

**Minutes of the 18th Meeting of
Yau Tsim Mong District Council (2012-2015)**

Date : 21 August 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
Mrs ARON Laura Liang, JP	District Officer (Yau Tsim Mong) (designate)	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 LAW Chau-sang	Chief Health Inspector 1	Food and Environmental Hygiene Department
Mr CHUNG Sze-pong, Kent	District Commander (Mong Kok)	Hong Kong Police Force
Mr YU Tat-chung	District Commander (Yau Tsim)	Hong Kong Police Force
Ms YUEN Miu-chun, Christine	Senior Transport Officer (Yau Tsim Mong)	Transport Department
Mr SO Ting-lut, Vincent	District Leisure Manager (Yau Tsim Mong)	Leisure and Cultural Services Department
Mr POON Hiu-tung, Felix	Engineer/14 (Kowloon)	Civil Engineering and Development Department
Mr LEE Chi-yin	Senior Housing Manager/Kowloon West and Hong Kong 1	Housing Department

In Attendance:

Mr KWOK Wai-fan, Franco, JP	Assistant Director (4)	Home Affairs Department
Miss LI Ka-yuen, Sandy	Administrative Officer (4)	Home Affairs Department
Mr TSUI Wing-kim	Senior Engineer/Express Rail Link (4) (Atg)	Highways Department
Mr FUNG Wai-chung	Senior Liaison Engineer	MTR Corporation Limited
Ms YIP Lai-yee, Lute	Public Relations Manager - Projects and Property	MTR Corporation Limited
Mr LAI Kwok-leung, Tommy	Senior Environmental Protection Officer (Regional East) 1	Environmental Protection Department
Dr CHAN Man-wai	Executive Director, Project Delivery	West Kowloon Cultural District Authority
Ms Bonny WONG	Director, Chief Executive Officer's Office	West Kowloon Cultural District Authority
Mr Y C NG	Head, Technical Services	West Kowloon Cultural District Authority
Mr CHEUNG Kwong-wing	Director	Dennis Lau & Ng Chun Man Architects and Engineers (HK) Limited
Mr LAW Tan-sing	Assistant Director	Dennis Lau & Ng Chun Man Architects and Engineers (HK) Limited
Mr MOK Wing-cheong, Ringo	Chief Engineer/Kowloon 5 (Kowloon)	Civil Engineering and Development Department
Mr LEUNG Wing-tak, David	Senior Engineer/3 (Kowloon)	Civil Engineering and Development Department
Mr CHEUNG Kwok-wah, Andrew	Senior Engineer/14 (Kowloon)	Civil Engineering and Development Department
Ms Wendy LAM	Head, Communications and Public Affairs	West Kowloon Cultural District Authority
Mr Patrick LAM	Senior Traffic and Transport Engineer	West Kowloon Cultural District Authority
Mr Philip TSAI, JP	Director and Chairman, Governing Committee, Blood Transfusion Service	Hong Kong Red Cross
Mr K M CHAN	Secretary General	Hong Kong Red Cross
Dr C K LIN	Chief Executive and Medical Director, Blood Transfusion Service	Hong Kong Red Cross
Mr Donald LI	Chief Manager (Capital Planning)	Hospital Authority
Mr Bernard V LIM, JP	Principal	Architecture Design and Research Group Limited
Mr MA Yu-cheung	Senior Assistant Director	P&T Architects and Engineers Limited
Mr WONG Man-chung, Indiana	Senior Administrative Officer (5)	Home Affairs Department
Mr SHUM Luk-cheung	Chief Building Surveyor/Fire Safety	Buildings Department

Ms CHOI Chiu-man, Kathy	Building Surveyor/Fire Safety 14	Buildings Department
Mr TSE Ping-ho, FSDSM	Deputy Chief Fire Officer (Fire Safety)	Fire Services Department
Mr NG Mau-fat	Senior Divisional Officer (Building Improvement) 2	Fire Services Department
Mr CHIU Wai-biu	Senior Divisional Officer (Building Improvement) 1	Fire Services Department
Mr CHAN Sau-kwong	Divisional Officer (Building Improvement) 2	Fire Services Department
Mr CHAN Chi-ching, Thomas	Senior Liaison Officer (Building Management), Yau Tsim Mong District Office	Home Affairs Department
Mr LU Jian-jian	Marine Officer/Licensing and Port Formalities (2)	Marine Department
Mr SUN Wai-choi, Sunny	Environmental Protection Officer (Water Policy and Science) 21	Environmental Protection Department
Mr LAM Kwok-wai, Simon	Principal Management Services Officer (Efficiency Unit) 3	Chief Secretary for Administration's Office
Mr YUK Wai-fung	Project Advisor (Efficiency Unit)	Chief Secretary for Administration's Office
<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 Mrs Laura ARON, District Officer (Yau Tsim Mong) (designate) who attended the meeting for the first time. On behalf of the Yau Tsim Mong District Council ("YTMDC"), he thanked Ms Betty HO, the incumbent District Officer for her dedicated service to the district and the YTMDC during her two-year tenure of service.

2. Ms Betty HO said that with the full support of Councillors, the Yau Tsim Mong District Office ("YTMDO") had solved a number of district problems with the YTMDC in the past two years. She looked forward to the continued cooperation between the YTMDO and the YTMDC to address more district problems in future.

3. The Chairman proposed to write a thank you letter to Ms Betty HO in the name of the YTMDC. There was no objection.

4. The Chairman reported that Mr Ringo MOK, Chief Engineer/Kowloon 5 (Kowloon) of the Civil Engineering and Development Department ("CEDD") succeeded Mr WONG Chi-sing, Janson who had been on transfer to another post. Mr MOK would join the discussion of Items 16 and 17 later and meanwhile Mr Felix POON, Engineer/14 (Kowloon) would attend the meeting in his place. The Chairman also reported that Mr WONG Kam-wah, District Environmental Hygiene Superintendent (Yau Tsim) of the Food and Environmental Hygiene Department ("FEHD"); Mr CHOY Chik-sang, Mario, Chief Transport Officer/Kowloon of the Transport Department ("TD"); Mr WONG Tat-ming, Richard, Chief Leisure Manager (Hong Kong West) of the Leisure and Cultural Services Department ("LCSD") and Mr LUI Kwong-fai, Chief Manager/Management (Kowloon West

and Hong Kong) of the Housing Department were absent due to other commitments. Mr LAW Chau-sang, Chief Health Inspector 1; Ms Christine YUEN, Senior Transport Officer (Yau Tsim Mong); Mr Vincent SO, District Leisure Manager (Yau Tsim Mong) and Mr LEE Chi-yin, Senior Housing Manager/Kowloon West and Hong Kong 1 were attending the meeting in their place respectively.

Item 1: Review of Hotel and Guesthouse Accommodation Ordinance (“HGAO”) (YTMD Paper No. 76/2014)

Item 23: Consent of Owners’ Corporations (“OCs”) Should Be Required for Approval of Guesthouse Licence Applications, and Guesthouse Licence Holders Should Take Out Third Party Risk Insurance. (YTMD Paper No. 96/2014)

5. The attendees agreed to discuss Item 1 and Item 23 together.

6. The Chairman welcomed Mr Franco KWOK, Assistant Director (4) and Miss Sandy LI, Administrative Officer (4) of the Home Affairs Department (“HAD”) to the meeting.

7. Mr Franco KWOK gave a PowerPoint presentation on the public consultation document on the Review of the HGAO.

(Mr LAM Kin-man joined the meeting at 2:47 p.m.)

(Mr Benny YEUNG joined the meeting at 3:00 p.m.)

8. Mr HUI Tak-leung said that many OCs in the district welcomed the amendments to the HGAO proposed by the HAD. He urged the HAD to review the existing ordinances governing guesthouses, including the Buildings Ordinance (“BO”) and the Fire Services Ordinance (“FSO”), to ensure that guesthouses met the statutory requirements relating to fire safety, building structure and sanitary conditions.

9. Mr CHAN Siu-tong said that all guesthouses, whether licensed or unlicensed, would have some impact on building security, building structure and electricity supply. Therefore, he supported the review of the HGAO.

10. Ms KWAN Sau-ling remarked that the deeds of mutual covenant (“DMCs”) of buildings aged 40 years or above might not contain any explicit provisions against the operation of guesthouses in the buildings. When processing applications for guesthouse licences, the Government would consult OCs. They might be under pressure if the Government did not take into account the views of other stakeholders.

(The Hon James TO joined the meeting at 3:04 p.m.)

11. Mr Francis CHONG agreed to the introduction of heavier penalties and the addition of “deeming provisions” to the HGAO proposed in paragraphs 4.9 and 4.5 respectively of the consultation document. He added that if a guesthouse licensee was proved to have operated an unlicensed guesthouse, the Government should revoke his licence immediately to achieve a deterrent effect. He also suggested the HAD require all guesthouse licensees to be property owners in order to prevent offenders from finding easy scapegoats by designating others as guesthouse licensees.

12. Mr CHAN Wai-keung said that the officers of the Office of the Licensing Authority (“OLA”) had not received formal training on law enforcement and their decoy operations were thus not very successful. The OLA had better improve its practice by drawing on the experience of the frontline law enforcement officers of the Hong Kong Police Force (“HKPF”).

(Mr Barry WONG joined the meeting at 3:08 p.m.)

13. Ms WONG Shu-ming thought that the views of OCs should be the main consideration of the Government in deciding whether to issue guesthouse licences. Amongst the three options put forward by the HAD during local consultation, she considered Options I and II more desirable and objected to Option III of setting up a new statutory body responsible for the licensing work.

14. Mr Chris IP declared interest as a member of the Liquor Licensing Board (“LLB”). He said that when processing applications for liquor licences, the LLB would only consider whether the applications were in compliance with the established application procedures and public interests. The LLB would not take into account the DMCs of the buildings where “upstairs bars” were situated. He therefore had reservation about the OLA’s proposal of following the LLB’s licensing practice. He continued that following the fire at a shadow guesthouse at Haiphong Road several years before, the OLA had once stepped up its efforts to combat unlicensed guesthouses, but such law enforcement actions seemed to have lost their effectiveness.

15. Mr WONG Kin-san enquired how many DMCs of all the buildings in Hong Kong stipulated that guesthouse operation or commercial activities were not allowed in the buildings, or the premises were for “private residential use” only. He continued that the DMCs of many buildings aged 40 years or above did not contain such restrictive provisions. The HAD’s proposal of empowering the OLA to refuse to issue licences where the DMCs of the buildings concerned contained explicit restrictive provisions might not be effective. He took the view that the owners or OCs of buildings should be empowered to reject any licence applications for guesthouse operation in their buildings. He continued that as guesthouse operation in domestic premises was permitted under existing legislation, problems such as nuisance and building management arose accordingly. The Government should therefore amend the ordinances to draw a line between guesthouses and domestic premises.

16. Mr Franco KWOK responded as follows:

- (i) To ensure the safety of tourists and residents of buildings, guesthouse licences would only be granted to applicants who had complied with the requirements relating to building structure, sanitary fitments and fire safety as specified in the BO and FSO.
- (ii) Under the current FSO, the requirements for fire service equipment for premises not exceeding 230 m² in floor area were relatively simple. The OLA would make reference to the requirements laid down by the Fire Services Department (“FSD”) when processing applications for operating guesthouses in such premises. However, the OLA would prudently consider the licence applications for guesthouse operation in subdivided units in order to ensure the

safety of tourists and residents of buildings.

- (iii) To facilitate enforcement, the HAD proposed adding new “deeming provisions” in the HGAO to the effect that until the contrary was proved, any premises which were found to be offering or had provided short-term sleeping accommodation at a fee should be deemed to be used as a guesthouse. The property owner, tenant or occupier of the premises concerned should also be deemed to be the operator of the guesthouse. These deeming provisions should effectively relieve the OLA’s burden of proof and make it easier to instigate prosecution against the owners and operators of the unlicensed guesthouses.
- (iv) The HAD proposed enabling the Hotel and Guesthouse Accommodation Authority (“the Authority”) to refuse to issue/renew licences and cancel the existing licences where the DMC of the building concerned contained explicit restrictive provisions stipulating that guesthouse operations or commercial activities were not allowed in the building concerned, or the premises were for “private residential use” only. In the case of DMCs where there were no explicit restrictive provisions, the Authority would listen to the views of the residents of the building before making a decision on the licence application.
- (v) In response to some Councillors’ concerns that members of the OC opposing the granting of guesthouse licence might be harassed by licence applicants, he asked Councillors to note the three options put forward by the HAD: I) conducting local consultations through District Officers; II) setting up an independent panel to consider local views; and III) setting up a new statutory body responsible for the licensing work. All relevant persons, but not only OCs, were welcome to give opinions. The Authority would adopt a holistic approach when deciding whether the licence would be granted, taking into account all comments received instead of solely depending on the OC’s views. For example, in the case of Option II, the independent panel would be responsible for collecting local views and considering objections. The applicant might be invited to propose measures to address the objector’s concerns. The power to grant or reject a licence application was still vested in the Authority. However, the Authority should take into account the advice and recommendations of the independent panel in making a decision.
- (vi) In addition to routine inspection, the OLA would conduct decoy operation to combat unlicensed guesthouses.
- (vii) The measures against unlicensed guesthouses taken by the OLA were also applicable to “shadow guesthouses”. In addition, the OLA implemented a stringent measure. If a guesthouse licensee was convicted of an offence involving operation of an unlicensed guesthouse, the OLA would cancel all the licences being held by the licensee. Over the past few years, the OLA had cancelled 20 guesthouse licences due to operation of shadow guesthouses.
- (viii) The staff of the OLA’s Enforcement Unit had received relevant legal and enforcement trainings as they were on secondment from the FSD. The Enforcement Unit would also employ retired disciplined services officers, persons with enforcement experience (e.g. auxiliary police officers), foreign

passport holders, persons fluent in Putonghua and ethnic minorities to assist in decoy operations.

