Funds), set out the numbers of non-Councillor members of each WG in paragraph three of the YTMDC Paper No. 32/2014.

49. Councillors endorsed the proposals on the quotas in paragraph three of the YTMDC Paper No. 32/2014.

50. The Chairman also said that as the numbers of nominees for Working Group on Promotion of Tourism and Local Community Economy, Working Group on Concern for Yau Ma Tei Fruit Market, Working Group on Women's Affairs, Working Group on Publicity and Promotion and Working Group on Ethnic Affairs did not exceed the quotas, the nominees would be elected uncontested. Besides, the number of nominees for the Working Group on Care for the Community did at first exceed the quota, but after Mr NG Ming-sun, one of the nominees, wrote to the Secretariat on 14 April 2014 to turn down the nomination, the number of nominees for this WG no longer exceeded the quota. Therefore, the remainders would be elected uncontested. The members of YTMDC WGs were listed as follows:

**Working Group on Promotion of Tourism and Local Community Economy**

- (i) Mr TAM Chor-kin
- (ii) Mrs LI TAM Yee-lin
- (iii) Mr CHAN Kam-wing
- (iv) Mr CHAIR Sai-sui
- (v) Mr LAW Chi-kwong

**Working Group on Concern for Yau Ma Tei Fruit Market**

- (i) Mr YUEN Sheung-man
- (ii) Mr CHOW Man-chiu

**Working Group on Women's Affairs**

- (i) Ms CHAN Heung-lin, Jenny
- (ii) Ms CHIU Fung-yi
- (iii) Ms HO Yuk-yee

**Working Group on Publicity and Promotion**

- (i) Mr CHU Wing-cheung
- (ii) Ms YIP Chun-chun, Daisy
- (iii) Ms FUNG Lai-mei
- (iv) Ms Louisa KWAN
- (v) Mr CHOW Chun-ming

**Working Group on Care for the Community**

- (i) Mr SUM Kui-hui
- (ii) Mr TING Siu-kwan, Ron
- (iii) Ms KONG Yeow-tai
- (iv) Mr TONG Yik-kan

**Working Group on Ethnic Affairs**

- (i) Ms CHEUNG Yee-may, Mimi
- (ii) Mr ASHFAQUR RAHMAN PALASH
- (iii) Mr MOHAMED IBRAMSA SIKKANDER BATCHA

- (iv) Mr REHAN GULFAREED
- (v) Mr THAPA MAIN BAHADUR
- (vi) Mr UVAIS MUHAMMAD NOOHO
- (vii) Mr KAVI KHIYTANI
- (viii) Mr TAHIR NADEEM
- (ix) Ms SUSAN SANOEY
- (x) Mr CHUNG Kai-chiu

(Mr LAM Kin-man and the Hon James TO left the meeting at 4:15 p.m.)

**Item 11     Urging Stringent Enforcement to Curb Nuisance Arising from  
Promotional Activities and Loan Service Marketing Calls  
(YTMD Paper No. 36/2014)**

---

----- 51.     The Chairman said that the joint written response (Annex 3) of the Commerce & Economic Development Bureau and the Office of the Communications Authority (“OFCA”) were placed on the table for Councillors’ perusal.

52.     Mr HUI Tak-leung supplemented the contents of the paper. He condemned the Commerce & Economic Development Bureau and the OFCA for not sending representatives to the meeting to discuss this item.

53.     The Chairman enquired whether the Police would assist the public who turned to them after being harassed by loan service/marketing phone calls.

54.     Mr Tony SIU responded that the Police would investigate if intimidation was involved upon receipt of such complaints. If so, the Police would initiate criminal investigations; if no criminal element was involved, it would suggest the complainants discuss with the related telecommunication companies on how to avoid being further harassed by these calls. According to Section 20C of the Summary Offences Ordinance (Cap. 228), any person who sent any message by telegraph, telephone, wireless telegraphy or wireless telephony which was grossly offensive or of an indecent, obscene or menacing character; or sent by any such means any message, which he knew to be false, for the purpose of causing annoyance, inconvenience or needless anxiety to any other person, should be liable to a fine of \$1,000 and to imprisonment for 2 months. The Police would examine every complaint about nuisance calls and initiate investigations where the severity was found to reach the degree as mentioned in the Ordinance.

55.     The Chairman said that even though the departments concerned might have had submitted written replies prior to the meeting, Councillors expected them to send representatives to the meeting to answer questions and exchange views on the spot. He asked the Secretariat to relay the request of Councillors to the departments concerned.

56.     Mr HUI Tak-leung said that he requested the bureaux or departments concerned to send representatives to the meeting in order to receive their immediate responses. He stressed that government officials had the obligation to attend the meetings of DCs and DC Committees to answer the questions of Councillors directly

on the spot or exchange views with Councillors on certain items.

57. Mr Francis CHONG asked whether there was any existing legislation regulating nuisance calls from marketing/loan firms other than the Summary Offences Ordinance. He pointed out that such calls might not involve obscene or indecent contents as mentioned in the said Ordinance, nor might their frequency reach the degree of nuisance. Hence, he suggested the Government amend the Ordinance to define more clearly the ways in which nuisance arising from promotional calls from marketing/loan firms might constitute an offence.

58. Mr Tony SIU responded that the Police would decide whether to invoke the Summary Offences Ordinance for investigation and prosecution based on the severity of the nuisance calls involved in the complaints. He continued that there was no existing legislation other than the said Ordinance that regulated nuisance calls from marketing/loan firms.

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

**Item 17: Any Other Business**

**(1) Request for Sponsorship for Football Training Activities in Yau Tsim Mong District**

---

60. The Chairman said that Councillors had endorsed an allocation of \$180,000 at an earlier meeting for the promotion of football activities in the district. He also said that the Mong Kok District Cultural, Recreational and Sports Association had formed a district football team to play in the District Football Teams League organised by the Hong Kong Football Association (“HKFA”) for years. The district team had been promoted from the Fourth Division to the Third Division last year and was expected to be promoted to the Second Division next year.

61. Mr HAU Wing-cheong supplemented that the district football team of the Association had accumulated enough points in the League to be promoted to the Second Division next year.

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

**(2) Funding Scheme for Women’s Development Launched by Women’s Commission**

---

63. The Chairman said that the Women’s Commission continued to launch the Funding Scheme for Women’s Development this year. An amount of \$53,000 would be granted to each DC for organising activities promoting women’s development under the theme of “Women’s Employment” in 2014/15. He asked if Councillors agreed to allocate the fund to the Working Group on Women’s Affairs for organising related activities. There was no objection.

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

### **(3) Arrangements for the Submission of DC Papers**

65. Mr CHAN Siu-tong suggested Chairmen of DC committees examine whether the papers submitted by Councillors/Members dealt with matters within the terms of reference of the respective committees. If not, Chairmen of committees should advise Councillors/Members to submit the papers to suitable committees in order to ensure the DC's smooth operation and enhance its efficiency.

66. The Chairman said that the discussion papers submitted by Councillors that were related to community building, traffic and transport, food and environmental hygiene, district facilities management, and housing and building management should be discussed by the related DC committees. There was no objection.

67. The Chairman pointed out that some of the Councillors did not join all the five committees under the YTMDC. Therefore, if an item a Councillor wanted to discuss involved the work of another committee, submission of discussion papers might not be possible if he/she was not a member of that committee. The Chairman asked Councillors to discuss how to handle such situation.

68. Ms KWAN Sau-ling said that if the above situation happened, such Councillor could join the relevant committee in order to submit discussion papers at the meeting.

69. Mr CHAN Siu-tong said that a Councillor who was not a member of the District Facilities Management Committee ("DFMC") requested to submit papers at the last two meetings of the DFMC. The DFMC, at that time, held that the Councillor concerned should consider joining the committee immediately so as to participate in the discussion.

70. The Chairman suggested that if a Councillor wanted to submit discussion papers to a committee which he/she was not a member of it, an application to join the committee must be submitted to the Chairman of the relevant committee and the Secretariat first. He restated that if the issue a Councillor wanted to discuss fell into the scope of work of a committee, then it should be raised and discussed at the meeting of that committee.

71. Mr WONG Kin-san said that some of the items might involve the work of several committees while others might not fall under the scope of work of a certain committee. In addition, the Chairman of a committee might not agree to discuss some items at the meeting which he/she chaired. He hoped that Councillors could find a way to deal with such situations. He further suggested passing the papers to committees having ties to the policy bureaux/departments mentioned in the papers for follow-up action.

72. The Chairman opined that it would be more appropriate to decide to which committee the discussion papers should be submitted for discussion in accordance



with the topics or the contents of the papers.

73. Mr HUI Tak-leung said that although many policy bureaux/departments often refused to send staff to attend committee meetings, they might sometimes appoint representatives to join YTMDC meetings. In view of this, some Councillors would like to discuss those items at YTMDC meetings after their invitations to staff members of policy bureaux or departments were declined for many times.

74. Mr CHAN Wai-keung said that a department would send officers of different ranks to attend YTMDC meetings and committee meetings. For example, TD would send a Chief Transport Officer to join YTMDC meetings, while only a Senior Transport Officer would attend the TTC meeting.

75. The Vice-chairman opined that Mr CHAN Wai-keung had brought up the crux of the problem. She said that government departments seemed to attach more importance to YTMDC meetings. As a result, the ranks of the officials attending YTMDC meetings were much higher than those attending committee ones. Therefore, Councillors might think that only submitting discussion papers to the YTMDC would receive attention from the government departments. She hoped that District Officer (Yau Tsim Mong) (“District Officer”) could reflect the views of Councillors to policy bureaux or departments and urge them to send representatives to attend committee meetings.

76. Mr Chris IP said that taking the TTC as an example, although the rank of the officers of the HKPF attending the meetings was lower than those attending DC ones, they were all specialised in traffic issues of the district. Their participation in the meeting of TTC could allow the committee to conduct more in-depth discussion and follow-up action on the traffic and transport issues in the district.

77. The Chairman asked Councillors whether they agreed to let the Chairmen of the committees to decide the rank of the officers to be invited to attend the meetings, or let policy bureaux/departments invited to decide on it.