- (ix) According to the BO, premises intended to be used as a guesthouse must obtain approval from the Authority for “domestic purposes”. Nevertheless, the HAD proposed allowing the Authority to take into account the explicit restrictive provisions in the DMC or to listen to the views of residents before making a decision on the licence application.

17. The Chairman indicated that guesthouse licence applicants might influence the OC’s stance on licence application. Therefore, the OLA should also take account of the views of other stakeholders in addition to that of the OC before making a decision on the licence application. He further requested the OLA to review the penalty on unlicensed guesthouse operation and to aggravate the starting point for sentence so as to achieve a deterrent effect.

18. Mr Benjamin CHOI said that since many DMCs might not contain explicit restrictive provisions prohibiting guesthouse operation in the building, the OLA should consider whether there was any provision in the DMC prohibiting any activities that would cause nuisance to the building when determining whether a guesthouse licence should be granted. He continued that according to paragraph 4.5 of the consultation document, apart from the tenant or occupier, the property owner of the premises concerned should also be deemed to be the operator of the guesthouse. He requested that the representatives of the HAD to elaborate on the “deeming provisions”.

19. The Hon James TO agreed that the OLA should be empowered to refuse to issue licences if the DMC of the building contained explicit restrictive provisions. Furthermore, he pointed out that operators might circumvent regulation by providing sleeping accommodation in the form of clubhouse to lodgers who had to register as members, or providing short-term sleeping accommodation at a fee in the name of timeshare accommodation. Moreover, he enquired what factors the OLA would take into account, apart from the views of the residents living in the same building as stated in paragraph 6 of paper no. 76/2014, when processing licence applications. He continued that it would be difficult to prove the possible nuisance to residents arising from guesthouse operation in the case of first time application for guesthouse operation. In this connection, he asked on what criteria the OLA would base to decide whether the licence would be granted.

20. Mr Barry WONG agreed to empower the Authority to apply to the Magistrate’s Court for warrants to enter into, and to break in if necessary, any suspected unlicensed guesthouses for inspection. In addition, he supported imposing heavier penalties for operating unlicensed guesthouses.

21. Mr LAM Kin-man said that the DMCs of quite a number of buildings with guesthouses did not specify that the premises therein were restricted for “private residential use”. As a result, using the explicit restrictive provisions in the DMCs to refuse to issue licences might not work. He added that although OCs could file a case to the court of law to suspend the processing of licence applications, members of the OCs might not be willing to do so. Moreover, he was concerned about the arrangement of leasing residential premises to tourists by way of short term tenancies. He would like to know how the HAD would deal with this situation.

22. Mr HUI Tak-leung referred to the consultation document and indicated that when

considering if a guesthouse licence applicant was “fit and proper”, the Authority might have regard to whether the applicant: (a) had been convicted of an offence against any provision of the HGAO; (b) had been convicted, whether in Hong Kong or elsewhere, of a criminal offence involving fraud or dishonesty; (c) was an undischarged bankrupt or was in liquidation or the subject of a winding up order; and (d) was a mentally disordered person. He would like to know if there was a validity period of the above conditions. He also enquired whether the Appeal Board would refuse to entertain anonymous objections from the OC or Councillors of the constituencies concerned to appeals against the decisions of applications for guesthouse licences.

23. Mr Benny YEUNG opined that the government should make every effort to refrain from involving OCs in legal disputes when amending the HGAO. He also enquired whether the licensing authority would penalise the guesthouse operator if the guesthouse concerned caused leakage problems. He continued that guesthouses in commercial/residential buildings would give rise to security concerns due to the large flow of people. He would like to know if the HAD had taken the situation into account during the amendment of the HGAO.

24. The Chairman was of the view that the licensing authority should consider the views of the residents in the buildings. He said that although the DMCs of some buildings in the district did not allow any commercial activities in the premises therein, many people just breached the DMC knowingly and had even obtained Business Registration Certificates. He appealed to the relevant departments to pay attention to the situation and suggested the Government set an upper limit on the number of guesthouses or rooms in a building so as to ensure the structural and fire safety of the building.

25. Mr Franco KWOK responded as follows:

- (i) The licensing authority would approve applications for guesthouse licences in a fair, just and reasonable manner. In any applications for guesthouse licences, the OC, residents in the building and applicant were all stakeholders and the licensing authority would not be biased towards any parties. The licensing authority would consolidate all views received, including reviewing if the objections raised by the stakeholders were justified and if the measures proposed by the applicant were able to address the concerns of the residents, before making a decision on the licence application.
- (ii) The HAD fully appreciated the public’s concern on the sentence for illegal guesthouse operation. The HAD had discussed with the Department of Justice (“DoJ”) ways to impose heavier penalties for operating unlicensed guesthouses. The fine on unlicensed guesthouse operation in 2013 or before was mostly \$3,000 to \$4,000. With the efforts made by the HAD and the DoJ, the fine was increased to \$8,000 to \$10,000 in the first half of 2014. The HAD would keep up the efforts of urging penalties with deterrent effect on the offenders of the HGAO so as to reflect the seriousness of the offence.
- (iii) At present, the licensing authority would issue letters to inform relevant OCs, residents’ organisations and owners of the premises concerned upon receipt of guesthouse licence applications.
- (iv) At present, there were about 1 200 licensed guesthouses in Hong Kong. The

preliminary assessment of the HAD showed that the DMCs of buildings in which about 200 guesthouses were located contained explicit restrictive provisions. The DMCs of some other buildings did not expressly prohibit the operation of guesthouses in the buildings. In view of the above, and to address the concerns of the residents in the buildings, the HAD would introduce district consultation into the mechanism.

- (v) In response to the enquiry of the Hon James TO, he said that any premises providing sleeping accommodation at a fee were required to obtain a guesthouse licence pursuant to the HGAO. In addition, the OLA would not issue a club licence to domestic premises. Therefore, if domestic premises were to be used to provide short-term sleeping accommodation at a fee, the operator must hold a guesthouse licence.
- (vi) In order to facilitate prosecution, the HAD proposed adding a “deeming provision” in the HGAO to the effect that until the contrary was proved, any premises which were found to be offering or had provided short-term sleeping accommodation at a fee shall be deemed to be used as a guesthouse. The property owner, tenant or occupier of the premises concerned shall also be deemed to be the operator of the guesthouse. It was hoped that this proposal could effectively relieve the OLA’s burden of proof and to make it easier for the OLA to instigate prosecution against the owners and operators of unlicensed guesthouses. The OLA would only prosecute the operators of unlicensed guesthouses. If the premises owners concerned could prove that their premises were used as unlicensed guesthouses without their knowledge, they could be free from prosecution.

26. The Chairman thanked the representatives of the HAD for joining the discussion on this item.

Item 2: Confirmation of Minutes of 17th YTMDC Meeting

27. The Chairman said that the Secretariat had received proposed amendments to the minutes of the last meeting from Mr Derek HUNG. The document (see Annex 1) was distributed at the meeting for Councillors’ information.

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

Item 3: Matter Arising:

- **Urging MTRCL to Reduce Noise and Air Pollution Caused by Express Rail Link (“XRL”) Works at Hoi Wang Road and Concern over Road Settlement due to the Works**
(YTMDC Paper No. 59/2014)
-

29. The Chairman said that the written response of the Environmental Protection Department (“EPD”) (Annex 2) was distributed to Councillors for perusal before the meeting and the written response of the TD (Annex 3) was placed on the table. He then welcomed the following representatives to the meeting:

- (a) Mr TSUI Wing-kim, Senior Engineer/XRL (4) (Atg) of the Highways Department (“HyD”);

- (b) Mr FUNG Wai-chung, Senior Liaison Engineer and Ms Lute YIP, Public Relations Manager - Projects and Property of the MTR Corporation Limited (“MTRCL”); and
- (c) Mr Tommy LAI, Senior Environmental Protection Officer (Regional East) 1 of the EPD.

30. Mr CHAN Wai-keung supplemented the contents of the paper. He enquired whether settlement had occurred at the XRL site at Hoi Wang Road near Cherry Street Park and would like to know what remedial measures the MTRCL or the departments concerned would take. Moreover, he asked the EPD whether the settlement data recorded at the monitoring point of the HyD was within the safety standard.

31. Ms Lute YIP apologised for the absence of the project team from the YTMDC meeting on 26 June 2014 due to other commitments. She said that the MTRCL gave a written response to Mr CHAN Wai-keung on 20 June upon receipt of the captioned paper. Mr CHAN then expressed his concerns at the meeting of the Community Liaison Group of the XRL Project (Hoi Wang Road) held on 2 July. The MTRCL then contacted the HyD which subsequently provided the relevant settlement data recorded at the monitoring point at Hoi Wan Road to Mr CHAN on 4 July and 9 July.

32. Mr FUNG Wai-chung responded that the MTRCL reviewed the works data of the contractor and its own log book upon receipt of the supplementary information from Mr CHAN Wai-keung on 13 August. The uneven paving blocks at the exit of the shopping mall of Olympic City 3 were near a fire hydrant. Although the location was outside the XRL works area, the MTRCL had notified the Urban Region (Kowloon) Office of the HyD of the situation. The MTRCL would readily check with the HyD if there was underground leakage from the fire hydrant whenever necessary.

33. Mr Tommy LAI said that he was not in a position to respond to Mr CHAN Wai-keung’s enquiry on whether the settlement in the vicinity of the XRL site at Hoi Wang Road would affect the buildings and above-ground facilities in the surrounding area as the matter was outside the purview of the EPD.

34. Mr TSUI Wing-kim added that the HyD provided the settlement data recorded at the monitoring point at Hoi Wang Road to Mr CHAN Wai-keung in writing on 4 July and 9 July. The relevant data had been kept at a low level and it was explained in the letter that settlement was a common phenomenon in reclamation areas. The MTRCL, together with the Urban Region (Kowloon) Office of the HyD, would carry out investigation on the settlement mentioned in the YTMDC paper dated 13 August. He continued that as the location in question was near a fire hydrant, the cause of uneven paving blocks might be related to the fire hydrant. According to on-site observation, the area with uneven paving blocks was small and the degree was not serious.

35. The Chairman said that Hoi Wang Road ran through two constituencies, namely Charming and Fu Pak. Around a year before, there were sunken paving blocks at Charming constituency in the course of the XRL works. Back then, the departments concerned explained that the subsidence might be a result of soil erosion caused by the air-conditioner pipes of street shops connected to the ground and the street cleansing carried out by the

contractors of the FEHD with high pressure water jets. He requested the HyD to find out whether sunken paving blocks in the vicinity of Hoi Wang Road site was resulted from surface settlement or soil erosion.

36. Mr FUNG Wai-chung responded that the MTRCL used tunnel boring machines to excavate tunnels at Hoi Wang Road. Since Hoi Wang Road was situated on a reclamation area, the MTRCL conducted underground grouting works there in the past few years to improve soil quality so as to facilitate the tunnel boring works. To the MTRCL's knowledge, surface settlement had not occurred in the course of boring works at the said site. The MTRCL would, when necessary, check if there was leakage from underground pipework before arranging for resurfacing works as the uneven paving blocks were mainly near the fire hydrant. The MTRCL, jointly with the HyD and the Water Supplies Department, would conduct site inspection to identify the cause of sunken blocks.

37. Mr TSUI Wing-kim said that he had taken part in the XRL project since 2009, where the project was at the design stage, and had already noted that the area around Hoi Wang Road was within the reclamation area. In order to reduce the impact of tunnel excavation works on the area, the MTRCL had conducted underground grouting works where appropriate.

38. The Chairman said that Hoi Wang Road was within a newly reclaimed area and grouting works could help strengthen the foundation.

39. Mr CHAN Wai-keung said that the responses of the MTRCL and the HyD concerning the problem of sunken paving blocks were inconsistent. He urged the MTRCL and the HyD to conduct a condition survey of the pavement by excavation to confirm whether sunken paving block was caused by XRL works or was merely natural ground settlement. He also asked the MTRCL and the HyD to write to the YTMDC and him to explain the causes of sunken paving blocks and the remedial measures carried out upon completion of the investigation so as to ease the worries of residents.

40. Mr HAU Wing-cheong said that the area of sunken paving blocks was not large and he wanted to know whether this was a result of soil erosion.

41. Mr FUNG Wai-chung responded that the MTRCL would arrange road excavation if necessary to identify the causes of sunken paving blocks and would write to the YTMDC to give an account of the investigation findings and the causes of subsidence.

42. Mr TSUI Wing-kim responded that the phenomenon of sunken paving blocks was attributable to many factors, e.g. loose soil below the blocks. He would approach the Urban Region (Kowloon) Office of the HyD and urge the MTRCL to follow up so as to learn about the causes of sunken paving blocks.

43. The Chairman hoped the relevant departments could conduct an investigation as soon as possible to identify the causes of sunken paving blocks at Hoi Wang Road. He also suggested the relevant departments inform Councillors of the constituency concerned to conduct a site inspection upon repaving of road bricks in order to ease public worries.

(Post-meeting note: The MTRCL wrote to the YTMDC and Mr CHAN Wai-keung (Annex 4) on 12 September 2014 to give an account of the follow-up progress of uneven paving blocks on the pavement at the exit of Olympian City 3.

It was confirmed that the tunnelling works of the Hong Kong Section of the XRL Project had nothing to do with the uneven paving blocks. As the location in question fell outside the XRL works area, the MTRCL referred the case to the Urban Region (Kowloon) Office of the HyD and the department completed the repair works on 20 August 2014. Upon inspection, HyD staff considered that the situation concerned was minor sinking of paving blocks instead of ground settlement.)

- | | |
|-----------------|--|
| Item 4: | Financial Position of YTMDC as at 11 August 2014
(YTMDC Paper No. 77/2014) |
| <hr/> | |
| Item 5: | Funding Application from 2014-2015 Executive Committee of Yau Tsim Mong Healthy City for Organising “Healthy Lives in Yau Tsim Mong-Health Talk cum Health Check Day” and Production of Sanitary Packs for Prevention of Epidemics
(YTMDC Paper No. 78/2014) |
| <hr/> | |
| Item 6: | Funding Application from Festival Celebration Organising Committee, 2012-2015 YTMDC for Organising Festival Celebration Activities in Yau Tsim Mong (“YTM”) District in 2014-2015
(YTMDC Paper No. 79/2014) |
| <hr/> | |
| Item 7: | Funding Application from 2014-2015 Yau Tsim Mong Environmental Improvement Campaign Organising Committee for Organising 2014 Yau Tsim Mong Community Participation in Environmental Sanitation Scheme (Including Opening Ceremony) and Yau Tsim Mong Green Community Carnival
(YTMDC Paper No. 80/2014) |
| <hr/> | |
| Item 8: | Funding Application from 2014-2015 Committee on Promotion of Civic Education for Organising Civic Education Activities in the YTM District
(YTMDC Paper No. 81/2014) |
| <hr/> | |
| Item 9: | Funding Application from Working Group on Promotion and Publicity for Production of Promotional Items and Renewal/Maintenance of YTMDC Web Pages
(YTMDC Paper No. 82/2014) |
| <hr/> | |
| Item 10: | Funding Application from 2014-2015 Working Group on Ethnic Affairs, YTMDC for Organising Ethnic Activities in YTM District (YTMDC Paper No. 83/2014) |
| <hr/> | |
| Item 11: | Funding Application from Working Group on Care for the Community for Organising Community Care Activities in YTM District in 2014-2015
(YTMDC Paper No. 84/2014) |
| <hr/> | |
| Item 12: | Funding Application from Working Group on Promotion of Tourism and Local Community Economy for Production of Souvenirs
(YTMDC Paper No. 85/2014) |
| <hr/> | |

Item 13: Vetting of Funding Applications for Organising Activities with District Characteristics
(YTMDC Paper No. 86/2014)

Item 14: Vetting Funding Applications for Organising Football Activities in the District
(YTMDC Paper No. 87/2014)

44. The Chairman proposed that papers in respect of items 4 to 14 about District Council (“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.

45. Councillors noted the financial position of the YTMDC funds as at 11 August 2014.

46. Mr WONG Kin-san spoke in respect of item 14 and said that the YTMDC used to allocate an annual fund of \$180,000 to support the daily operation of the district football team of the YTM District. Not until the meeting of the Working Group on Community Funds on 15 August 2014 was he aware that the YTMDC had already decided to use the fund to promote district football activities on 26 June. He was dissatisfied that the YTMDC suddenly changed the use of the fund and stated that he would abstain from voting on the two funding applications related to Mongkok Kai-Fong Association Limited.

47. The Chairman added that Councillors noted the reasons for the allocation arrangement and endorsed the concerned arrangement during the YTMDC meeting on 26 June 2014.

48. Mr Barry WONG indicated that Councillors had voted on the allocation of \$180,000 at the meeting on 26 June 2014 and the discussion result was recorded in the minutes. At the meeting of the Working Group on Community Funds on 15 August 2014, the Secretariat explained to members the requirements district organisations had to satisfy in the application for the fund. After discussion, working group members agreed that the two funding applications submitted by Mongkok Kai-Fong Association Limited had satisfied the requirements of the funding application and therefore agreed to recommend the two funding applications to the YTMDC.

49. Mr WONG Kin-san said that the allocation of \$180,000 was originally used to support the operation of the district football team in the YTM District. He was dissatisfied with the YTMDC’s decision to use the fund to promote district football activities, which had deviated from the original purpose.

50. The Secretary added that at the 16th YTMDC meeting on 24 April 2014, Councillors endorsed an allocation of \$180,000 for the promotion of district football activities, but did not discuss the details yet. At the 17th YTMDC meeting on 26 June, Councillors agreed that the fund would be used to subsidize local organisations to organise football promotional activities in the district and agreed on matters such as the method, period and eligibility criteria for application.

51. Councillors unanimously endorsed the funding application for Items 5 to 13 (YTMDC Papers No. 78/2014 to 86/2014).

52. In respect of Item 14 (YTMD C Papers No. 87/2014), no Councillor raised objection except that Mr WONG Kin-san abstained from voting. The Chairman announced that the funding application of the item was endorsed.

53. The Chairman indicated that the YTMD C had earmarked \$600,000 for three district organisations to organise special district programmes in the current year. As at the application deadline, the YTMD C had received funding applications from two organisations for a fund of \$200,000 each. Councillors had endorsed the two applications. The Chairman asked Councillors to discuss how to use the remaining allocation of \$200,000.

54. Ms Betty HO indicated that the YTMD C used to set aside some funds for the four Area Committees to organise Cantonese operatic songs concerts. As the events organised by the four Area Committees were well received, the YTMD O suggested the YTMD C allocate the remaining funding of \$200,000 earmarked for special district programmes to the four Area Committees to organise one more Cantonese operatic songs concert. If the YTMD C agreed to the arrangement, the YTMD O would ask the four Area Committees to consider the proposal.

55. The Chairman indicated that the Cantonese operatic songs concert co-organised by the four Area Committees had always been popular among the residents. He asked Councillors to express their views on the proposed allocation.

(Mr Benjamin CHOI left the meeting at 4:30 p.m.)

56. Mr Barry WONG supported the proposal and he asked whether the YTMD O would submit a separate funding application for Councillors' consideration.

57. The Secretary responded that the YTMD O would follow the usual practice and submit the funding application document for Councillors' consideration.

58. Mr Derek HUNG remarked that the YTMD C had previously conducted an open invitation exercise for district organisations to apply funding for organising special district programmes. However, as at the application deadline, the Secretariat had only received two funding applications for \$400,000 in total. It was justifiable for the YTMD C to allocate the remaining funding of \$200,000 to the four Area Committees to organise one more Cantonese operatic songs concert. He then asked whether the YTMD O would let others join the concert if some ticket holders did not show up.

59. The Chairman asked whether Councillors agreed to allocate the remaining \$200,000 to the four Area Committees for organising activities. There was no objection.

60. Ms Betty HO indicated that the next YTMD C meeting would be held in late October. As the YTMD O had to consult the four Area Committees on the proposal, book the venue for the additional activity and carry out other preparation work, she suggested seeking Councillors' views on the funding application by circulation of documents.

61. The Vice-chairman agreed that YTMD O should consult Councillors about the funding application by circulation.

62. Ms KWAN Sau-ling pointed out that the activities organised by DC funds should be completed on or before 28 February 2015. She wondered whether it was feasible for the YTMDO to book the venue of the Hong Kong Cultural Centre in Tsim Sha Tsui to organise activity at the present stage. Moreover, she was worried that \$200,000 was insufficient to organise a large-scale Cantonese operatic songs concert.

63. The Chairman said that the four Area Committees would organise two Cantonese operatic songs concerts annually on the same day and the total expenditure was approximately \$200,000. After consulting the four Area Committees, the YTMDO would contact the Hong Kong Cultural Centre to book a performance venue as soon as possible.

64. Ms KWAN Sau-ling suggested the YTMDO consider Tsim Sha Tsui District Kaifong Welfare Association just in case no other venues were available.

65. Ms Betty HO responded that apart from the Hong Kong Cultural Centre, the YTMDO was considering the performance venue in the Hong Kong Polytechnic University and community halls in other district organisations.

Item 15: Update on Development of West Kowloon Cultural District (“WKCD”) Park (YTMD Paper No. 88/2014)

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

- (a) Dr CHAN Man-wai, Executive Director, Project Delivery; Ms Bonny WONG, Director, Chief Executive Officer’s Office, and Mr Y C NG, Head, Technical Services of the West Kowloon Cultural District Authority (“WKCD”); and
- (b) Mr CHEUNG Kwong-wing, Director and Mr LAW Tan-sing, Assistant Director of Dennis Lau & Ng Chun Man Architects and Engineers (HK) Limited.

67. Dr CHAN Man-wai, Mr CHEUNG Kwong-wing and Ms Bonny WONG gave a PowerPoint presentation on the design concept of WKCD Park.

68. Mr Chris IP declared interest as a member of the current-term Board of the WKCD.

69. Mr CHAN Siu-tong indicated that the layout plan of WKCD had been amended several times, but the WKCD did not notify Councillors of the changes. As a result, Councillors could not report the latest development of the WKCD to residents. Besides this point, he looked forward to the early opening of WKCD Park.

70. Mr Derek HUNG declared interest that the Vice-chairman and he were the members of the Consultation Panel of the WKCD. He referred to what the WKCD representatives had just mentioned in the presentation that dogs were allowed in the WKCD Park. However, to his understanding, the WKCD was conducting a consultation on the draft bylaws of the WKCD Park and it was not yet confirmed whether dogs were allowed in the Park. He hoped that the WKCD would take the advice of the Consultation Panel and focus groups in the design of the Park to enable both residents and performers to use the space of the Park. Moreover, he looked forward to the early opening of the WKCD Park for public enjoyment.

71. Ms WONG Shu-ming stated that the WKCD had submitted the concept plan of the WKCD Park for Councillors' discussion several times, but the construction of the Park itself showed no progress. She doubted whether there were any government departments to monitor the operation of the WKCD. Moreover, she worried that the WKCD could not finish drafting the bylaws of the Park in early 2015 as scheduled for submission to the Legislative Council ("LegCo") for vetting.

72. Mr CHOW Chun-fai indicated that all people in Hong Kong, not only the residents in YTM District, longed for the opening of the WKCD Park. He enquired whether space in the Park would be designated for street performers. He also asked whether the WKCD had consulted local street performers and arts groups about the design of the Park.

73. The Hon James TO urged the WKCD to be prudent in the drafting of the bylaws of the WKCD Park. He pointed out that footnotes (a) and (g) on page 5 of YTMDC Paper No. 88/2014 might be redundant. Moreover, he suggested the WKCD make reference to the Ocean Park Bylaw in drafting the bylaws of the Park.

74. Mr Barry WONG supported the application of the design principle of universal accessibility to the Park and the adoption of the philosophy that "the use of the park should be as free and open as possible to all people in Hong Kong". However, he opined that it was necessary for the WKCD to draw up clear guidelines for the activities of different persons and organisations in the Park.