78. Mr Chris IP said that he knew that some Councillors would state in the discussion papers officers of which department and which rank they would like to invite, but the departments concerned usually did not send representatives to the meetings.

79. Ms Betty HO replied that policy bureaux/departments would in general consider the scopes of the discussion items and the responsible persons involved before designating officials to YTMDC meetings/committee meetings. She took Yau Tsim Mong District Office (“YTMDO”) as an example. Although she might not be able to attend all committee meetings, she would make her best efforts to attend the meetings with items worth YTMDO’s concern. She continued to say that Councillors were concerned about the low attendance rate of officers from policy bureaux/departments. In this regard, she promised that if policy bureaux/departments were not inclined to send representatives to the meetings of YTMDC or its committees in the future, she would contact the bureaux/departments concerned and follow up on the invitations extended by Councillors.

80. The Chairman said that he would allow discussion of papers submitted by Councillors during DC meetings in the following three situations: 1) the issue proposed by Councillors was a major emergency event or was gravely concerned by the public; 2) the issue was rather complicated, or involved the work of several committees, or was inappropriate to be discussed by one of the committees only; and 3) Councillors had repeatedly submitted papers to a committee for discussion, but the policy bureaux or departments concerned never sent representatives to attend the meeting or followed up the matter proactively. He further stated that if a Councillor proposed to discuss an item during a committee meeting while another Councillor wanted to discuss the same item at a DC meeting, he would not, for the sake of fairness, accept the latter to submit paper for discussion at DC meeting if he/she had never proposed to discuss the item at the committee level.

81. Ms KWAN Sau-ling opined that generally speaking the attendance rate of representatives of policy bureaux or departments to committee meetings was a bit low.

82. The Chairman added that if Councillors were allowed to bypass the committees concerned and submit discussion papers directly to DC meetings, it would be unfair to the Councillor who had submitted relevant discussion papers for committee discussion time and again.

83. Ms WONG Shu-ming said that currently the YTMDC had no mechanism to forward papers of one committee to another committee or DC meeting for discussion. She believed that if bureaux or departments knew that Councillors would only discuss an item at DC meetings if their representatives were repeatedly absent from committee meetings, their response to invitations of committees might not be enthusiastic.

84. The Chairman said that the YTMDC had never had a mechanism to forward discussion papers of one committee to another committee or DC meeting for discussion. He sought Councillors' views on having the DC to deliberate papers repeatedly discussed at committee meetings.

85. Mr CHAN Siu-tong enquired whether there were any discussion items being taken up eventually by the DC for follow-up action after the committees concerned had repeatedly failed to invite policy bureaux or departments to their meeting to discuss those items.

86. The Chairman asked Councillors whether the DC should follow up the items which had been discussed at committee meetings but without yielding any significant results; or the DC had no need to especially follow up those items.

87. Ms KWAN Sau-ling agreed that the DC should flexibly deal with items which had been discussed at committee meetings for several times but without yielding any significant results. The other Councillors had no objection.

88. The Chairman concluded that he would pass this kind of items to DC meetings for discussion on a case-by-case basis.

89. Mr HUI Tak-leung hoped that the Secretariat could inform the Councillors

who had left the meeting of the relevant arrangements after the meeting.

90. Mr CHAN Siu-tong held that Councillors were clear about when the meeting was held. Thus, the Secretariat did not need to especially inform Councillors who were absent or had left the meeting of the above arrangements.

91. The Chairman responded that the meeting would be recorded and the audio records would later be uploaded to DC's website for the public to listen. Besides, the Secretariat would prepare minutes of meeting and upload them to DC's website after they were endorsed. Councillors and the public could get a clear picture of how the items were discussed by the DC. Since time was needed for the preparation of minutes of meeting, he suggested the Secretariat reminding all Councillors to browse DC's website and listen to the audio records to note the contents of the meeting.

92. Mr Chris IP reckoned that it was adequate for the Secretariat to record in detail the speeches made at the meeting.

93. The Chairman said that since time was needed for the preparation of the minutes of meeting, he suggested the Secretariat reminding Councillors to listen to the audio records of the meeting. He continued to say that if the discussion papers prepared by Councillors fell within the purview of the committees, they should be submitted to the relevant committees for discussion. Furthermore, under special circumstances, the DC would also take up the discuss items of committee meetings. The above two arrangements should be in force immediately. There was no objection.

94. Mr CHAN Wai-keung said that he would like to know the reasons for the disparity in the rank of the representatives of the HKPF attending DC and committee meetings. He further suggested the HKPF appointing more officers who ranked at Senior Inspector or Chief Inspector to attend the meetings of the DC/committees.

95. Mr Kent CHUNG replied that for the transport matters in the district, the HKPF would appoint officers who were most appropriate and familiar with the relevant issues to attend the meetings of the DC/committees. However, when it came to district policing or policy making issues, officers of higher rank would be arranged to attend the meeting. He would relay Mr CHAN Wai-keung's comments to the HKPF.

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

#### **(4) 5th Hong Kong Games ("HKG")**

97. Mr Derek HUNG reported that the 5th Hong Kong Games ("HKG") Organising Committee held its first meeting on 7 March 2014. It was agreed at the meeting that a standing committee was to be formed. The standing committee held its first meeting on 27 March. At the meeting, Members agreed on the poster design for the HKG, adopted "Our City, Our Games" as the HKG's slogan and vetted the list of sponsors. It was agreed that the 5th HKG would continue to cover eight sports

items, namely athletics, badminton, futsal, basketball, table tennis, tennis, volleyball and swimming. In addition, a cheering team competition would be launched. Selection of district athletes would be conducted from May 2014 to January 2015. He supplemented that the 5th HKG welcomed co-opted members of DC committees to act as team leaders. He would discuss with the Leisure and Cultural Services Department about District Councillors or co-opted members taking up the role of team leaders in the HKG.

98. The Chairman said that Councillors agreed at the last DC meeting that Mr Derek HUNG would join the 5th HKG Organising Committee on behalf of the YTMDC. He added that the Organising Committee only allowed District Councillors to act as team leaders in the past, but this time co-opted members and representatives from sports associations were also welcomed. He thus invited Councillors to discuss the candidates for the team leaders of different sports items in the 5th HKG.

99. Mr CHAN Siu-tong noted that District Councillors might not have time to act as team leaders in the HKG due to their involvement in various public duties. He continued that the decision to allow District Councillors, co-opted members and persons-in-charge of sports associations to act as team leaders could promote active community participation in the HKG. He suggested that Mr Derek HUNG draw up a list of candidates for the team leaders of different sports items and submit it to the DC for approval.

100. The Chairman asked whether Councillors agreed to let Mr Derek HUNG identify the candidates for team leaders in the 5th HKG and draw up a list for consideration and approval by the DC. There was no objection.

101. Mr Derek HUNG said that the active participation of team leaders in the HKG would definitely boost the morale of athletes. He called on the Councillors and co-opted members who had interest and time to serve as team leaders as far as possible.

102. Mr HAU Wing-cheong agreed that the active participation of team leaders in the HKG would be conducive to lifting the spirits of athletes.

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

**Item 8: Regulatory Control over Internet Computer Services Centres and other Places of Entertainment Installed with Game Machines  
(YTMDC Paper No. 33/2014)**

---

104. The Chairman welcomed the following representatives to the meeting:

- (a) Mrs Susanne WONG, Principal Assistant Secretary (Civic Affairs) 3, and Miss Kay KWOK, Assistant Secretary (3) 1, of the Home Affairs Bureau (“HAB”); and

(b) Mr Vincent WAN, Chief Executive Officer (LA) of the HAD.

105. Mrs Susanne WONG briefly introduced the paper.

106. Mr WONG Kin-san asked whether the HAB would consult the owners' corporations ("OCs") or check the Deeds of Mutual Covenant of buildings in which the Internet Computer Services Centres ("ICSCs", commonly known as "internet cafes") were located prior to the issue or renewal of licences.

107. Mr HUI Tak-leung supported the Government to regulate ICSCs and other places of entertainment installed with game machines. He enquired whether the HAB would, prior to the issue of licence to an internet cafe, consult the Police, the DC and the OC of the building in which the internet cafe was located as well as consider the Deed of Mutual Covenant ("DMC") and the maximum capacity of the passenger lift of the building. Concerning the gambling elements in many existing game machines, he asked which government departments would be responsible for supervising the use of such game machines after legislation was introduced to regulate ICSCs. He also requested that the related regulatory work be centralised under one department. Moreover, he asked whether internet cafes and places of entertainment governed by the Amusement Game Centres Ordinance ("AGCO") had to apply for other licences, such as club licences and temporary restaurant licences, if they provided other services.

108. The Chairman asked whether the conditions for licence application by clubhouses of private residential estates installed with game machines would be the same as those specified in the paper.

109. Mr Barry WONG supported the Government to regulate ICSCs and other places of entertainment installed with game machines. He enquired whether the "crime" in Appendix A (d) of the paper referred to "the sale or consumption of alcohol on the premises" only and whether the "control of indecent and obscene articles" in item (g) applied to "articles" only.

110. Mr HAU Wing-cheong said that many "internet cafes" had installed electronic game machines with gambling elements, e.g. customers could win pinballs through electronic games and exchange them for money outside the premises. He would like to know how the HAB regulated this kind of "internet cafes".

111. The Vice-chairman supported the Government to regulate ICSCs and other places of entertainment installed with game machines. As for the sentence "allow for a transitional period of 18 months before the guidelines formally take effect" in paragraph 4.7 of the paper, she would like to know the arrangements for the transitional period and penalty involved.

112. Ms KWAN Sau-ling pointed out that some restaurants had also installed electronic game machines and they should also be regulated under the AGCO.

113. Mr CHAN Wai-keung said that the Government should study how to tackle the problems arising from ICSCs, including gambling and pornographic problems as well as the sale of alcoholic beverages to minors. He also pointed out that as the

Government said it would issue licenses to “internet cafes”, he worried that people would be misled into believing that premises with an ICSC licence could also provide food and beverages.

(Mr CHOW Chun-fai left the meeting at 5:30 p.m.)