75. The Chairman indicated that the WKCD would consult the YTMDC about the use and management of the WKCD Park in December. Councillors could leave their views on those issues until then. He added that the representatives of the WKCD hoped to discuss the design concept with Councillors at the meeting and thus requested Councillors to focus the discussion on the design issue.

76. The Hon James TO indicated that YTMDC Paper No. 88/2014 did mention the use and management of the WKCD Park in some paragraphs.

77. The Chairman said that during the presentation of the paper, the WKCD representatives stated that it was consulting the Consultation Panel about the Park bylaws. The WKCD planned to consult the YTMDC about the use and management issues of the WKCD Park in December. Councillors could then express their views on those issues during the YTMDC meeting in December.

78. Mr CHAN Wai-keung asked whether the WKCD had made reference to some overseas famous parks, such as the Central Park in New York, the Hyde Park and the Regent's Park in London in the design of the WKCD Park.

79. The Vice-chairman declared interest as a member of the Consultation Panel. She hoped that the WKCD would finalise the design of the WKCD Park as soon as possible so that Councillors could comment on the details. She requested the WKCD to speed up the WKCD Park project to enable the public to enjoy the park as soon as possible. She continued that although Councillors were not requested to comment on the use and management of the Park, the WKCD representatives should also take their views expressed during the meeting into consideration.

80. Ms KWAN Sau-ling asked the WKCD A to consider whether some activities should be prohibited in the WKCD Park and she suggested strengthening the management of the Park.

81. The Chairman indicated that the WKCD Park was not managed by the LCSD. The WKCD A could therefore draw up bylaws on the management issue of the Park.

82. Mr Chris IP said that as the WKCD A representatives did not intend to collect Councillors' views on matters relating to the management issue at the current meeting, they should refrain from stating that the YTMDC's views were noted when reporting to the Board. He further said that if a management committee ("MC") was to be established for the Park, the WKCD A should consider inviting Councillors of the constituency and members of the local community to join the MC. He hoped that the Park project could enable the public to enjoy the facilities as soon as possible. Furthermore, to make the park more appealing, he requested the WKCD A to further enhance its pedestrian linkages.

(Mr Chris IP left the meeting at 5:25 p.m.)

83. Mr WONG Kin-san worried that there might be too many commercial activities at the waterfront event space, thus rendering it difficult for the public to genuinely enjoy the open space. He suggested that the WKCD A set a limit on the maximum number of days in a year for leasing the waterfront event space.

84. Dr CHAN Man-wai responded as follows:

- (i) The team appointed by the WKCD A was comprised of world-renowned landscape design companies.
- (ii) The WKCD A was committed to improve the pedestrian linkages of the Park so as to attract more visitors.
- (iii) The WKCD A was studying the composition of the MC and would take account of the views of Mr Chris IP.
- (iv) The bylaws for the Park would be drafted with reference to the bylaws of overseas parks. The WKCD A would consult the YTMDC separately on the management issue of the Park in due course.

85. Ms Bonny WONG responded as follows:

- (i) The consultation procedures of the WKCD A were rather complicated. In addition to consulting the Board, the WKCD A would also seek the views of several committees, DCs and the LegCo. In this connection, it might not be feasible to commence the Park project within a short time.
- (ii) The Home Affairs Bureau ("HAB") and the Legislative Council Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("Joint Subcommittee") were responsible for monitoring the operation of the WKCD A. In 2013-14, the representatives of the WKCD A attended eight meetings of the Joint Subcommittee. After the LegCo resumed

in October, the Joint Subcommittee would ask the WKCDA to report regularly to the LegCo.

- (iii) In response to the concern that the public might not be able to enjoy the sitting-out facilities because of the long-term leasing of the waterfront event space, she said that as the WKCDA had to self-finance its operation, it had to lease out some of the Park areas to generate more income. However, the WKCDA would strike a balance and try not to deprive the public of the right to enjoy the Park facilities.

86. Mr CHEUNG Kwong-wing responded that the WKCDA had approached various street performers and arts groups to seek their views on the Park design in recent months. The WKCDA proposed assigning different time slots for different organisations to use the Park space. However, it had no plan for the time being to designate a specific area for specific activities.

87. Mr Derek HUNG said many residents hoped for a tranquil environment in the Park. He suggested that the WKCDA take their demands into account when designing the Park. In addition, he worried that noise problems might arise from major events held in the Park, such as concerts. He noted that the WKCDA was conducting a public survey on the management of the Park and proposed that the results data should be reported to Councillors in due course.

88. Mr John WONG would like to know the timetable for the construction of the Park and whether the WKCDA would consult the YTMDC again on matters relating to the use and management of the Park.

89. Mr CHAN Wai-keung pressed the WKCDA to explain if it would make reference to the designs of overseas renowned parks or model the WKCDA Park on similar overseas cultural parks.

90. Mr Barry WONG said that the management of the Park should not be too lenient, or the situation might get out of control. The WKCDA should consider this point carefully when drafting the bylaws for the Park.

91. The Chairman hoped that sufficient toilets with baby-sitting areas would be provided in the Park. Furthermore, he urged the WKCDA to commence the construction project of the Park as soon as possible and invite stakeholders to express their views on the proposed Park bylaws.

92. Dr CHAN Man-wai responded as follows:

- (i) The WKCDA had conducted a test on the noise generated from outdoor activities held in the WKCD and would make reference to the data when designing the Park.
- (ii) The design of the Park would be substantially completed by the end of 2014 while the structures in the Park were scheduled for completion between 2016 and 2017. The WKCDA hoped that the construction of temporary facilities could be completed by mid-2015. The intention was to maintain partial opening of the Park area for public enjoyment throughout the development

period.

- (iii) The WKCDA was concerned about the drainage of the Park in order to prevent flooding after heavy rain.
- (iv) The WKCDA noted the Chairman's view on the toilets of the Park.
- (v) The WKCDA would adopt the views of all stakeholders as far as possible.

93. The Chairman thanked the representatives of the WKCDA for joining the discussion on this item.

**Item 16: Integrated Basement for WKCD — Second Stage of Design, Site Investigation and Advance Works
(YTMD Paper No. 89/2014)**

**Item 17: Infrastructure Works for WKCD — Package One
(YTMD Paper No. 90/2014)**

94. The attendees agreed to discuss Item 16 and Item 17 together.

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

- (a) Mr Ringo MOK, Chief Engineer/Kowloon 5 (Kowloon); Mr David LEUNG, Senior Engineer/3 (Kowloon) and Mr Andrew CHEUNG, Senior Engineer/14 (Kowloon) of the CEDD; and
- (b) Mr Y C NG, Head, Technical Services; Ms Wendy LAM, Head, Communications and Public Affairs and Mr Patrick LAM, Senior Traffic and Transport Engineer of the WKCDA.

96. Mr Ringo MOK, Mr David LEUNG and Mr Andrew CHEUNG gave a PowerPoint presentation on Papers Nos. 89/2014 and 90/2014.

97. Mr Derek HUNG supported Paper No. 89/2014 and looked forward to the early commencement of the second stage of design, site investigation and advanced works of the integrated basement for the WKCD. Regarding Paper No. 90/2014, he requested the representatives of the CEDD to show the works under Public Works Programme Item 753CL ("Item 753CL") specified in Appendix 1 on the site plan of Item 753CL in Appendix 2.

98. The Vice-chairman supported Papers Nos. 89/2014 and 90/2014. She enquired why the CEDD did not seek funding from the LegCo for the second stage of design, site investigation and advanced works of the WKCD's integrated basement and the first construction package of public infrastructure works for the WKCD until mid-2015. In addition, she was concerned about the accessibility of the WKCD.

(Mr WONG Kin-san left the meeting at 6:00 p.m.)

99. Mr HAU Wing-cheong supported Papers Nos. 89/2014 and 90/2014 because he considered that the proposed design could ease visitor flow.

100. Mr Ringo MOK responded that the CEDD was currently consulting the YTMDC on the designs of some infrastructure works of the WKCD which were near completion. The detailed designs of Item 753CL's infrastructure works varied in complexity and progress. When the detailed designs of individual works were near completion, the CEDD would report to and consult the YTMDC by phases.

101. Mr Andrew CHEUNG explained to Councillors the proposed pedestrian linkage system with the aid of the site plan of Item 753CL. The system would connect: (1) the WKCD and Kowloon MTR Station; (2) the WKCD and Kowloon Park/China Ferry Terminal; and (3) the vicinity of Xiqu Centre and Austin MTR Station. Mr CHEUNG also talked about the flyover in the vicinity of the Western Harbour Crossing Toll Plaza to be built to tie in with the commissioning of the WKCD's major venues.

102. Mr Ringo MOK responded that the WKCD's integrated basement involved highly complicated works. Although the design of Zone 3B was near completion, site investigation was time-consuming. Therefore, the CEDD planned to seek funding from the LegCo in mid-2015 for the second stage of advance works in Zone 3B of the WKCD's integrated basement as well as the design and site investigation in Zones 2A and 2B.

103. Mr HAU Wing-cheong enquired whether escalators would be installed in the proposed pedestrian linkage systems for the convenience of passengers with luggage.

104. Mr Y C NG responded that a barrier-free design would be adopted for the pedestrian linkage systems. Apart from staircases and lifts, escalators would be provided having regard to the increase in pedestrian flow.

105. Mr Derek HUNG reiterated that the CEDD should give due consideration to the suggestion of connecting Route 3 directly to the northbound two-lane flyover at the Western Harbour Crossing Toll Plaza in order to ease traffic flow.

106. Mr Patrick LAM responded that the consultant commissioned by the WKCD was currently undertaking a feasibility study on the provision of a ground-level entrance/exit west of the Western Harbour Crossing Toll Plaza, with a view to diverting traffic flow. However, due to a number of constraints, the suggestion of connecting Route 3 directly to the northbound two-lane flyover might not be feasible.

107. The Vice-chairman hoped that the WKCD would maintain close liaison with the Councillors of the relevant constituencies regarding the ancillary transport facilities in the vicinity of the WKCD.

108. Mr Derek HUNG said that the Chairman and he had a meeting with the OC of the Harbourside on 18 August 2014 to discuss the ancillary transport facilities in the vicinity of the WKCD and the proposed 15% increase in the plot ratio of the WKCD. He thereafter wrote to the Town Planning Board and the WKCD to call for their due consideration of the OC's strong opposition and to urge them to consult other DCs and residents as well on important amendments relating to the WKCD.

109. The Chairman concluded that no Member raised objection to Items 16 and 17 at the meeting and they endorsed the works set out in the two papers. He hoped that the CEDD

would commence the second stage of design, site investigation and advance works of the WKCD's integrated basement and the first construction package of public infrastructure works for the WKCD as early as possible.

110. The Chairman thanked the representatives of the CEDD and the WKCD for joining the discussion on these items.

**Item 18: New Red Cross Headquarters Project and Red Cross Blood Transfusion Service Expansion Project
(YTMD Paper No. 91/2014)**

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

- (a) Mr Philip TSAI, Director and Chairman, Governing Committee, Blood Transfusion Service; Mr K M CHAN, Secretary General and Dr C K LIN, Chief Executive and Medical Director, Blood Transfusion Service of the Hong Kong Red Cross ("HKRC");
- (b) Mr Donald LI, Chief Manager (Capital Planning) of the Hospital Authority;
- (c) Mr Bernard LIM, Principal of Architecture Design and Research Group Limited; and
- (d) Mr MA Yu-cheung, Senior Assistant Director of P&T Architects and Engineers Ltd.

112. Mr Philip TSAI, Mr K M CHAN, Dr C K LIN and Mr Bernard LIM gave a PowerPoint presentation on the contents of the paper.

(Mr Benny YEUNG left the meeting at 6:20 p.m.)

(Mr John WONG left the meeting at 6:30 p.m.)

113. The Chairman said that the HKRC had fully accepted the opinions of the YTMD when constructing the new headquarters, including orienting the exhaust outlets of air-conditioners towards the expressways, increasing greening area and reducing the height of buildings. The HKRC had also accepted his opinion to report on the works progress to the OCs of the housing estates and to the schools in the vicinity of the new headquarters on a regular basis. He continued that he had only received a few complaints about the foundation works since the commencement of the new headquarters project. The HKRC implemented improvement measures immediately upon receipt of the complaints. Moreover, the HKRC reduced the height of the new wing of the Blood Transfusion Service Headquarters ("BTS Headquarters") from 72 metres above Principal Datum (mPd) to 67 mPd after listening to the YTMD's opinion. More green elements had been incorporated into the building design in response to residents' demand for a green environment. In addition, the newly designed rooftop plant room would be relocated to a location farthest away from the adjacent housing estate.