114. Mrs Susanne WONG responded as below:

- (i) The regulation of “internet cafes” proposed by the Administration was based on existing voluntary codes and general fire and building safety requirements. According to existing regulations, “internet cafes” could not operate in a building where only residential purposes were allowed, in premises designated for domestic use only, in industrial buildings, in the industrial portions of a building, or in an upper floor of a single staircase building.
- (ii) The DMC was a private contractual agreement. The Government was not a party of the DMC and had no power to enforce the provisions of the DMC. However, the HAB would consider the views of stakeholders in the district on license applications according to established procedures. The HAB would also request license applicants to comply with relevant land use requirements such as the requirements of the land lease.
- (iii) According to the proposed ICSC licencing conditions, “internet cafes” operators should ensure that no criminal activities were allowed on the premises. Other than the Police, the HAD also conducted routine inspection in “internet cafes” and referred cases to relevant departments for follow up action when necessary.
- (iv) World Cup was drawing near and the HAB and the Police were very concerned about the problem of football gambling. For this purpose, the Administration would strengthen inspection and enforcement in places of entertainment, including “internet cafes” in the coming few months.
- (v) As for the gambling behaviour in which customers won pinballs in premises installed with game machines and exchanged them for money outside the premises, the HAB would maintain communication and intelligence exchange with the Police to strengthen enforcement action.
- (vi) As “internet cafes” fell within the definition of “amusement game centre” under the AGCO and there were no other licensing regimes for them, the HAB intended to regulate “internet cafes” through licensing by virtue of the above ordinance and licensing requirements would be set out with reference to existing voluntary codes of “internet cafes”. As for bars, restaurants and clubs installed with electronic darts machines already issued with a license, such as liquor license, restaurant license and club license, the Government suggested exempting these premises from the regulation of the above ordinance.

- (vii) The HAB intended to allow for a transitional period of 18 months after the proposal took effect to facilitate the industry to prepare for license application and the Administration would take enforcement action against unlicensed “internet cafes” according to the AGCO thereafter.
- (viii) First conviction of unlicensed internet cafe operation would attract a maximum fine of \$100,000 and imprisonment of six months.
- (ix) “Internet cafes” had to apply for a restaurant licence if they also sold snacks such as coffee and sandwiches other than providing internet computer service. Moreover, “internet cafes” must not provide any live-in service.

115. Mr Barry WONG quoted one of the provisions of the Code of Practice for Internet Computer Service Centres Operators issued by the Office of the Licensing Authority of the HAD, pointing out that operators should ensure that no criminal activities such as vice, gambling or triad related activities were allowed on the premises. He suggested the HAB make reference to the provision when it drafted Appendix A of the paper.

116. The Vice-chairman asked whether restaurants or bars providing internet computer service required a license for ICSCs. If so, since the application for an ICSC license would be far easier than the application of General Restaurant License or Liquor License, she had reservation on this arrangement.

117. Mrs Susanne HO responded that “internet cafes”, if selling food or alcoholic beverages, should apply for an ICSC license and other related licenses concurrently. She also clarified that the proposal of the Administration to exempt any licenced bars, restaurants or clubs installed with electronic darting machines from another license application under the AGCO aimed to facilitate trade and avoid dual regulatory regime. She added that the HAB would take reference to the current voluntary codes in drafting the licensing conditions for the regulating of ICSCs.

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

**Item 9      Work Plan of ICAC Regional Office (Kowloon West), 2014/2015**  
**(YTMDC Paper No. 34/2014)**

---

119. The Chairman welcomed Ms Yvonne MUI, Regional Officer/Kowloon West, and Mr CHUI Yu-ming, Senior Community Relations Officer of the Independent Commission Against Corruption (“ICAC”).

120. Ms Yvonne MUI briefly introduced the paper.

121. The Chairman asked whether Councillors agreed to endorse an amount of \$50,000 to the ICAC for organising anti-corruption activities for the community and schools of the YTM District. There being no objection.

122. Mr CHAN Wai-keung indicated that according to the promotional leaflet “A clean future for our next generation” distributed by the ICAC, “advantage” meant “any valuable item other than entertainment, such as gift, reward, commission, loan, office, service, favour etc.” He said that any provision of entertainment to voters during election period might be regarded as election corruption as there were police officers being convicted for accepting concessionary offers by a restaurant owner at an earlier time. He opined that the exclusion of entertainment from interest as stated in the promotional leaflet of the ICAC might mislead the public.

123. Mr HUI Tak-leung reflected that the ICAC officers often declined invitations to building maintenance meetings held by the OCs. Moreover, the ICAC officers seldom took follow-up action on public complaints about building maintenance works, claiming that the information provided by the informers was insufficient or bid-rigging was not illegal. The informers were frustrated by this. He also suggested that the ICAC should consider organising the “West Kowloon Anti-corruption Activities Launching Ceremony” at community halls near residential buildings to attract more participation of local residents.

124. Ms WONG Shu-ming hoped that the ICAC would deploy more officers to attend OCs’ meetings to discuss building maintenance issues. She also enquired about the ICAC’s role in the RenoSafe Scheme and requested it to distribute the “Building Management Toolkit” to the OCs in the district.

125. The Vice-chairman suggested the ICAC explain the evil of corruption to the general public in the leaflet “A clean future for our next generation” and strengthen the content of integrity education. Moreover, the ICAC should increase manpower to support the building management work of OCs. She added that it would attract more residents if the “Launching Ceremony for West Kowloon Anti-corruption Activities” was organised at Macpherson Playground, Mong Kok instead of at the Hong Kong Cultural Centre Piazza, Tsim Sha Tsui.

126. Mr Derek HUNG agreed that the ICAC should strengthen integrity education for the youth. He added that many corruption complaints involved the middle-aged. He asked whether the ICAC would promote integrity education to groups other than the youth.

(Mr HAU Wing-cheong left the meeting at 6:10 p.m.)

127. Ms Yvonne MUI responded as follows:

- (i) The promotion leaflet of “A clean future for our next generation” had invoked the definition of “advantage” in Prevention of Bribery Ordinance. As to whether or not the provision of entertainment to voters during election period was illegal mentioned by Mr CHAN Wai-keung, the issue was dealt with in Section 12 of the Elections (Corrupt and Illegal Conduct) Ordinance while the case mentioned by him was related to misconduct in public office. She added that the distribution of leaflets near the mobile exhibition vehicle to local residents aimed to draw them into the vehicle and have a look at the



information of the ICAC's work. Therefore the promotional leaflet only provided simple definition of "advantage" in the Prevention of Bribery Ordinance.

- (ii) The ICAC would take into account the targets and nature of activities and distribute different promotional leaflets, including those encouraging the public to report corruption.
- (iii) The ICAC had all along been very concerned about the corruption relating to building management. There were seven youth and education officers and three assistant youth and education officers at the ICAC Regional Office (Kowloon West). One of their job duties was to provide preventive education services to OCs. If an OC invited the ICAC officers to attend the meeting for the purpose of introducing anti-corruption laws or measures, the ICAC was pleased to send staff to the meeting. However, if our officers were invited to monitor the tender opening process or resolve disputes at the scene, the ICAC, being an enforcement agency, would not send staff to such occasions as they fell outside the purview of the ICAC.
- (iv) If corruption was involved in bid rigging, the ICAC would take follow-up actions in accordance with the law.
- (v) If an OC wanted to get a copy of the "Building Maintenance Toolkit", it could contact the Regional Offices of the ICAC. The Toolkit was also available on the website of the ICAC for public viewing.
- (vi) The ICAC would support the "RenoSafe Scheme" undertaken by the Police from the perspective of corruption prevention.
- (vii) This year's "Launching Ceremony for West Kowloon Anti-corruption Activities" was an anti-corruption activity jointly organised by the ICAC Regional Office (Kowloon West) and the DCs of YTM, Sham Shui Po and Kowloon City. As the scale of the ceremony was larger than those of previous years, a larger venue would be required. The ICAC had consulted the views of some members of the local community when choosing the venue. They generally held that the Hong Kong Cultural Centre Piazza was a suitable venue given its location and convenient transportation. Furthermore, it was also the venue for other activities of the YTM District. As regards Macpherson Playground put forward by Councillors, the Anti-corruption Activity Award Ceremony of the YTM District had already been held there last year. The ICAC would also consider Cheung Sha Wan Playground as an alternative venue for its proximity to residential areas.
- (viii) The ICAC instilled anti-corruption values to various age groups through different channels, including introducing anti-corruption laws or measures to staff of government departments, private sector and non-profit sector as well as promoting the integrity message to the

elderly through activities held by district organisations and non-profit making organisations.

(Mr Barry WONG left the meeting at 6:15 p.m.)

128. Mr HUI Tak-leung said that there were many old single tenement buildings in the YTM District. He hoped that the ICAC could increase manpower to promote corruption preventive education against building management issues in the district. Furthermore, he believed that instead of investigating cases of omission in the filing of election expenses with considerable manpower, it would be more appropriate for the ICAC to deploy staff for handling building management cases.

129. Ms Yvonne MUI responded that the ICAC was responsible for the enforcement of the “Elections (Corrupt and Illegal Conduct) Ordinance”. Being the enforcement agency, the ICAC would follow up all the relevant cases in accordance with the law regardless of the amount involved.

130. Mr HUI Tak-leung said that quite a number of residents had filed corruption reports against bid rigging to the ICAC. However, the complainants were very frustrated because the ICAC’s officers often simply indicated that bid rigging was not illegal and no follow-up actions would be taken.

131. Ms Yvonne MUI responded that she would instruct frontline officers to ask the complainants whether corruption was involved in suspected bid rigging cases so as to determine whether the complaints could be followed up by the ICAC.

132. Mr Francis CHONG supplemented that bid rigging might not be legal as it might involve deception.

133. Ms Yvonne MUI responded that the ICAC would take into account the ploys involved in bid rigging. If corruption was involved, the ICAC would take follow-up actions in accordance with the established procedures.

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

**Item 10 Integrated Basement for West Kowloon Cultural District - First Stage of Design, Site Investigation and Advance Works**  
**(YTMD Paper No. 35/2014)**

---

135. The Chairman welcomed the following representatives to the meeting:

- (a) Mr Janson WONG, Chief Engineer/Kowloon 2 (Kowloon) and Mr David LEUNG, Senior Engineer/Kowloon 3 (Kowloon) of the CEDD; and
- (b) Dr CHAN Man-wai, Executive Director, Project Delivery, Mr NG Ying-chuen, Head, Technical Services, Mr Derek SUN, Head, Planning and Development and Mr Patrick LAM, Senior Traffic and

Transport Engineer of the West Kowloon Cultural District Authority (“WKCDA”).

136. Mr Janson WONG gave a PowerPoint presentation to briefly introduce the contents of the paper.

137. The Vice-chairman supported the CEDD to submit funding applications to the Legislative Council (“LegCo”) for the first stage of design, site investigation and advance works of integrated basement for West Kowloon Cultural District (“WKCD”). However, she queried why the Government was responsible for carrying out such works and paying all the costs.

138. Mr Benny YEUNG stressed that Councillors were very concerned whether the building height of the WKCD would exceed 100 metres above Principal Datum (“mPD”).

139. Mr Derek HUNG declared that he was a resident of a property above the Kowloon Station. He expressed his support for the design, site investigation and advance works for the first phase of the integrated basement of the WKCD. He continued that Councillors had indicated at the DC meeting on 27 February 2014 that the height of buildings in the WKCD should be restricted at 100 mPD. For this purpose, he requested to write to the Town Planning Board (“TPB”) in the name of the YTMDC to state DC’s views on the building height restriction for the WKCD and indicate in the letter that the WKCDA must consult the views of the YTMDC again should the height of buildings in the WKCD exceeded 100 metres above the Principal Datum. He also requested the WKCDA to submit the data of environmental assessment and traffic flow assessment for the increase in plot ratio of WKCD for consultation.

140. Mr Chris IP declared that he was a director of the board of the WKCDA. He agreed with the suggestion of Mr Derek HUNG and expressed support for the design, site investigation and advance works for the first phase of the integrated basement of the WKCD. He reckoned that the WKCDA should face squarely the concerns of residents in the vicinity of WKCD on the height of new buildings and hoped the WKCDA could respond to the building height restriction for the WKCD.

(Mr Benny YEUNG left the meeting at 6:38 p.m.)

141. Mr CHAN Siu-tong asked whether there were coach parking spaces in the integrated basement of the WKCD. If yes, he would like to know the number of parking spaces. He supported the suggestion of Mr Derek HUNG and pointed out that it would feed into a perception that the WKCDA did not abide by its commitment on building height restriction should the height of buildings in the WKCD be increased to 105 mPD.

142. Mr Benjamin CHOI said he caught wind of the probable increase of building height for the WKCD to 105 mPD recently and he urged the WKCDA to clarify this point.

143. Mr Janson WONG responded that the LegCo had injected a lump sum of

\$21.6 billion to the WKCD for the development of the WKCD in 2008 and the sum did not cover the works of integrated basement of the WKCD. The WKCD conducted public engagement exercise in three phases between 2009 and 2011 and selected the design concept of “City Park” as the master plan for WKCD development in March 2011 after analysing public views comprehensively. As the works of the integrated basement involved a number of government departments, it would be more appropriate for the Government to implement the project concerned.

144. Dr CHAN Man-wai responded that due to technical reasons, two buildings of the WKCD in front of the International Commerce Centre would be 105 metres in height. The WKCD understood that the YTMDC was very concerned about the building height for the WKCD. The WKCD would request the consultant to study again the adjustment of the height of the two buildings and would actively respond to the aspirations of the DC.

145. Mr Derek HUNG criticised the inappropriateness of the WKCD to take the views put forward by Councillors at the last DC meeting as conclusion since its representatives had failed to provide sufficient information then. He reiterated that a letter should be written, in the name of the YTMDC, to the TPB to elaborate on DC’s stance on the building height restriction for the WKCD. He also said that the works of the integrated basement of the WKCD was closely related to the height of buildings for the WKCD.

146. Mr Chris IP pointed out that Mr Derek HUNG had reflected the concerns of residents many times at the meeting as well as at various occasions and he hoped the WKCD could respect the views of Councillors. He also hoped to write to the TPB in the name of the YTMDC and reiterated the request of the DC that the height of buildings in the WKCD must not exceed 100 mPD.

147. Ms WONG Shu-ming said that people in Hong Kong generally hoped that the WKCD could be built as soon as possible but the WKCD was still entangled in the issues of plot ratio and building height restriction. She recalled that the WKCD had failed to provide sufficient data for the slight relaxation of development density of the WKCD at the DC meeting on 27 February 2014. Although Councillors had clearly expressed at the meeting their concerns on the building height for the WKCD, some of the buildings there were as high as 105 metres. This would inevitably drain the confidence of Councillors and the public in the WKCD.

148. Dr CHAN Man-wai responded that the WKCD would actively respond to the views of Councillors on the building height restriction for the WKCD.

149. The Chairman asked whether Councillors supported the advance works of integrated basement zone 3A and the design and site investigation for zone 3B, there was no objection. He also said that Councillors had discussed the slight relaxation of development density of the WKCD at the DC meeting on 27 February 2014 and unanimously requested that buildings in the WKCD must not be taller than 100 mPD. In this connection, he asked Councillors whether they agreed to write to the TPB under the name of the YTMDC to express their concerns and views. There was no objection.

150. Mr Derek HUNG opined that it was undesirable for the WKCD to conduct environmental assessment and traffic flow assessment hastily for the relaxation of development density of the WKCD.

151. The Chairman suggested that the WKCD must consult the views of the YTMDC again should the building height for the WKCD exceed 100 mPD. He also said that the WKCD conducted environmental assessment and traffic flow assessment again for the increase in plot ratio of the WKCD and he requested the WKCD to submit the data concerned to the DC or TTC for consultation. There was no objection.

152. Dr CHAN Man-wai responded that the WKCD would actively respond to the concerns and views of the YTMDC on the building height restriction for the WKCD. As for the increase of plot ratio of the WKCD, the WKCD would submit the information of the environmental assessment and traffic flow assessment to the TPB. The WKCD would also provide the information concerned to the DC if necessary.

153. The Vice-chairman said that the WKCD did not provide the DC with the information of the environmental assessment and traffic flow assessment during the discussion of the slight relaxation of development density of the WKCD at the meeting last time. She requested the WKCD to submit the information concerned to the DC as soon as possible.

154. The Chairman requested the WKCD to provide the relevant papers to the DC as soon as possible to facilitate exchange of views between Councillors and the WKCD.

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

(Post-meeting note: The Secretariat had written to the TPB under the name of the YTMDC (Annex 4) on 30 April 2014 to relay the aspirations of Councillors.)

**Item 12: Government Should Take Measures in Response to Court of Final Appeal's Ruling for New Immigrants to Apply for CSSA After One Year's Residency in Hong Kong  
(YTMDC Paper No. 37/2014)**

---

156. The Chairman said that the joint written response of the Labour and Welfare Bureau and the Social Welfare Department ("SWD") (Annex 5) as well as the written responses of the Chief Executive's Office and the Constitutional and Mainland Affairs Bureau (Annexes 6 and 7) had been distributed to Councillors for perusal before the meeting. Moreover, the written responses of the Security Bureau and the Department of Justice (Annexes 8 and 9) were also available on the table for Councillors' perusal. He then welcomed Ms WONG Yin-yee, District Social Welfare Officer (Kowloon City & Yau Tsim Mong) and Mr Frankie PUI, Senior

Social Security Officer (Yau Tsim Mong & Sham Shui Po) of the SWD to the meeting.

157. Mr Francis CHONG supplemented the contents of the paper. He requested the Government to study introducing a mechanism to require those who applied to settle in Hong Kong to obtain financial guarantee from a third party before they could settle in Hong Kong lest the Government wasted public fund to support their living expenses in Hong Kong.

158. Ms WONG Yin-yee responded as follows:

- (i) After the Court of Final Appeal (“CFA”) ruled on the judicial review case on the residence requirement for Comprehensive Social Security Assistance (“CSSA”) applicants on 17 December 2013, the Administration stated openly that the Government respected the judgement of the CFA.
- (ii) The SWD had restored from the day of the ruling the one-year residence requirement for CSSA which was in effect before 1 January 2004 to tie in with the judgement of the CFA on the case. Persons under 18 would continue to be exempted from the residence requirement. The SWD would continue to process CSSA applications according to applicable procedures.
- (iii) From the date of CFA’s judgement to 11 April 2014, the SWD received some 4 000 cases of CSSA applications involving persons living in Hong Kong for less than seven years. The SWD needed more time to observe the trend of new applications before it could estimate precisely the effect of the ruling concerned on the CSSA scheme.
- (iv) The Government would continue to take forward a number of complementary measures to encourage employment and alleviate poverty with a view to preventing new arrivals from falling into the CSSA net.
- (v) The One-way Permit (“OWP”) Scheme aimed to allow mainland residents to come to Hong Kong for family reunion in an orderly manner. The current OWP quota was 150 per day. Whether or not these new arrivals would apply for the CSSA mainly depended on their financial situation and interest in applying.

159. Mr Francis CHONG indicated that the Government had to bear the living expenses of the new arrivals with financial needs if no one would be responsible for their living expenses. He considered the above arrangements totally unreasonable. In the KONG Yunming case, Mr CHAN, Ms KONG’s husband, had been receiving CSSA since 1985. Mr CHAN and Ms KONG married in 2003 and Ms KONG came to Hong Kong by OWP in late 2005. However, her husband died the next day after her arrival and she therefore applied for CSSA in March 2006. Her application was rejected by the Government on the ground of the “new CSSA policy”. Ms KONG therefore applied for legal aid to seek judicial review in 2008 and the CFA eventually

ruled in favour of Ms KONG in late 2013. He reiterated that it was unreasonable for CSSA recipients with no financial means to apply for yet another person with no financial means to settle in Hong Kong, and let Hong Kong people bear the living expenses. He added that the CFA considered that “the right to social welfare in accordance with the law” mentioned in Article 36 of the Basic Law meant that any new arrivals, after becoming Hong Kong residents, had the right to enjoy social welfare. And the right had been granted to Hong Kong residents since the day of reunification. He disagreed with this view. He reckoned that if the CFA had misinterpreted any article of the Basic Law, the Government had the responsibility to seek an interpretation from the Standing Committee of the National People’s Congress (“NPCSC”).