114. Mr CHAN Wai-keung said that the residents of Park Avenue had relayed to him the serious problem of illegal parking at the narrow Hoi Ting Road. They hoped that the HKRC would encourage the public to use public transport to go to the new headquarters in future lest

the situation of congestion would deteriorate. He further indicated that if glass curtain wall was used in the new headquarters, the office lighting might be a nuisance to the residents nearby when staff members were working late.

115. Mr LAM Kin-man was pleased that the HKRC had accepted the views of the residents of King's Park constituency to reduce the height of the new wing of the BTS Headquarters to avoid affecting the scenery. He further stated that residents of King's Park constituency were concerned that blood transport vehicles would frequent the area and worsen the traffic condition in the vicinity of King's Park Hill upon commissioning of the new wing. He noted that the works for the new wing would commence in 2015 and complete in 2019. He urged the HKRC to adopt noise mitigation measures during construction.

116. Mr Barry WONG approved of the HKRC for valuing and proactively responding to community views as it revised the layout of the new headquarters and the new wing of the BTS Headquarters after listening to the views of the YTMDC and community members. He hoped that the new headquarters would be commissioned by the end of 2015 as scheduled. He further suggested that the HKRC consider allowing more community members to participate in its management.

117. Mr CHAN Siu-tong declared interest as a member of Hong Kong Red Cross Elderly Volunteer District Committee (Kowloon). He said that the new headquarters project and the BTS Headquarters expansion project should be implemented as soon as possible as the facilities of the HKRC's headquarters in Admiralty was inadequate to meet the demand. Furthermore, he called on Councillors and the public to donate blood regularly to help people in need. He also hoped that the two new buildings would be commissioned soonest.

118. The Vice-chairman said that the HKRC was people-oriented for it had revised the height and design of the new headquarters and the new wing of the BTS Headquarters in response to the views of the YTMDC and community members. She opined that the Red Cross should allow the residents in the district to participate more in its activities in addition to opening its facilities to the public. She further proposed that the area of the green art wall of the new wing of the BTS Headquarters should be enlarged and was concerned about whether the commissioning of the new headquarters and the new wing would worsen the traffic condition in the vicinity.

119. Mr CHOW Chun-fai reflected concerns from a number of residents of King's Park Villa and the Regalia that the noise from the plant room of the BTS Headquarters had caused nuisance to residents, especially at night. He hoped that the Red Cross would keep an eye on the situation.

120. Mr K M CHAN responded as follows:

- (i) Only a few operation vehicles would park at the car park of the new headquarters in future. This would not bring about additional traffic to the vicinity.
- (ii) Apart from opening the facilities in the new headquarters to the public, the HKRC would offer outreaching first aid services to other organisations. For instance, the HKRC would promote its first aid services at the community level in early September. The HKRC established the Community Care Service

Department in 2013 to help the needy at the district level.

(iii) Reflective curtain walls would not be used in the new headquarters.

121. Mr MA Yu-cheung responded that blinds would be installed in the new headquarters and the indoor lighting system would be operated in individual office zones. In addition, there would not be any unnecessary decorative lighting on the external wall of the building and decorative lighting would be switched off by timer controls at designated time. The energy saving measures could help reduce the nuisance to residents arising from strong light.

122. Mr Bernard LIM responded as follows:

- (i) The new wing of the BTS was expected to complete in the first quarter of 2018. Thereafter, internal renovation works would be carried out in the building and the works should have no impact to the nearby residents.
- (ii) The plant room on the ground floor of the headquarters would be relocated to the rooftop of the new wing. Covers would be attached to the electrical equipment for the purpose of beautification. It was also expected that the present noise problem of the plant room could be addressed.
- (iii) The height of the green art wall was set at the current level because it would not hinder plant trimming and maintenance works. The HKRC would consider the suggestion of enlarging the area of the wall if budget allowed.

123. Dr C K LIN responded that the number of staff parking spaces would be greatly reduced upon completion of the BTS Headquarters. Besides, the movements of large vehicles to and from the BTS would not increase. According to the assessment report prepared by the professional consultant in March 2014, the expansion of the BTS would have no significant impact on the traffic condition in the district.

124. Mr LAM Kin-man noted the response of the representatives of the HKRC that the vehicles transporting blood bags had not been fully loaded at present. It was supposed that the movements of vehicles transporting blood bags to and from the BTS would not increase drastically. He also thanked the representatives of the HKRC for arranging meetings with the OC of King's Park Villa to report to them the progress of the new wing project.

125. Mr Philip TSAI thanked the YTMDC and residents in the district for their support over the years for the new headquarters project and the BTS headquarters expansion project. He continued that the HKRC would maintain a two-way communication with stakeholders. For example, it would meet the OC of King's Park Villa in September to heed their views.

126. The Chairman said that Mr CHAN Wai-keung and he drew the attention of the TD and the HKPF to the traffic congestion in the vicinity of Hoi Ting Road during holidays. He continued that as the new headquarters was only one block away from the closest housing estate, he urged the staff members of the new headquarters to lower the blinds when they worked at night in future. Furthermore, the lighting in the public areas (such as corridors and lift lobbies) of the building should not be too bright so as to avoid causing nuisance to the nearby residents.

127. The Chairman thanked the representatives of the HKRC for joining the discussion on this item.

(Mr CHAN Wai-keung, Mr LAM Kin-man and Mr Barry WONG left the meeting at 7:03 p.m.)

Item 19 Legislative Amendment to Combat Bid-rigging and Review of Quorum of Meeting Stipulated in Building Management Ordinance (“BMO”)(Cap. 344) (YTMD Paper No. 92/2014)

----- 128. The Chairman said that the written response of the HAD (Annex 5) was distributed to Councillors for perusal before the meeting. He then welcomed Mr Indiana WONG, Senior Administrative Officer (5) of the HAD, to the meeting.

129. Mr HUI Tak-leung supplemented the contents of the paper. He urged the HAD to review the quorum of OC meetings stipulated in the BMO. He proposed to raise the quorum of OC meetings from 10% to 30% of the total number of owners for maintenance projects with a cost of over \$1 million, with a view to reducing bid-rigging.

130. Mr Indiana WONG responded as follows:

- (i) The BMO provided a legal framework for building management, formation and operation of OCs, and other related matters. The Government would promote, encourage and assist owners to form OCs to effectively discharge their building management responsibilities through multi-pronged measures, including the provision of a legal framework and support services.
- (ii) Paragraph 3 of Schedule 3 to the BMO stipulated that subject to provisions otherwise provided in the BMO, all matters (including maintenance works) arising at a meeting of the OC at which a quorum was present (i.e. 10% of the owners) shall be decided by a majority of the votes of the owners voting either personally or by proxy. This requirement aimed to ensure that the passing of a resolution at an OC meeting was subject to the consent of a certain number of owners, while avoiding the difficulty in commencing maintenance works due to too high the required percentage of owners for the passing of the resolution.
- (iii) The Review Committee on BMO (“the Review Committee”) had conducted a comprehensive review of the BMO. The review examined ways to resolve common problems in building management, such as improving the resolution procedures relating to maintenance works. The HAD was following up on the recommendations of the Review Committee, with the objective of drawing up initial legislative amendment proposals for consultation with stakeholders and the public later the year.

131. Mr HUI Tak-leung was dissatisfied with the representative of the HAD for having failed to giving a direct response to his enquiries in the discussion paper, nor did he explain the contents of the review conducted by the Review Committee.

132. Mr LAU Pak-kei referred to the example in the discussion paper and pointed out that as long as 10% of owners of single-block buildings with only 12 to 20 units (i.e. could be as few as two owners) attended the OC meeting, resolutions on maintenance projects of the

building could be passed. This could be a good chance for some people to make profits out of those projects. He said that in order to plug the loophole, Councillors proposed to raise the quorum of OC meetings from 10% to 30% to reduce bid-rigging. He requested the representative of the HAD to explain the contents of the review by the Review Committee and when the HAD would implement the amendments to the BMO.

133. The Chairman said that a quorum could hardly be present for housing estates with over a thousand units. The HAD really had to review the requirement on the quorum of OC meetings as stipulated in the BMO to attend to the different situations of housing estates with different number of units.

134. The Hon James TO declared interest as a member of the Review Committee. He said that the scope of the review included advising on whether the quorum of OC meetings should be raised or lowered. The HAD would draw up initial legislative amendments to the BMO by the end of the year. He agreed that the quorum of an OC meeting for housing estates with few units should be raised.

135. Ms WONG Shu-ming was discontented with the HAD representative for having failed to directly answer Mr HUI Tak-leung's enquiry. She remarked that the HAD was so inefficient that progress of amending the BMO far lagged behind the progress of the Operation Building Bright launched by the Government. She thanked the HKPF for assisting in combating bid-rigging. She suggested writing to the Director of Home Affairs in the name of the YTMDC to urge the department to complete the amendment process as soon as possible.

136. Ms KWAN Sau-ling said that the HAD should take account of the number of household units in a housing estate to set the quorum of OC meetings in the amendment of the BMO.

137. Mr Indiana WONG responded as follows:

- (i) The HAD was following up the recommendations of the Review Committee, with the aim of drawing up initial legislative amendment proposals for consultation with stakeholders and the public later this year. Proposals under discussion included raising the quorum of OC meetings from 10% to 20% or 30% of owners for maintenance projects exceeding \$1,000,000 or for individual items exceeding a specified amount.
- (ii) Another proposal under discussion was to raise the required percentage of shares of votes for the passage of resolution at OC meetings.
- (iii) The HAD would also consider stipulating in the BMO additional requirements on the tender process to raise transparency and facilitate owners' monitoring.

138. Mr HUI Tak-leung remarked that the HAD representative should have explained to Councillors the proposed amendments to the BMO earlier to allay their concern.

139. The Chairman thanked the representative of the HAD for joining the discussion on this item.

Item 20: To Request Departments Concerned to Assist “Three-nil” Buildings in Complying with Fire Safety (Buildings) Ordinance (“FS(B)O”) (Cap. 572) Proactively (YTMDC Paper No. 93/2014)

----- 140. The Chairman said that the written response of the Buildings Department (“BD”) (Annex 6) was distributed to Councillors for perusal before the meeting. He then welcomed the following representatives to the meeting:

- (a) Mr SHUM Luk-cheung, Chief Building Surveyor/Fire Safety and Ms Kathy CHOI, Building Surveyor/Fire Safety 14 of the BD;
- (b) Mr TSE Ping-ho, Deputy Chief Fire Officer (Fire Safety); Mr NG Mau-fat, Senior Divisional Officer (Building Improvement) 2; Mr CHIU Wai-biu, Senior Divisional Officer (Building Improvement) 1 and Mr CHAN Sau-kwong, Divisional Officer (Building Improvement) 2 of the FSD; and
- (c) Ms Betty HO, District Officer (Yau Tsim Mong) and Mr Thomas CHAN, Senior Liaison Officer (Building Management), Yau Tsim Mong District Office.

141. The Hon James TO supplemented the contents of the paper. He said that he learned from many residents of “three-nil” buildings (those buildings without OCs, residents’ organisation or property management companies) that most units in the building were put on lease. Tenants could hardly get hold of the owners when they received a fire order from the FSD and most of the owners were reluctant to discuss how to comply with the order with tenants. Therefore, tenants had no choice but applied for extending the compliance period of the order. However, the order was often still not complied with upon expiry of the extension period. In this connection, he would like to know whether the BD would consider assisting tenants in carrying out fire safety improvement works and recover the costs from the parties concerned afterwards. He further enquired whether the Secretary for Home Affairs (“SHA”) would exercise mandatory management of non-compliant units in accordance with the BMO.

142. Mr NG Mau-fat responded as follows:

- (i) Since the FS(B)O took effect in 2007, the BD and the FSD had inspected around 7 400 buildings across Hong Kong and had issued Fire Safety Directions (“FS Directions”) to around 4 200 buildings as at the end of July 2014. During the same period, the BD and the FSD inspected around 1 600 buildings in the YTM District and issued FS Directions to around 1 100 buildings.
- (ii) During the period, the compliance rate of the FS Directions in the whole territory and the YTM District was both 29%. The number of buildings which had complied with FS Directions in the whole territory and the YTM District were 67 and 14 respectively.
- (iii) Some residents and owners of buildings might find it difficult to comply with the FS(B)O. For example, owners of “three-nil” buildings and persons with limited means such as singleton elders and retirees would encounter difficulties in coordinating the fire safety improvement works. In addition, it was

difficult to improve the fire services facilities in some buildings due to technical constraints.

- (iv) The BD and the FSD would request the HAD to assist “three-nil” buildings in forming OCs after issuing FS Directions to them. Since November 2013, the BD and the FSD had provided lists of target buildings without OCs to the HAD on a regular basis. The HAD could then assist those buildings in forming OCs when appropriate before the departments concerned conducted joint inspection/issued FS Directions to them;
- (v) The HAD implemented the Building Management Professional Advisory Service Scheme (Phase 2) and the “AP Easy” Building Maintenance Advisory Service Scheme on 1 April 2014 to provide free professional advisory service respectively to owners of “three-nil” buildings and OCs which intended to conduct large-scale building maintenance works but without the support of property management companies.
- (vi) The FS(B)O did not empower the BD and the FSD to conduct fire safety improvement works for buildings and recover the cost from owners later. Although many Councillors had proposed to amend the FS(B)O to the above effect, the Government had to consider other factors, including the appointment of contractors, and the locations, qualities, cost and future maintenance of fire safety equipment.

143. Mr SHUM Luk-cheung responded that the BD and the FSD staff would inspect target buildings together and would issue FS Directions to owners or occupiers of the buildings in accordance with the FS(B)O and the respective purview of the two departments. Apart from differences in some statistical figures, the enforcement work of the BD was similar to that of the FSD just mentioned.

144. Mr Thomas CHAN responded that the YTMDO received around 331 non-compliance cases of FS Directions referred by the BD and the FSD in the past two years. The YTMDO would write to the OCs of the buildings concerned or the owners of the “three-nil” buildings upon receipt of referrals and would post notices in the common parts of the buildings to urge residents and owners to comply with the FS Directions and encourage them to form an OC, as the case might be. The YTMDO would assist them to convene owners’/residents’ meetings if they wished. During the meetings, the YTMDO would discuss with them ways to form OCs and comply with FS Directions, including explaining the information and procedures of OC formation, providing free register of owners (in case of forming OCs) etc. At the request of residents, the YTMDO would invite representatives of the relevant departments to explain to residents the contents of FS Directions. The YTMDO issued advisory letters relating to FS Directions to 331 buildings in the past two years but the response of residents of most “three-nil” buildings was lukewarm. The YTMDO had not received many responses. The YTMDO had conducted 63 residents’ meetings. Departmental representatives attended 46 of them and 12 buildings had successfully formed an OC as a result.

145. Mr HUI Tak-leung said that the issue had also been discussed at the meetings of the Housing and Building Management Committee (“HBMC”) under the YTMDC. However, the departmental representatives attending HBMC meetings were lower in rank than those

attending DC meetings. He continued that it was difficult for owners of “three-nil” buildings to comply with the Directions issued under the FS(B)O to enhance fire safety equipment. He suggested government departments take the lead to conduct fire safety improvement works for buildings in question and recover the cost from the relevant parties later. He then enquired whether the BD and the FSD would prosecute the owners or the occupiers if the Directions were not complied with.

146. Ms KWAN Sau-ling agreed that while the FS(B)O could protect the safety of the public, government departments did not offer any assistance for “three-nil” buildings in complying with the FS(B)O. She considered that the BD and the YTMDO should consider conducting fire safety improvement works for “three-nil” buildings first and recovering the cost from the parties concerned later. If owners refused to reimburse the costs upon completion of works, the Government could order the compulsory auction of the units concerned to deduct the advanced works cost.

147. Mr LAU Pak-kei considered that departmental representatives attending DC committee meetings should be similar in rank to those attending DC meetings. He said that as the Government considered the FS(B)O essential and “three-nil” buildings did experience difficulties in complying with the Directions issued under the FS(B)O, the Government should amend the FS(B)O to the effect that the relevant departments could assist owners to conduct fire safety improvement works first and recover the works cost from them later.

148. Ms WONG Shu-ming considered that departmental representatives attending DC and committee meetings should be similar in rank. She continued that if owners failed to conduct fire safety improvement works in accordance with the Directions issued under the FS(B)O and imminent danger was caused to buildings as a result, the relevant departments should consider taking the initiative to assist owners to conduct the works. She continued that the BD and the FSD were shifting their responsibility onto the YTMDO by preparing a list of buildings without OCs and requesting the YTMDO to assist those buildings to form one. She also pointed out that the owners of “three-nil” buildings might want to avoid being prosecuted in case of failure to comply with Directions and therefore were reluctant to form an OC.

149. The Hon James TO emphasised that the Government needed to amend the FS(B)O. He requested the SHA to consider exercising mandatory management of the buildings with imminent danger for a specified period of time pursuant to the BMO.

150. Mr HAU Wing-cheong opined that if non-compliance with the FS(B)O would result in imminent danger to buildings, government departments should proactively assist owners to carry out fire safety improvement works. He added that to his knowledge, there were OC members who considered quitting the OC to avoid criminal liability for the OC’s non-compliance with the FS(B)O.

151. Mr CHOW Chun-fai said that the government departments should do a better job in coordinating the execution of the FS(B)O. He urged the relevant departments to appreciate the difficulties faced by residents and OCs in complying with the FS(B)O and to amend the FS(B)O as soon as possible in order to eliminate the difficulties.

152. Mr Derek HUNG enquired whether it was the FSD, the Security Bureau (“SB”), or Legislative Councillors to propose amendment to the FS(B)O.

153. Mr NG Mau-fat responded as follows:

- (i) Pursuant to the FS(B)O, an owner of the domestic part of a building generally needed to provide or improve the following fire services installations and equipment: fire hydrant and hose reel system, manual fire alarm system and emergency lighting. An owner of the non-domestic part of a building generally needed to provide or improve the following fire services installations and equipment: fire hydrant and hose reel system, manual fire alarm system, automatic sprinkler system and automatic cut-off device for mechanical ventilation. An occupier of the non-domestic part generally needed to provide emergency lighting in the premises.
- (ii) Among the aforementioned 14 buildings in the district that had fully complied with the FS Directions, three were “three-nil” buildings.
- (iii) Since 1 July 2007, the FSD had issued FS Directions to around 4 200 buildings in the whole territory and had prosecuted 20 of them. There were altogether 64 defaulters, including occupiers of premises. In determining the level of penalty, the judge would consider if the defendants had reasonable excuses. The fines of the offence concerned ranged from \$700 to \$25,000.
- (iv) In response to Mr Chow Chun-fai’s views on the present requirements for fire service installations, he said that the FSD had relaxed the required capacity of fire service water tanks in commercial/residential buildings from 18 000 litres to 9 000 litres. The FSD had also exempted buildings not exceeding six storeys or 20 metres from installing fire hydrants. Among the aforementioned 14 buildings which had fully complied with the FS Directions, nine were exempted from installing fire hydrants, and the capacity of fire service water tank of the buildings’ hose reel system was reduced to 2 000 litres.
- (v) On building rehabilitation, the Government provided financial assistance to owners with financial hardships, such as the implementation of the “Integrated Building Maintenance Assistance Scheme”, under which elderly owner-occupiers were assisted through the “Building Maintenance Grant Scheme for Elderly Owners” to repair and maintain their buildings and improve building safety. A maximum grant of \$40,000 was available for each eligible owner-occupier aged 60 or above.

154. Mr Thomas CHAN responded as follows:

- (i) The YTMDO would reflect to the Administration the Hon James TO’s enquiry about whether the SHA could exercise mandatory management on “three nil” buildings in accordance with the BMO. The mandatory management mentioned by the Hon James TO should be related to the appointment of building management agents under sections 40B and 40C of the BMO.
- (ii) Section 40B of the BMO was applicable only to buildings with OCs. If there was a danger to a building, then even if that building had established an OC, the SHA could still order its MC to appoint a building management agent for

that building within a specified period.

- (iii) Section 40C of the BMO was applicable to “three nil” buildings. The SHA could apply to the Lands Tribunal in accordance with the BMO. If the Lands Tribunal was satisfied that there was a danger to the building, it could only order that a meeting of owners be convened by such owner as shall be named in the order within such reasonable period as shall be specified in the order, with a view to appointing an MC (i.e. to form an OC). If an MC could not be appointed at the meeting of owners, a building management agent would be appointed directly. In other words, the responsibility of appointing a building management agent would still rest with the owners.

155. Mr HUI Tak-leung said that although eligible elders could be granted a financial assistance of \$40,000 to maintain their property and improve building safety, not every owner/occupier was willing to pay the fee for the purpose of complying with the FS Directions issued under the FS(B)O. He then pointed out that the compliance rate of the FS(B)O had increased because owners must fulfill the requirements set out in the FS(B)O in order to obtain the subsidy from the Operation Building Bright. In fact, quite a number of owners were unwilling to enhance fire safety required under the FS(B)O.

156. Mr Derek HUNG pressed the departments concerned to explain which party would be responsible for initiating the amendment to the FS(B)O.

157. The Vice-chairman proposed writing to the HAB in the name of the YTMDC, urging it to proactively assist owners of “three-nil” buildings in complying with the FS(B)O and to amend the FS(B)O.

158. The Chairman said that the HBMC had discussed the issue for many times and had proposed many improvements measures. He agreed to write to the bureaux and departments concerned in the name of the YTMDC to relay to them Councillors’ views expressed at the meeting. He also proposed to attach past HBMC minutes of discussion on the issue to the letter for bureaux and departments’ consideration. There was no objection.

159. Mr TSE Ping-ho responded that Operation Building Bright had indeed made the FSD’s enforcement of the FS(B)O easier. Since the FSD was responsible for enforcing the FS(B)O, he would convey Councillors’ views on the FS(B)O to the SB.

160. The Chairman hoped that the FSD representatives attending future HBMC and YTMDC meetings would be of comparable rank. He further requested Councillors to submit papers for discussion to the appropriate committee meetings and called on Councillors to join the appropriate committees to propose discussion on issues within the purview of the committees concerned.

(Post-meeting note: The YTMDC wrote to the Development Bureau, the SB and the HAB (Annex 7) on 7 October 2014 to relay Councillors’ views expressed at the meeting.)

**Item 21: Concern over Pollution of Hong Kong Waters by Sewage from Small and Medium Ships
(YTMDC Paper No. 94/2014)**

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

- (a) Mr LU Jian-jian, Marine Officer/Licensing and Port Formalities (2) of the Marine Department (“MD”); and
- (b) Mr Sunny SUN, Environmental Protection Officer (Water Policy and Science) 21 of the EPD.

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

163. Mr LU Jian-jian responded that there were a total of 17 709 locally registered ships in Hong Kong as at 31 July 2014. Since locally registered ships were not required under current legislations to process their excretal matters and sewage, they were not equipped with sewerage facilities. In addition, there was no legislation to govern the discharge of sewage and excretal matters into Hong Kong waters by locally registered ships.

164. Mr Sunny SUN responded that the EPD carried out assessments on the pollution of Hong Kong waters by sewage from small and medium ships in 2002. Recently, the department collected relevant data with the MD again for similar assessments and the result was similar to that in 2002. The results showed that sewage from local small and medium ships had insignificant impact on the overall water quality in Hong Kong as it only accounted for 0.16% of the total sewage in Hong Kong. He continued that the pollution source of the Hong Kong coastal waters were mainly pollution discharges from storm water drains in urban areas. With the Government’s effort to implement a series of measures over the past years, including intercepting sewage illegally discharged into storm water drains, rectifying misconnected sewers, installing dry weather flow interceptors etc., the water quality of Victoria Harbour and typhoon shelters in other areas had gradually improved. In addition, the EPD would, jointly with the MD, the Drainage Services Department and the departments concerned, study the proposals on installing sewerage facilities at shores for small and medium ships’ use in light of actual circumstances and needs.

165. The Chairman said that at past Food and Environmental Hygiene Committee meetings, Councillors had enquired whether locally registered small and medium ships were equipped with sewerage facilities. The reply of the departments concerned was in the affirmative. However, Mr Derek HUNG later learned from people working on board small and medium ships that it was not true. For this reason, Mr Derek HUNG and he submitted YTMDC Paper no. 94/2014 at the current meeting to follow up the issue. He was pleased that the EPD had implemented measures to rectify the discharge of sewage into the sea caused by drain misconnections. However, he pointed out that Yau Ma Tei Replacement Typhoon Shelter had been polluted as ships berthing in there were not equipped with sewerage facilities. Odour was generated from the marine water and excessive E. coli bacteria had been found.

166. Mr Derek HUNG pointed out that directly discharging sewage into Hong Kong waters was undesirable. He understood that it would be quite difficult to immediately install relevant facilities on board small and medium ships due to historical, technical and economic reasons. He suggested that the EPD and the MD should carry out studies on passenger ships entering and leaving Hong Kong. For instance, the department could require passenger ships of a certain tonnage and capacity to be equipped with sewerage facilities by a certain deadline before a licence could be issued or renewed. The problem of pollution of Hong

Kong waters by sewage from ships could be regulated in such a way.