160. Mr CHAN Wai-keung indicated that only taxpayers would be eligible to enjoy social welfare in countries like the United Kingdom and Canada, etc. He doubted whether the CFA had the power to reverse the “new CSSA policy” and believed that its ruling on the KONG Yunming case would have impact on social policy. He indicated his disappointment towards Government’s stance to respect CFA’s ruling on the KONG Yunming case.

161. Ms WONG Shu-ming concurred with Mr CHAN Wai-keung’s views. She pointed out that the “judicial hegemony” manifested in the KONG Yunming case was a sobering lesson for the public. She also regretted that government representatives did not attend the meeting to discuss the item after the CFA had handed down a ruling on the case.

162. Ms KWAN Sau-ling was dissatisfied that the Department of Justice did not follow up the problems arising from the KONG Yunming case.

163. The Vice-chairman indicated that Hong Kong residents resided in Hong Kong for seven years were mostly eligible for various welfare schemes in Hong Kong. As for applicants resided in Hong Kong for less than seven years, the SWD would exercise discretion to exempt them from this requirement on humanitarian grounds if they applied for Government’s welfare schemes. They might not necessarily be turned away even if they failed to meet the residency requirement. However, the ruling on the KONG Yunming case had a huge impact on the social welfare system of Hong Kong. The Government should prudently consider whether there was a need to seek NPCSC’s interpretation of the Basic Law in respond to CFA’s ruling on the case.

164. Ms WONG Yin-yee noted Councillors’ views. She reiterated that the SWD required longer time to observe the trend of the number of new CSSA applications before providing an accurate estimation on the impact to CSSA by the CFA’s ruling.

165. The Chairman requested Ms WONG Yin-yee to reflect Councillors’ views to the Chief Executive’s Office, the Department of Justice and the departments concerned.

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

**Item 13    Concern over Impacts of Large-scale Coastal Works on Water Quality in Victoria Harbour. Effective Measures Are Required to Improve Harbour Cleanliness**  
**(YTMDC Paper No. 38/2014)**

---

-----  
167.    The Chairman indicated that the written response (Annex 10) of the FEHD had been distributed to Councillors for perusal before meeting. He then welcomed the following representatives to the meeting:

- (a)    Mr Lennon CHU, Senior Assistant Shipping Master/Pollution Control Unit and Mr LU Jian-jian, Marine Officer/Licensing & Port Formalities (2) of the Marine Department (“MD”);
- (b)    Mr WONG Kam-wah, District Environmental Hygiene Superintendent (Yau Tsim) of the FEHD;
- (c)    Mr NG Ping-sum, Senior Environmental Protection Officer of the Environmental Protection Department (“EPD”);
- (d)    Mr Kenneth MOK, Acting Senior Engineer/Kowloon & New Territories South 3 of the Drainage Services Department (“DSD”).

168.    Mr Derek HUNG supplemented the contents of the paper.

169.    Mr NG Ping-sum responded as follows:

- (i)    The EPD had adopted a two-pronged approach to protect and improve water quality of Victoria Harbour. Apart from controlling sources of pollution through enforcement actions, comprehensive sewage infrastructures were also provided to treat sewage produced by urban population and business. The main pollution source of Victoria Harbour was the daily sewage of about 1.85 million cubic metres discharged from both sides of the Harbour. With the concerted efforts of relevant departments over the years, there were sound networks of sewers on the two sides of Victoria Harbour. These sewers could collect sewage effectively and transfer it to the sewage treatment works for treatment and discharge. The Government would continue to expand the networks of sewers to other districts, and replace and upgrade the existing sewage disposal facilities according to population changes.
- (ii)    The EPD had taken the following measures to reduce pollutants from entering Victoria Harbour:
  - a)    With the assistance of DOs, the EPD would step up follow-up and enforcement actions jointly with the BD to tackle cases of sewer misconnections and illegal discharge in the district so as to expeditiously rectify the connections of private building sewers to storm water drains resulting in the discharge of foul water into



Victoria Harbour;

- b) The DSD had installed dry weather flow interceptors in the storm water drainage system within upstream areas. These interceptors could help intercept polluted water in dry seasons and prevent it from entering Victoria Harbour;
  - c) The DSD would regularly inspect the outfalls of storm water drains and remove the sediments at the outfalls when necessary; and
  - d) The FEHD would inspect environmental hygiene black spots such as rear lanes where food premises cleaned their food materials and eating utensils, and take appropriate enforcement actions to combat illegal discharge of sewage.
- (iii) The Government was actively promoting the Harbour Area Treatment Scheme (“HATS”), under which sewage collected was conveyed to Stonecutters Island Sewage Treatment Works via deep tunnels for chemical treatment. The water quality of Victoria Harbour had improved significantly since the HATS was commissioned in 2001, with the Escherichia Coli (“E. coli”) level decreased by 50% and the dissolved oxygen level increased by 10%. Furthermore, the unionised ammonia level of the water of Victoria Harbour had complied with the water quality objectives of the Victoria Harbour Water Control Zone in the past decade.
- (iv) To further improve the water quality of Victoria Harbour, the Advance Disinfection Facilities of HATS Stage 2A were commissioned in March 2010. According to the water quality monitoring data from the first quarter of 2014, the E. coli level in the waters from Stonecutters Island to Sham Tseng fell by over 50% compared with that in 2009, i.e. before the commissioning of the disinfection facilities. The Government had commenced the works of HATS Stage 2A, with a view to treating the remaining 450 000 tonnes of sewage properly before discharging it to Victoria Harbour. The water quality of Victoria Harbour would further improve upon the completion of the works of HATS Stage 2A in 2015.
- (v) During the construction of the WKCD project and the SCL, the EPD would regularly monitor the situation of each works site and keep a close eye on whether the contractors had taken appropriate mitigation measures to prevent sewage from entering Victoria Harbour and polluting the water quality. If the works concerned were in contravention of the Water Pollution Control Ordinance, the EPD would take actions pursuant to the power conferred by the law. As some of the aforesaid development projects were designated projects, the project proponents had already obtained environmental permit. They were required to undertake an Environmental Audit by engaging an Environmental Team and Independent Environmental Checker and report regularly to the EPD. If a marine construction works was

involved in the aforesaid development projects, the environmental team should monitor the water quality in accordance with the Environmental Monitoring and Audit Manual. If the monitoring report indicated any abnormality, the environmental team and contractors should take improvement measures immediately.

170. Mr LU Jian-jian responded that to ensure safety at sea, the MD would regularly survey the water depth of the fairways and the typhoon shelter. If the water depth was insufficient, the CEDD would be responsible for the implementation of the dredging works.

171. Mr NG Ping-sum responded as follows:

- (i) The EPD had been concerned about the problems of misconnections of private building sewers near the Yau Ma Tei Typhoon Shelter (“YMTTS”). From 2006 to the end of March 2014, the EPD had successfully rectified the misconnected sewerages of 320 buildings in the district, accounting for 80% of the total reported cases. The EPD had discussed and followed up the cases with the relevant departments, owners and the OCs. As regards the outstanding cases pending rectifications, the EPD and the BD would, through the DOs, contact the owner or OC concerned to tackle the problem of illegal discharge as soon as possible.
- (ii) The EPD would continue to inspect food premises in the district to combat the malpractice of discharging sewage to storm water drains.

172. Mr Kenneth MOK responded that the DSD was planning to provide inception facilities at the Cherry Street box culvert. The consultant engaged by the DSD had carried out site investigation and design work for the project. The design work with an estimated expenditure of around \$13.5 million had commenced in August 2012 and was near completion. Once the design work was completed, the DSD would seek funding approval from the LegCo Finance Committee (“FC”) following the procedures for Public Works Programmes.

173. The Chairman enquired about the implementation timetable of the project.

174. Mr Kenneth MOK responded that the timetable could only be finalised after funding approval was obtained from the FC of LegCo. The project was expected to take at least four years for completion.

175. Mr Lennon CHU responded as follows:

- (i) The Pollution Control Unit of the MD was responsible for handling floating refuse. The MD would monitor contractors to deploy vessels for collecting floating refuse.
- (ii) At present, the removal of floating refuse had been outsourced to private companies.

- (iii) The MD would hold regular meetings with contractors to discuss contract management issues and contractors were required to submit report to the department on a daily basis. Furthermore, the MD officers would patrol the Hong Kong waters and monitor the cleanliness of the sea surface and the performance of contractors.
- (iv) During regular meetings, the MD would from time to time remind contractors and their staff to pay attention to and observe the safety guidelines. Furthermore, the contractors were also required to provide their staff with personal safety gears such as life jackets in accordance with the occupational safety and health guidelines.

176. Mr CHAN Siu-tong said that the responsibility of near shore pollution in Victoria Harbour caused by misconnections of private building sewers should rest with the developers instead of minority owners.

177. Mr John WONG hoped that the relevant departments could start the project of providing interception facilities at the Cherry Street box culvert as soon as possible to address the demands of residents in West Kowloon.

178. The Vice-chairman said that the water quality of Victoria Harbour had improved over the past few years. However, its water quality still failed to live up to the expectation of the public. Furthermore, she asked whether the proliferation of sub-divided units would exacerbate the problems of misconnections of sewers and illegal discharge.

179. Mr Derek HUNG was pleased to note that the overall cleanliness of the seawater in Victoria Harbour had improved significantly over the past few years. To ensure the safety of fairways, he hoped that the MD and the CEDD would continue to improve the removal work of silt and refuse on the seabed. Furthermore, he said that some marine refuse might be washed up onto the shore and stuck at the rock crevices during high tide at YMTTS and waterfront of the WKCD. He wanted to know which department was responsible for clearing the marine refuse washed up onto the shore. He further said that there were accidents and casualties involving cleansing workers handling marine refuse in Aberdeen, Tai Kok Tsui and Causeway Bay in 2002, August 2013 and March 2014 respectively. In view of this, he asked whether the MD had provided adequate safety guidelines to marine cleansing workers.