167. The Chairman asked what measures the EPD would implement to improve the water quality of Yau Ma Tei Replacement Typhoon Shelter.

168. Mr Sunny SUN responded that over 99% of the sewage discharged into Hong Kong waters was land-sourced. The EPD would therefore focus on controlling and reducing land-sourced pollutants. In addition, data analysis showed that there was no obvious difference in the water quality between fishing moratoria (where there were more ships berthing in typhoon shelters) and non-fishing moratoria. This also suggested that pollution from ships was insignificant to water quality.

169. The Chairman thanked representatives of government departments for joining the discussion on the item.

(Mr CHOW Chun-fai left the meeting at 8:25 p.m.)

Item 22: 1823 Government Service Hotline is Useless. Where to Go When Following Up on Complaints?
(YTMD Paper No. 95/2014)

170. The Chairman said that the written response (Annex 8) of the Efficiency Unit (“EU”) of the Chief Secretary for Administration’s Office was distributed to Councillors for perusal before the meeting. He then welcomed Mr Simon LAM, Principal Management Services Officer (Efficiency Unit) 3 and Mr YUK Wai-fung, Project Advisor of the EU to the meeting.

171. Ms WONG Shu-ming supplemented the contents of the paper. She reflected comments from many members of the public that enquiries or complaints to the 1823 hotline were often not answered and the call was forwarded to the voice mail box. Even if the call was answered, no one would properly follow up the cases or complaints. She enquired what criteria would be adopted by call centre officers in determining the departments to follow up cases that involved multiple departments or were of a more complicated nature.

172. Mr YUK Wai-fung responded as follows:

- (i) Between January and July 2014, the 1823 call centre handled over 2 million calls. The hotline was open to the public round the clock. If the public could not reach the hotline during normal office hours, they could call during non-office hours.
- (ii) The 1823 call centre would refer the cases to the departments concerned in accordance with the nature of the enquiries/complaints. It would also monitor case progress with reference to the performance pledge of the concerned departments and issue reminders to the departmental management on overdue cases. If there were any changes in the procedures of handling the case, centre officers would explain to the complainants.
- (iii) In the first seven months of 2014, 1823 received approximately 190 000 complaints. Approximately 18 700 cases were related to the YTM District and 9 700 cases to Mong Kok. During the period, reminders were issued to

the departments concerned in respect of approximately 1 300 cases related to Mong Kok.

- (iv) Upon receipt of cases involving multiple departments, 1823 officers would liaise with the departmental management within two days to discuss how to handle the cases. The cases would be escalated to directorate officers if necessary. Government departments and 1823 would adhere to the principle that resolution of cases should come before demarcation of responsibilities in order to promptly solve the problem.
- (v) The computer system of 1823 would assign a 10-digit case number to every case for identification purpose. For privacy protection and callers' convenience where they would like to check the information of their cases, they only needed to provide the contact information and case details when making the call, without the need to provide the case number. Centre officers would then inform them of the updates of their case upon identity verification.

173. Ms WONG Shu-ming enquired about the criteria 1823 officers would consider in determining to which departments the cases should be referred. She continued that in the case of Mong Kok, residents might be more likely to lodge complaints about street obstruction, water seepage, and pollution. She asked whether 1823 would strengthen manpower to handle such complaints.

174. Mr LAU Pak-kei asked whether callers were requested to score the 1823 service after their enquiries/complaints were handled. If so, he asked whether the scores were recorded by an independent organisation.

175. Mr YUK Wai-fung responded as follows:

- (i) After their enquiries/complaints were handled, callers were invited to score the service of 1823 officers on aspects such as working attitude, service standard and the appropriateness of follow-up. Scores were given on a five-point scale, with 5 being the best. The average score of 1823 officers was 4.4. He would provide the data to Councillors after the meeting.
- (ii) A market research company had been commissioned to conduct a customer satisfaction survey on the performance of 1823, including areas where respondents were dissatisfied with. Previous surveys showed that the public's feedback was quite positive. 1823 started a new round of customer satisfaction survey in July 2014.
- (iii) Both 1823 and government departments would adhere to the principle that resolution of cases should come before demarcation of responsibilities in handling the cases. For example, 1823 had received a case involving seven departments and three bureaux. After several meetings, the problem was solved successfully, but the responsibility issue was yet to clarify.
- (iv) Between January and July 2014, 1823 handled over 2 million calls, representing an increase of 19% when compared with the corresponding period in 2013. The number of staff members in 1823 had increased from 271 as at

31 December 2013 to 344 as at July 2014. Subject to availability of resources, the EU had tried to increase the manpower of 1823 call centre to cope with the increasing workload. However, the workload had increased with the increase in manpower.

- (v) When there was an upsurge of calls at a particular point in time, callers might have to wait for a longer period before their calls could be answered. If all of the 1823 officers were engaged with calls, to avoid callers being put on hold for a long time, the telephone system would divert the calls to voice mail box. Centre officers would reply within eight hours the shortest or one to two days at most.

(Mr Francis CHONG left the meeting at 8:43 p.m.)

176. Ms WONG Shu-ming reflected complaints from the public that their cases reported to 1823 were not properly followed up. She stated that as 1823 was the first point of contact for the public's complaints, the EU should face up to and proactively solve the manpower shortage problem of 1823.

177. Mr YUK Wai-fung asked Ms WONG Shu-ming to provide the details of the cases in question to him after the meeting for follow-up. He continued that apart from answering calls and referring complaints to the departments concerned, 1823 would also study and analyse the types and locations of cases, etc. to assist government departments to adopt preventive measures and to follow up.

178. The Chairman noted that 1823 had to handle a large number of enquiries or complaints. Moreover, 1823 had to refer the cases to the relevant departments for follow-up, to monitor departments' progress of following up cases, and to conduct studies and analysis on the cases. The Government should therefore allocate more resources to 1823. He then asked whether 1823 officers would remind responsible departments to accord priority to handle emergency cases. He suggested 1823 call centre regularly report to the YTMDC on the data of complaints received in the YTM District, including the details and locations, etc. for Councillors' reference.

179. Mr YUK Wai-fung responded that 1823 would readily provide the date of the complaints received in the YTM District at Councillors' request. He continued that 1823 officers would refer the complaints to the responsible departments for follow-up depending on the nature of complaints. If emergency handling was required, 1823 officers would call the duty officers of responsible departments directly to request immediate follow-up action.

180. The Chairman thanked the representatives of the EU for joining the discussion on this item.

Item 24: Progress Reports

- (1) **District Management Committee**
(YTMDC Paper No. 97/2014)
- (2) **Community Building Committee**
(YTMDC Paper No. 98/2014)
- (3) **District Facilities Management Committee**
(YTMDC Paper No. 99/2014)

- (4) **Food and Environmental Hygiene Committee**
(YTMD Paper No. 100/2014)
 - (5) **Housing and Building Management Committee**
(YTMD Paper No. 101/2014)
 - (6) **Traffic and Transport Committee**
(YTMD Paper No. 102/2014)
 - (7) **Working Group on Promotion of Tourism and Local Community Economy**
(YTMD Paper No. 103/2014)
 - (8) **Working Group on Ethnic Affairs**
(YTMD Paper No. 104/2014)
 - (9) **Working Group on Women's Affairs**
(YTMD Paper No. 105/2014)
 - (10) **Working Group on Care for the Community**
(YTMD Paper No. 106/2014)
 - (11) **Working Group on Publicity and Promotion**
(YTMD Paper No. 107/2014)
-

181. Councillors noted the contents of the progress reports.

Item 25: Any Other Business

- **65th Anniversary National Day Extravaganza**
(YTMD Paper No. 108/2014)
-

182. Ms Betty HO indicated that the HAD would organise “National Day Extravaganza” at Victoria Park on 1 October to celebrate the 65th National Day. There would be 18 interactive game zones in the venue to be set up by the 18 DOs. The HAD suggested showing the respective DC logo on the booth of each interactive game zone. She asked whether Councillors agreed to the arrangement.

183. The Chairman asked Councillors whether they agreed to the YTMDO's using of the YTMD logo on the booth of its interactive game zone. There was no objection.

184. There being no other business, the Chairman closed the meeting at 8:55 p.m. The next meeting would be held at 2:30 p.m. on 30 October 2014 (Thursday).

Yau Tsim Mong District Council Secretariat
September 2014

**Proposed Amendments to the Draft Minutes of
the 17th Meeting held on 26 June 2014
Yau Tsim Mong District Council (2012-2015)**

Paragraph 73:

Original text: “Mr Derek HUNG said that.....the list of.....and the list of YTM District Delegation Team in the 4th HKG:”

Proposed amendment: “Mr Derek HUNG said that.....the list of.....and with reference to the list of YTM District Delegation Team in the 4th HKG:”

Paragraph 74:

Original text: “Mr Derek HUNG said that no nomination for Leader, Badminton was received from Councillors to date.”

Proposed amendment: “Mr Derek HUNG said that no nomination for Leader, Badminton was received from Councillors after the nomination deadline.”

2012 至 2015 年度油尖旺區議會

有關：要求港鐵減低海泓道路段高鐵工程之噪音、空氣污染及關注工程引

致的路面沉降問題

就上述討論文件，環境保護署(本署)回覆如下：

廣深港高速鐵路香港段屬於《環境影響評估條例》所訂明的指定工程項目，港鐵公司已根據該條例，完成相關環境影響評估報告，並按本署所批准的「環境許可證」，制定「環境監察及審核手冊」(下稱「環監手冊」)。港鐵公司亦已根據「環境許可證」的條件成立了一個環境小組，執行「環監手冊」內所載的計劃，包括環境監察、處理投訴及適時採取所需緩解措施。就上述投訴，港鐵公司會按規定進行調查及跟進。

就非假日日間(即上午7時至下午7時)進行一般建築工程所發出的噪音，《噪音管制條例》現時未有作出特別的限制。然而，如在「限制時間」(即平日晚上7時至翌日早上7時或公眾假日的任何時間)內使用機動設備進行工程或於指定範圍內進行訂明建築工程，承辦商須根據《噪音管制條例》的規定，向本署申領「建築噪音許可證」〔「許可證」〕及按「許可證」訂明的條款進行。工程承辦商須於申請時列出機動設備的類型、數目、位置及操作時段，而本署會根據《技術備忘錄》的規定，就每個「許可證」的申請作出評審。若噪音低於可接受的水平，方可獲發「許可證」。

根據本署記錄，上述地盤的承辦商已獲本署簽發「許可證」，准予由2014年6月3日至7月31日的平日下午7時至晚上11時及公眾假日(包括星期日)的上午7時至晚上11時使用列明的機動設備進行工程。在處理該「許可證」的申請時，本署已詳細評估有關工程使用機動設備所產生的噪音，發出的「許可證」亦詳列減音措施的條款，例如須使用低噪音型發電機、隔音罩、隔音物料遮蓋等，確保有關的工程噪音不會超出《技術備忘錄》規定可接受的水平。

截至2014年8月13日，本署沒有收到公眾關於上述地盤的噪音或空氣污染投訴；同時，亦沒有接獲上述地盤的「許可證」續期申請或新申請。本署人員曾分別於6月9日下午、6月16日上午及同日下午約7時到該地盤進行巡查，發現灌漿工程範圍有適當圍封，地盤出入口有進行灑水，期間沒有發現工程產生不正常噪音或造成塵埃散發情況。同時，本署人員亦已提醒承辦商的地盤負責人必須遵守有關環保法例的規定及採取適當措施以免造成滋擾。其後，本署人員在7月28日上午作跟進巡查，發現該地盤正進行路面修復工程，期間工程人員有灑水及作適當圍封。本署人員在8

月 1 日上午再安排巡查及提醒地盤負責人繼續採取有關控制塵埃散發措施，期間亦沒有發現不當情況。另外，本署人員在 8 月 8 日進行晚間巡查，沒有發現有工程進行，地盤內的堆存物料已用帆布覆蓋。本署會繼續密切監察地盤有關情況及不時作出突擊巡查。若發現違規事項，本署將會採取執法行動。

環境保護署

2014 年 8 月 14 日

**要求港鐵減低海泓道路段高鐵工程之噪音、空氣污染及關注工程
引致的路面沉降問題的補充文件**

本文件旨在回應關於 2014 年 8 月 21 日油尖旺區議會中，陳偉強議員就上述事宜提交的補充文件，運輸署現回應如下：

由於高鐵工程由路政署負責策劃，並委託港鐵統籌設計及興建工程項目，本署已要求路政署及港鐵跟進及回應就海泓道路段高鐵工程之噪音、空氣污染及關注工程引致的路面沉降事宜。基於以上原因，本署將不會就上述事宜派員出席會議。