180. Mr Ng Ping-sum responded as follows:

- (i) The EPD found that quite a number of building sewers were blocked or altered, resulting in the problem of illegal connections of building sewers to storm water drains. If misconnections of sewers involved individual households, the EPD would ask the households concerned to rectify the problem. If misconnections of sewers involved the whole building, the EPD would contact the OC of the building concerned. It might take a longer time for the EPD to process a case if the building concerned had no OC.

- (ii) The EPD had strived to improve the water quality of Victoria Harbour. It had enhanced enforcement actions to reduce pollutants from entering the Harbour on the one hand and provide infrastructure on the other hand. For instance, the HATS project was launched to transfer the sewage generated from Kowloon and Hong Kong Island to Stonecutters Island Sewage Treatment Works for chemical treatment before discharging to the sea.

181. Mr Lennon CHU responded as follows:

- (i) The removal of floating refuse had been outsourced to private companies. If refuse was washed up onto the shore, the MD would arrange joint cleansing operations with the FEHD.
- (ii) The crew who fell into the sea in Causeway Bay was an outsourced worker responsible for clearing marine refuse for the MD but the accident did not happen during working hours. The accident at the YMTTS was happened when the victim was working. He supplemented that the existing legislation did not require workers engaged in marine work activities to wear life jackets when working on vessels. However, the MD would remind workers to wear protective clothing and provide themselves with life-saving gears such as life jackets when they worked on vessels.

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

**Item 15 Request for Full Review of Fare Adjustment Mechanism. Strong Opposition to MTRC's Fare Increase (YTMDC Paper No. 40/2014)**

---

183. The Chairman welcomed the following representatives to the meeting:

- (a) Ms Lilian YEUNG, Public Relations Manager/External Affairs of MTR Corporation Limited ("MTRCL"); and
- (b) Ms Christine YUEN, Senior Transport Officer (Yau Tsim Mong) of the TD;

184. Mr HUI Tak-leung said that despite the upward adjustments of fares by the MTRCL every year, there was no improvement in service quality and facilities. He hoped that the MTRCL could review the situation. Moreover, he asked whether the TD could respond on behalf of the Transport and Housing Bureau ("THB") if the THB had any plan to review the fare adjustment mechanism of the MTRCL. He was dissatisfied that no THB representative attended the meeting.

185. The Chairman indicated that Councillors had submitted four discussion papers for this meeting and three of them had elicited responses from the

representatives of various government departments. He added that the Councillor who had submitted the captioned paper only indicated his intention to invite the “departments concerned” to the meeting. He hoped that Councillors could state clearly which departments they would like to invite.

186. Ms Christine YUEN responded as follows:

- (i) After the merger of the Mass Transit Railway (“MTR”) and the Kowloon-Canton Railway (“KCR”) in December 2007, the MTRCL had adopted an objective and transparent fare adjustment mechanism to replace the fare autonomy enjoyed by the MTR and the KCR.
- (ii) The current fare adjustment mechanism had adopted a direct drive formula to adjust the fare with the elements including Composite Consumer Price Index, the year-on-year percentage change of the Nominal Wage Index (Transportation Section) and Productivity Factor, in order to determine whether the overall fare should remain unchanged or be adjusted downward or upward.
- (iii) According to the Operating Agreement signed by the Government and the MTRCL, both parties were entitled to call for a review on the fare adjustment mechanism once every five years after the merger took place in December 2007. The Government and the MTRCL had conducted the review in 2013, followed by the announcement of the outcome in April 2013. The new fare adjustment mechanism had been in effect since June 2013.
- (iv) Under the new fare adjustment mechanism, the value of the Productivity Factor would be increased from the original 0.1% to 0.6%. Therefore, the fare increase rate for June 2013 would be 2.7% instead of the original 3.2%. According to the new fare adjustment mechanism, the fare increase rate for 2014 would be 3.6%.
- (v) Under the new fare adjustment mechanism, the fare adjustment had added a new factor of affordability cap. The fare increase, calculated by the new fare adjustment formula, would not be higher than the change in Median Monthly Household Income in the corresponding period.
- (vi) The MTRCL had introduced a new mechanism, under which concessionary fares would be offered according to the underlying business profit each year, such as “10% Same-Day Second-Trip Discount”, a four-month promotion in 2013.
- (vii) The Administration had introduced a punishment mechanism called the “Service Performance Arrangement”. A fine would be imposed on the MTRCL if there was a serious service delay.
- (viii) The Operating Agreement signed by the Government and the MTRCL was a legally binding agreement. According to the Operating

Agreement, the next fare adjustment review would be conducted in 2018. The Government would urge the MTRCL to take into account the economic environment and the inflationary pressure faced by the public. Other than commercial interests, the MTRCL should also consider the corporate social responsibility and strive to provide different fare concession schemes to alleviate the financial burden of the public on transport expenses.

187. Ms Lilian YEUNG responded as follows:

- (i) The MTRCL had to invest vast amount of resource in maintenance and upgrading of railway property every year. To provide a railway system which was of high quality and sustainability, the MTRCL had to invest about \$5 billion every year. Therefore, it had to secure a stable income from fares.
- (ii) The MTRCL would provide fare concession schemes for different groups of passengers every year; the regular aggregate amount of these scheme was as high as \$2 billion.
- (iii) The new fare adjustment mechanism had ushered in two new elements, profit level and service quality. The MTRCL would allocate an additional amount of \$152.5 million for the “10% Same Day Second Trip Discount” scheme. Coupled with the “MTR City Saver” scheme to be implemented in the second quarter of 2014 at the latest, the total amount of additional fare concession would be \$200 million this year.
- (iv) To improve customer experience, the MTRCL launched the “Listening, Responding” programme in 2012 to enhance train services, optimise station facilities and strengthen passenger information. More than 1 600 additional trips per week were provided and about 1 000 extra platform staff employed since the programme was launched. The MTRCL had enhanced the facilities inside stations gradually, including replacement of lifts and installation of washrooms. The MTRCL was refurbishing the existing lifts of Mong Kok Station and had communicated with disabled groups on the provision of barrier-free facilities during the refurbishing period.

188. Mr Chris IP hoped the MTRCL could take corporate social responsibility into account and endeavour to reduce the burden of public transport expenses of the public. Moreover, he requested the MTRCL to carry out maintenance of railways and trains properly to enhance service quality.

189. Mr CHAN Wai-keung enquired how many additional trips were provided for the East Rail Line during non-peak hours at present. He continued that despite the ever increasing operating expenses, the MTRCL should have made a veritable profit due to the surge in mainland tourists in recent years.

190. Mr WONG Kin-san opined that the MTR fare adjustment mechanism existed in name only. He pointed out that the MTRCL made a profit as large as \$13 billion

last year and the fine it needed to pay for serious service disruption was merely \$25 million in total. The MTRCL should not increase its fares in light of the huge profits. He suggested the MTRCL follow the example of some small companies to return extra surplus to customers through concessionary schemes after gaining certain profits.

191. The Vice-chairman was glad to hear that the MTRCL would provide further fare concession to passengers according to the profit sharing mechanism. She reckoned that as the MTRCL had made huge profits from railway development projects upon the merger of the two railway corporations in 2007, it should, as a social enterprise providing public service, review the fare adjustment mechanism comprehensively to provide more concession to passengers.

192. Mr Francis CHONG opined that there was room for the MTRCL to adjust fares downward in light of the huge profits made. He also criticised the Government for its ineffective monitoring of the MTR and requested for its improvement.

(Mr Benjamin CHOI, Mr Derek HUNG and Mr LAU Pak-kei left the meeting at 8:10 p.m.)

193. Mr HUI Tak-leung hoped that the representatives of the MTRCL and the TD could reflect to the Administration the strong request of Councillors for a comprehensive review of the fare adjustment mechanism.

(Mr Francis CHONG left the meeting at 8:13 p.m.)

194. The Chairman said that Councillors requested for a comprehensive review of the MTR fare adjustment mechanism and was unsatisfied with the decline in service quality in recent years and the increasingly crowded train compartments. He hoped that the representatives of the MTRCL and the TD could reflect these views to the Administration.

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

## **Item 16: Progress Reports**

- (1) **District Management Committee**  
(YTMD Paper No. 41/2014)
- (2) **Community Building Committee**  
(YTMD Paper No. 42/2014)
- (3) **District Facilities Management Committee**  
(YTMD Paper No. 43/2014)
- (4) **Food and Environmental Hygiene Committee**  
(YTMD Paper No. 44/2014)
- (5) **Housing and Building Management Committee**  
(YTMD Paper No. 45/2014)
- (6) **Traffic and Transport Committee**  
(YTMD Paper No. 46/2014)
- (7) **Working Group on Women's Affairs**

(YTMDC Paper No. 47/2014)  
(8) **YTM Area Committees**  
**(YTMDC Paper No. 48/2014)**

---

196. Councillors noted the contents of the progress reports.

**Item 17: Any Other Business**

(5) **Celebration of 17<sup>th</sup> Anniversary of Establishment of Hong Kong Special Administrative Region**

197. Ms Betty HO said that to celebrate the 17<sup>th</sup> Anniversary of establishment of the Hong Kong Special Administrative Region, the HAD would provide an allocation for the YTMDO to organise celebration events. The YTMDO planned to organise a distance race in the WKCD on 20 July 2014 and invite the YTMDC to be the collaborator of the event. Councillors had no objection.

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

199. There being no other business, the Chairman closed the meeting at 8:15 p.m. The next meeting would be held at 2:30 p.m. on 26 June 2014 (Thursday).

Yau Tsim Mong District Council Secretariat  
June 2014



**Proposed Amendments to the Draft Minutes of  
the 15<sup>th</sup> Meeting held on 27 February 2014  
Yau Tsim Mong District Council (2012-2015)**

---

The proposed amendment of the Hong Kong Police Force was as below:

Paragraph 180:

Original Text: “Mr Kent CHUNG responded that if a massage establishment might draw in bummers and cause nuisances to residents...”

Proposed Amendment: “Mr Kent CHUNG responded that if a premises might draw in bummers and cause nuisances to residents...”

## 2012至2015年度油尖旺區議會

2014至2015年度財政預算

項目	2013至2014年度 財政預算 (元)	2013至2014年度 實際開支 <sup>註一</sup> (元)	2014至2015年度 財政預算 <sup>註二</sup> (元)	備註
「社區參與計劃」	20,652,780	17,063,262.16	20,530,216.10	見頁 2 - 6
上年度結轉額	978,955	963,436.80	1,343,883.90	
2011至2012年度結轉額	-	96,116.60	-	
總額：	<u>21,631,735</u>	<u>18,122,815.56</u>	<u>21,874,100.00</u>	

註一：2013至2014年度油尖旺區議會「社區參與計劃」的撥款總額為17,500,000元。民政事務總署於2014年3月增撥361,795元，撥款總額因而修訂為17,861,795元，以上款額並不包括文化藝術活動的撥款額。

註二：2014至2015年度財政預算額為21,874,100元，該筆款項已包括文化藝術活動上年度的結轉額173,140元。上述財政預算額將超出承擔額 24.99%。計算程式如下：

(i) 2014至2015年度財政預算額	21,874,100.00	元
(ii) 撥款總額	<u>17,500,000.00</u>	元
	<u>4,374,100.00</u>	元 (超額承擔 24.99%)

**2012至2015年度油尖旺區議會**

**2014至2015年度「社區參與計劃」財政預算**

節目範圍/計劃/活動	2013至2014年度 財政預算 <sup>註一</sup> (元)	2013至2014年度 實際開支 (元)	2014至2015年度 財政預算 (元)
(I) 與區議會活動有關的宣傳和印刷項目及聘任合約員工	<u>3,121,716</u>	<u>2,549,147.53</u>	<u>3,269,060.10</u>
1. 宣傳及印刷開支	548,000	382,824.30	548,000.00
2. 合約員工	2,573,716	2,166,323.23	2,721,060.10

節目範圍/計劃/活動	2013至2014年度 財政預算 <sup>註一</sup> (元)	2013至2014年度 實際開支 (元)	2014至2015年度 財政預算 (元)
(II) 區內團體舉辦活動	<u>3,690,000</u>	<u>2,889,906.40</u>	<u>3,690,000</u>
1. 分區委員會活動			
(i) 油尖旺東分區委員會	150,000	144,516.30	150,000
(ii) 油尖旺南分區委員會 <sup>註二</sup>	150,000	116,852.00	150,000
(iii) 油尖旺西分區委員會	150,000	147,526.00	150,000
(iv) 油尖旺北分區委員會	150,000	112,712.50	150,000
(v) 四分區活動	220,000	164,887.50	220,000
2. 油尖旺區校長會	140,000	87,364.30	140,000
3. (i) 油尖區賢毅社	100,000	58,479.50	100,000
(ii) 旺角區賢毅社	100,000	47,701.00	100,000
4. 非特定團體 <sup>註二</sup>	2,100,000	1,749,948.90	2,100,000
5. 業主立案法團 / 互助委員會	430,000	259,918.40	430,000

節目範圍/計劃/活動	2013至2014年度 財政預算 <sup>註一</sup> (元)	2013至2014年度 實際開支 (元)	2014至2015年度 財政預算 (元)
(III) 節目慶祝活動	<u>2,100,000</u>	<u>1,926,706.90</u>	<u>2,100,000.00</u>
1. 地區特色節目	600,000	100,000.00	600,000
2. 節日慶典活動 <sup>註二</sup>	1,500,000	1,826,706.90	1,500,000
(IV) 文康體育活動	<u>1,630,000</u>	<u>1,378,868.90</u>	<u>1,280,000</u>
1. 油尖區康樂體育會 <sup>註二</sup>	350,000	306,199.60	350,000
2. 油尖區文化藝術協會	350,000	227,730.50	350,000
3. 旺角區文娛康樂體育會 <sup>註二</sup>	350,000	329,383.10	-
4. 青年委員會	400,000	341,575.40	400,000
5. 地區足球活動	180,000	173,980.30	180,000
6. 文化藝術活動 <sup>註三及四</sup>	1,200,000	936,221.20	1,200,000

節目範圍/計劃/活動	2013至2014年度 財政預算 <sup>註一</sup> (元)	2013至2014年度 實際開支 (元)	2014至2015年度 財政預算 (元)
(V) 宣傳教育運動	4,048,000	3,408,978.80	4,048,000
1. 撲滅罪行	400,000	311,386.40	400,000
2. 公民教育	350,000	335,864.90	350,000
3. 防火	400,000	305,377.00	400,000
4. 交通安全	240,000	234,969.90	240,000
5. 與廉政公署合辦倡廉活動	50,000	49,581.60	50,000
6. 推廣大廈管理 <sup>註二</sup>	150,000	138,837.10	150,000
7. 促進區內旅遊及本土經濟	350,000	312,243.50	350,000
8. 民族事務活動 <sup>註二</sup>	300,000	242,523.10	300,000
9. 關愛社群工作小組 (不包括國際復康日相關活動)	300,000	131,824.60	300,000
10. 果欄工作小組活動	100,000	32,789.60	100,000
11. 婦女事務	150,000	127,095.60	150,000
12. 香港花卉展覽「綠化推廣攤位」 <sup>註二</sup>	8,000	800.00	8,000

節目範圍/計劃/活動	2013至2014年度 財政預算 <sup>註一</sup> (元)	2013至2014年度 實際開支 (元)	2014至2015年度 財政預算 (元)
13. 環境改善運動	550,000	535,790.70	550,000
14. 健康城市	700,000	649,894.80	700,000
(VI) 康樂及文化事務署舉辦的活動 <sup>註五</sup>	6,063,064	5,969,207.03	6,143,156
合計：	20,652,780	18,122,815.56	20,530,216.10

註一：2013至2014年度財政預算是按2013年4月撥款財政預算文件(油尖旺區議會第 26/2013號文件)列出，以便與2014至2015年度財政預算比較。由於在2013年部分項目的財政預算有所修訂，該等活動的實際開支可能高於原來的財政預算，但不會超出經修訂的預算額。

註二：2013至2014年度的實際開支包括2011至2012年度及2012至2013年度的結轉額。

註三：在2013至2014年度，民政事務總署額外撥1,200,000元予油尖旺區議會，以舉辦文化藝術活動，實際支出為936,221.20元，餘額已用於支付其他「社區參與計劃」項目的開支。

註四：在2014至2015年度，民政事務總署額外撥1,200,000元予油尖旺區議會，以舉辦文化藝術活動，以上款項並不包括在油尖旺區議會的撥款總額內。

註五：2014至2015年度財政預算不包括康樂及文化事務署在2015年3月的預算活動開支346,428元。該署的活動預算開支分目如下：

	2013至2014年度 撥至2014至2015年度 的結轉額(元)	2014至2015年度 新項目(元)	總額(元)
- 文娛節目	39,000	528,000	567,000
- 公共圖書館推廣活動	4,920	121,236	126,156
- 康樂體育活動	300,000	5,150,000	5,450,000
	343,920	5,799,236	6,143,156

商務及經濟發展局  
通訊及科技科

香港添馬添美道二號  
政府總部西翼二十一樓



COMMUNICATIONS  
AND TECHNOLOGY BRANCH  
COMMERCE AND ECONOMIC  
DEVELOPMENT BUREAU

21/F, West Wing  
Central Government Offices  
2 Tim Mei Avenue  
Tamar, Hong Kong

本局檔號 OUR REF : CTB(CR) 7/5/18/2 (13)

來函檔號 YOUR REF :

電話 TEL. NO. : (852) 3655 5519

傳真 FAXLINE : (852) 2511 1458

電子郵件 E-mail Address:

**傳真**

(2722 7696)

九龍聯運街30號政府合署四樓  
油尖旺區議會秘書處  
(經辦人：鍾小蘭女士)

鍾女士：

### 要求監管推銷電話

貴區議會分別於2014年4月10日及4月8日致函本局及通訊事務管理局辦公室（「通訊辦」），邀請本局及通訊辦出席2014年4月24日的油尖旺區議會會議。本局及通訊辦未能派員出席有關會議，但希望透過以下的書面回覆回應有關《非應邀電子訊息條例》(第593章)（《條例》）及人對人促銷電話的題述文件。

### **《條例》的執行**

通訊事務管理局（「通訊局」）根據《條例》規管發送載有商業成份（即包含宣傳或推廣產品或服務內容）和有香港聯繫（即源自香港或發送至香港）的電子訊息，例如傳真、短訊、電郵及預錄電話訊息。《條例》列出發送商業電子訊息的規則，以及通訊局可就有關發送人相當可能會持續或再度違反這些規則而向他發出執行通知，指示他糾正違反事項。

一般情況下，通訊局如收到的舉報屬《條例》的規管範疇，並在調查後發現有關發送人違反《條例》所列出的發送商業電子訊息規則，會考慮向他們發出勸諭信或警告信。截至2014年3月31日，通訊局已發出了



2,806封勸諭信及619封警告信。根據過往的經驗，通訊辦在處理投訴個案時，大多數被投訴的發送人經通訊辦接觸後，都願意立即採取修正行動。如發送人已採取糾正措施，通訊辦便無需就個案發出執行通知。然而，如通訊辦認為違規情況有可能持續或重複，便會考慮向有關發送人發出執行通知。任何人不遵從執行通知，即屬刑事罪行，經第一次定罪，可處罰款10萬元；經第二次或其後定罪，可處罰款50萬元。至目前為止，通訊局共發出過23份執行通知，並正就當中一位發送人進行檢控。

## 人對人促銷電話

人對人促銷電話不受《條例》規管，主要是考慮到本港大部分商業機構都屬中小型企業，他們依賴電話通訊作為市場推廣工具，為免對其生存以及有關就業機會造成不良影響，有需要讓他們進行合法的電話促銷活動。

為了盡量減少促銷電話對公眾造成的滋擾，政府當局自2010年年底起，積極鼓勵金融、保險、電訊及直銷中心四個行業的商會<sup>1</sup>訂立其《人對人促銷電話實務守則》（《業界守則》），推動業界在使用人對人促銷電話市場推廣時採用業界守則中建議的最佳做法。自2011年6月起，四個業界商會均已參與有關規管計劃，其成員所打出的人對人促銷電話均受到《業界守則》所規管。

為了在保障市民權利以及商界合法促銷活動的發展之間取得平衡，我們希望繼續通過現行的自行規管模式去處理人對人促銷電話。同時，我們亦會繼續留意業界規管計劃以及市面上人對人促銷電話的情況。

若推銷廣告電話涉及個人資料的使用，該推銷廣告電話可受《個人資料（私隱）條例》（第486章）規管，詳情可向香港個人資料私隱專員公署查詢。另外，如市民認為個別公司的推銷廣告來電情況嚴重而對其構成滋擾，可考慮向警方求助。

---

<sup>1</sup> 通訊辦曾委託一間公司進行公眾意見調查，並向業界收集意見，以評估人對人促銷電話對市民的影響。該兩項調查結果顯示，超過90%的人對人促銷電話是由金融、保險、電訊及直銷中心四個行業打出。

如貴區議會有任何關於《條例》的執行及人對人促銷電話的其他意見，歡迎隨時提出供本局及通訊辦作參考。

商務及經濟發展局

(張凱盈



代行)

2014年4月22日

副本送：

通訊辦 (經辦人：鄭志強先生) 傳真：2838 5004



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

Annex 4

城市規劃委員會主席  
周達明先生

傳真號碼  
(2877 0245)

周先生：

### 西九文化區建築物的高度限制

在油尖旺區議會(“區議會”)2014年2月27日第十五次會議上，議員討論西九文化區管理局就略為放寬西九文化區(“文化區”)用地發展密度而提交的文件，多位議員關注文化區內建築物的高度發展，認為文化區的建築物高度，應以主水平基準以上100米為限。

在區議會2014年4月24日第十六次會議上，議員另就文化區綜合地庫首階段的設計、工地勘測及前期工程發表意見，議員重申油尖旺區議會一致要求文化區內建築物的高度，不可超出主水平基準以上100米。會上並通過致函城市規劃委員會，鄭重向城規會反映議員對文化區建築物高度限制的堅持及關注意見。

此外，請備悉在區議會第十六次會議上，議員要求西九文化區管理局(“西九管理局”)就增加文化區地積比率而重新進行的環境評估報告及交通流量評估諮詢區議會的意見。議員並強調，如文化區內建築物高於主水平基準以上100米，西九管理局務必徵詢區議會。

有關上述會議的內容，請登入區議會網頁([http://www.districtcouncils.gov.hk/ytm/tc/2012\\_2015/committee\\_meetings.html](http://www.districtcouncils.gov.hk/ytm/tc/2012_2015/committee_meetings.html))，收聽會議錄音。

油尖旺區議會主席

鍾港武

副本送：西九文化區管理局行政總裁(傳真：2895 1286)  
土木工程拓展署署長(傳真：2714 0140)

2014年4月30日

## **綜合社會保障援助計劃的居港規定**

### **目的**

本文件旨在就政府因應終審法院對綜合社會保障援助(綜援)計劃居港規定的裁決而作的措施，回應莊永燦議員所提出的問題及意見。

### **配合終審法院的裁決**

2. 根據《基本法》，香港特區法院依照適用於香港特區的法律審判案件，享有獨立的司法權和終審權，而終審權屬於終審法院。終審法院在二零一三年十二月十七日就綜援計劃的居港規定司法覆核案件作出裁決後，當局已公開表示，政府尊重終審法院就有關案件作出的裁決。

3. 社會福利署(社署)會配合終審法院就有關案件的裁決，並已在同日起按裁決把綜援計劃的居港規定回復至二零零四年一月一日以前的「居港一年的規定」。十八歲以下人士將繼續獲豁免於綜援居港規定。社署會繼續按適用程序處理申請。

### **裁決對綜援計劃的影響**

4. 單程證制度的政策目的，是讓內地居民有秩序地來港和家人團聚。現時單程證的配額限於每天 150 名。新來港人士會否申領綜援很大程度上取決於他們的經濟狀況及申領意欲。

5. 事實上，新來港人士的教育水平和家庭收入均有上升趨勢。例如，十五歲及以上內地來港定居未足七年人士有中學或以上教育水平的比例由二零零一年的百分之六十八上升至二零一一年的百分之八十五；而教育水平達大專程度者則由二零零一年的百分之六上升至二零一一年的百分之十六。另外，有成員為內地來港定居未足七年人士的家庭的每月家庭收入中位數在同時間由 12,050 元上升至 14,070 元，

升幅近百分之二十。

6. 自終審法院裁決當日(即二零一三年十二月十七日)至今年四月十一日,社署共收到 4 275 宗涉及居港少於七年人士的綜援申請,即每個工作天平均 54 宗有關申請。在二零一四年三月底,共有綜援個案約 26 萬宗。社署需要較長時間來觀察新申請個案數字的趨勢,才能比較準確地估計裁決對綜援計劃的影響。社署會密切留意有關情況。

7. 政府亦有考慮裁決對其他社會福利計劃的影響。在這點上,法院已清楚指出裁決只針對該案涉及的綜援計劃,且不應被當作可廣泛地適用於其他福利計劃的申請安排。

### **鼓勵就業及扶貧措施**

8. 政府會繼續推展多項鼓勵就業及扶貧的配套措施,如法定最低工資、鼓勵就業交通津貼,以及關愛基金各項目。行政長官在其二零一四年施政報告中宣布政府建議推出「低收入在職家庭津貼」,鼓勵低收入家庭自力更生,多勞多得,並特別關顧低收入家庭的兒童和青年,促進他們向上流動,打破跨代貧窮的惡性循環。這些措施有助減少新來港人士跌入綜援網的機會。

### **總結**

9. 請各議員備悉文件內容。

勞工及福利局  
社會福利署

2014 年 4 月



Ref.: L/M(2) to ( 508 ) in CE/GEN/2004  
Tel.: 2878 3300

14 April 2014

Ms Joanne Chung  
Secretary  
Yau Tsim Mong District Council  
4/F, Mong Kok Government Offices  
30 Luen Wan Street  
Kowloon

Dear Ms Chung,

Thank you for your letter of 10 April 2014 to the Director of the Chief Executive's Office. I am authorised to reply on his behalf.

We have relayed the matter you raised to the Labour and Welfare Bureau for follow up. A reply will be given to you in due course.

Yours sincerely,

( Alex Yiu )

for Private Secretary to Chief Executive

政制及內地事務局  
政府總部  
香港添馬添美道2號  
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU  
GOVERNMENT SECRETARIAT  
EAST WING  
CENTRAL GOVERNMENT OFFICES  
2 TIM MEI AVENUE, TAMAR  
HONG KONG

Our Ref.: CMAB GEN 130  
Your Ref.: YTMDC/13-10/16/12

Tel No.: 2810 3217  
Fax No.: 2523 3207

14 April 2014

Ms. Joanne Chung  
Secretary  
Yau Tsim Mong District Council

Dear Ms. Chung,

Your letter dated 10 April 2014 addressed to the Secretary for Constitutional and Mainland Affairs attaching a paper from Mr. Chong Wing Charn, Francis, Yau Tsim Mong District Councillor, is received. We note that relevant bureau and department have been invited to attend the Yau Tsim Mong District Council meeting on 24 April 2014. This bureau will not attend the aforesaid District Council meeting.

Yours sincerely,

A handwritten signature in cursive script that reads "Phyllis Chan".

( Phyllis Chan )  
for Secretary for Constitutional and Mainland Affairs

香港特別行政區政府  
保安局



香港添馬添美道 2 號

Annex 8

YTMDC Paper No. 37/2014

The Government of the  
Hong Kong Special Administrative Region  
Security Bureau

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: L/M to SBCR 1/2091/81

來函檔號 Your Ref.: YTMDC/13-10/16/12

22 April 2014

Ms Joanne CHUNG  
Secretary  
Yau Tsim Mong District Council  
4/F, Mong Kok Government Offices  
30 Luen Wan Street  
Kowloon

**By Fax**  
(Fax: 2722 7696)

Dear Ms CHUNG,

**Meeting of Yau Tsim Mong District Council  
(24 April 2014)**

Thank you for your letter dated 10 April 2014 to the Security Bureau inviting our representatives to attend the above meeting. We will not attend the meeting.

Yours sincerely,



(Leo LI)

for Secretary for Security



律政司  
律政司司長辦公室

香港金鐘道 66 號  
金鐘道政府合署高座 4 樓

網址: [www.doj.gov.hk](http://www.doj.gov.hk)

本司檔案 Our Ref: SJO/1-55/10  
來函檔案 Your Ref: YTMDC/13-10/16/12  
電話號碼 Tel. No.: 2867 2165  
傳真號碼 Fax No.: 3579 2431



DEPARTMENT OF JUSTICE  
Secretary for Justice's Office

4/F, High Block  
Queensway Government Offices  
66 Queensway, Hong Kong

Web site: [www.doj.gov.hk](http://www.doj.gov.hk)

九龍  
聯運街 30 號  
旺角政府合署 4 樓  
油尖旺區議會  
秘書  
鍾小蘭女士

傳真信件

(傳真號碼: 2722 7696)

鍾女士:

油尖旺區議會會議  
(2014 年 4 月 24 日)

謝謝閣下 4 月 10 日來函。社會福利署已於 4 月 17 日提交政府當局(包括律政司及其他相關部門)的回應文件。該署亦會派代表出席明天的會議, 本司不會派員出席有關會議。

律政司司長政務助理



二零一四年四月二十三日

**Concerned about the impact of the large-scaled project on**  
**coastal water quality in Victoria Harbour**  
**Request to implement effective measures to improve**  
**the cleanliness of the Harbour**

Regarding the captioned issue, our response is as follows:

If the drainage pipe of a private building is blocked or choked due to accumulation of refuse or reason other than defective leading to outflow of waste water and causing environmental hygiene nuisance, this department will issue Nuisance Notice to the author of nuisance or the owner of the premises under the Public Health and Municipal Services Ordinance, Cap. 132 and require the owner of the premises to take remedial action to abate the nuisance within the specified period of time. Depending on the ground situation, this department will also refer the case to Buildings Department, Drainage Services Department and Environmental Protection Department for follow up action.

Currently, this department will join with Marine Department on monthly basis to clear those refuse accumulated along the embankment of the Yau Ma Tei Typhoon Shelter.

Yau Tsim District Environmental Hygiene Office  
Food and Environmental Hygiene Department

April 2014