運輸署

2014 年 8 月

本函檔號: XRL/2014/C152

郵寄及傳真文件: 2722 7696

九龍旺角聯運街 30 號旺角政府合署 4 樓
區議會秘書處 (油尖旺民政事務處)
油尖旺區議會議員
(經辦人: 一級行政主任 (區議會) 黃嘉穎女士)

各位議員:

跟進海泓道行人路地磚不平

8 月 13 日油尖旺區議會轉來陳偉強議員關注奧海城三期商場出口行人路地磚不平的函件收悉。

誠如 8 月 21 日於油尖旺區議會會議上與路政署代表講解時提到, 港鐵公司就個案已即時派員到場視察, 並確定有關地磚不平的狀況, 與高鐵香港段項目隧道工程無關。由於個案所在位置不屬高鐵工程範圍, 有關個案已隨即轉介路政署跟進, 而署方亦已於 8 月 20 日完成相關修復工程。按路政署人員的觀察, 認為有關情況屬輕微的地磚下陷, 並非地面沉降現象。

如就上述回覆有任何查詢, 請致電 2392 2160 與社區聯絡主任林凱恩小姐聯絡。

公共關係經理－項目及物業



葉麗儀

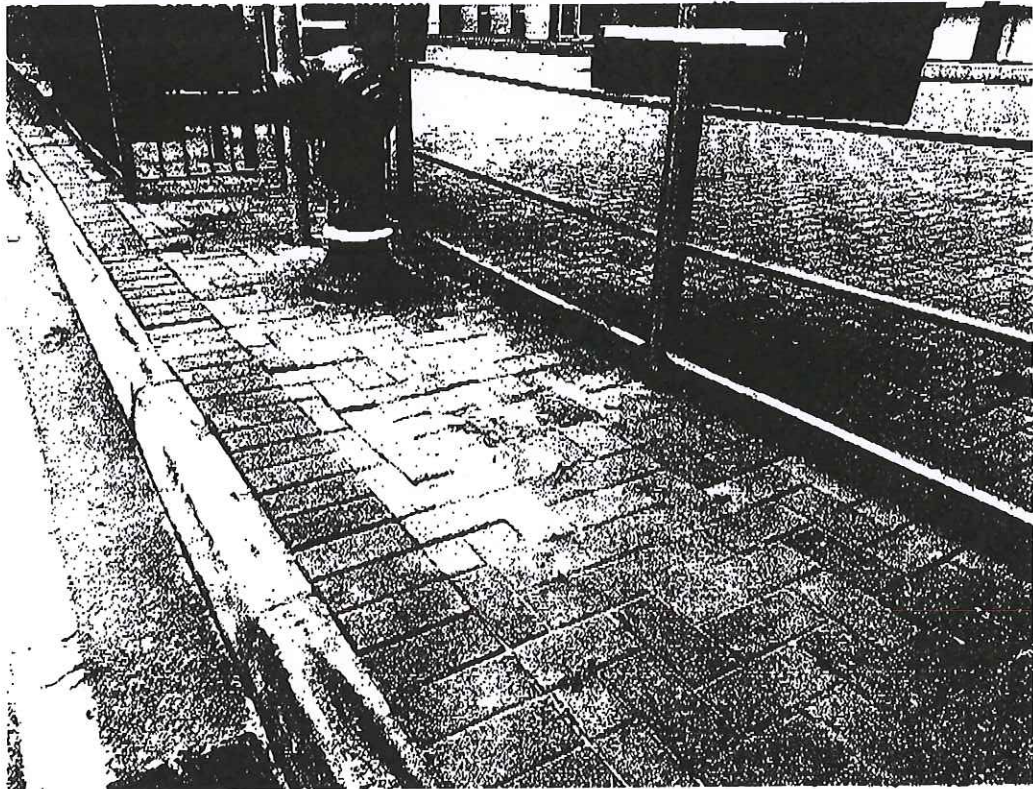
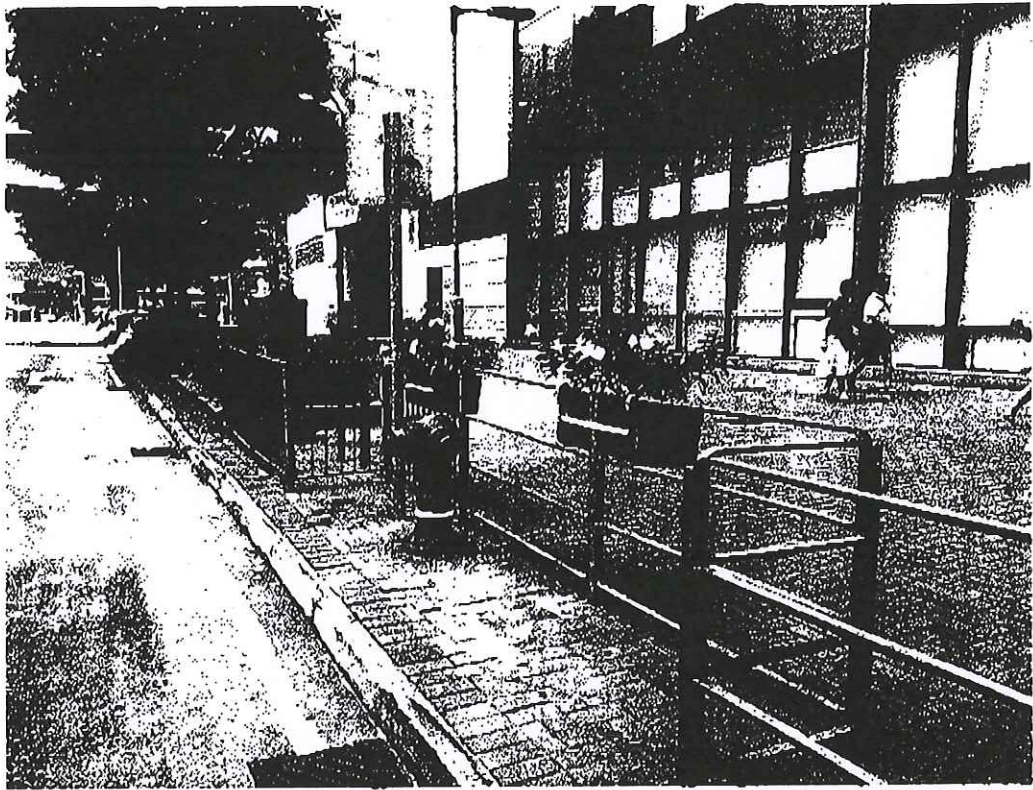
二零一四年九月十二日

連附件: 奧海城三期商場出口行人路路面復修後的情況

副本呈: 路政署高級工程師何國輝先生



附件：奧海城三期商場出口行人路路面復修後的情況



Yau Tsim Mong District Council
District Councillor Mr HUI Tak-leung's Suggestion to Review the
Building Management Ordinance (Cap. 344)

On District Councillor Mr HUI Tak-leung's suggestion to review the Building Management Ordinance (Cap. 344) (BMO) in relation to the quorum of meeting of the owners' corporations (OCs), our response is as follows –

2. Owners have the responsibility to manage their own private property. The role of the Government in building management is to promote, encourage and assist owners to organise themselves to effectively discharge their building management responsibility through multi-pronged measures, including the provision of legal framework and support services. The BMO provides a legal framework on the management of buildings, formation and operation of OCs and other related matters.

3. Paragraph 3 of Schedule 3 to the BMO stipulates that subject to provisions otherwise provided in the BMO, all matters (including maintenance works) arising at a meeting of the OC at which a quorum is present (i.e. 10% of the owners) shall be decided by a majority of the votes of the owners voting either personally or by proxy. This requirement aims to ensure that the passing of a resolution at an OC meeting is subject to the consent of a certain number of owners, while avoiding the difficulty in commencing maintenance works due to too high the required percentage of owners for the passing of the resolution.

4. Moreover, the BMO has provided for measures to ensure the transparency of any maintenance works carried out by an OC and the OC's effective supervision of the tendering and the maintenance works concerned. Under the BMO, an OC shall invite tender for any projects with a total value over \$200,000, and a general meeting shall be convened to endorse the relevant tender if the total value of the project exceeds 20% of the annual budget of the OC. Furthermore, during the tendering process, an OC has to observe relevant codes of practice under the BMO, including the Code of Practice on Procurement of Supplies, Goods and

Services and the Code of Practice on Building Management and Maintenance.

5. To ensure that the BMO keeps pace with changing circumstances, the Review Committee on the Building Management Ordinance (Review Committee), comprising members from relevant sectors with extensive knowledge in property management, has conducted a comprehensive review of the BMO. The review examines, inter alia, examine ways to resolve common problems in building management, for example, how to improve the resolution procedures relating to maintenance works.

6. The Home Affairs Department is considering and following up on the recommendations of the Review Committee, with the aim of drawing up initial legislative amendment proposals for consultation with stakeholders and the public later this year.

Home Affairs Department
August 2014



YOUR REP 來函檔號: YTMDC 13/10/18/12
 OUR RBF 本署檔號: (22) in BD/FS/OP/10 Pt. III
 FAX 圖文傳真: 2136 8203
 TEL 電話: 2135 2412
 www.bd.gov.hk

九龍聯運道30號
 旺角政府合署4樓
 油尖旺區議會秘書處
 鍾小蘭女士

鍾女士:

有關《消防安全（建築物）條例》的執法問題

多謝貴處於二零一四年八月五日轉介涂謹申議員就《消防安全（建築物）條例》（下稱《條例》）執法情況的提問。本署現謹覆如下：

背景資料

由於在一九八七年三月一日或之前建成的綜合用途及住宅建築物在落成時的消防安全水平要求與現時的標準有差距，故此《條例》的目的，是為該等樓宇的佔用人、使用人和訪客提供更適合現今社會的防火保障。

屋宇署及消防處是該《條例》的執法部門。兩部門的人員會一起巡查目標樓宇並會按《條例》的規定因應兩部門負責的不同範疇向有關業主或佔用人分別發出「消防安全指示」（下稱「指示」）。屋宇署會對建築物的消防安全規劃、設計和建造提出改善的規定（例如修復或安裝防煙門、改善逃生途徑及加強耐火結構等）；而消防處則對樓宇的消防裝置及設備方面提出改善或加設規定（例如自動噴灑系統、消防栓及喉轆系統、手控火警警報系統及緊急照明等）。

回覆涂謹申議員的提問

提問 1: 究竟現時有多少棟大廈已發出消防命令，而至今的無法執行？如有，原因何在？現時如何處理？

根據記錄，至本年7月底止，屋宇署及消防處已向油尖旺區1,066幢相關目標樓宇發出「指示」，當中有28幢樓宇已全部遵從本署發出的「指示」。本署理解個別樓宇或會受各種原因未能如期遵從「指示」，例如業主需時組成法團，以協調在樓宇公用部分進行的消防安全改善工程；業主屬意在進行其他樓宇維修工程時才一起進行消防安全改善工程；建築結構或空間所限，需時考慮替代方案等。

就上述這些特殊情況，本署會以靈活和務實的方式處理每宗個案。例如業主或其代表可向本署提出申請延期，以便組成法團，本署會按他們提出的理據，合理地考慮延長遵從指示的限期。本署人員亦會盡量聯絡有關業主，瞭解進度或提供協助。

提問 2: 民政處、屋宇署及消防處如何協助他們執行消防命令?

屋宇署及消防處一直在執行《條例》上，保持緊密聯繫。本署樂意與消防處聯合跟進有困難遵從「指示」的個案，並歡迎有關大廈的業主或法團預約兩個部門的個案主任，一起商討樓宇的消防安全建造及消防設備的改善工程，由個案主任按大廈的實際情況提供意見，藉此協助業主遵從有關的「指示」。

針對一些所謂「三無大廈」(即沒有法團、沒有居民組織及沒有聘用管理公司的樓宇)，本署會從其他方面協助業主遵從指示，例如會把沒有成立法團的大廈個案轉介該區民政事務處，由該處協助成立法團，從而令統籌和協調改善工程更加暢順。若有需要，本署人員會樂於參與，解釋「指示」的內容及提供協助。

另外，自二零一三年十一月起，屋宇署及消防處定期把沒有法團的目標樓宇名單發給民政事務總署，以便該署在該等樓宇進行聯合巡查/發出指示之前，可適時協助成立法團。屋宇署及消防處會繼續協調，在按月擬備目標樓宇名單後，盡快向民政事務總署轉介類似個案，以便民政事務總署能有更多時間協助業主成立法團。

提問 3: 有何資源或配套可提供給他們?若有提供後，成功率又有多少呢?

本署會繼續一直以來向業主提供的支援，以協助他們遵從「指示」。有關措施包括-

- 提供技術意見，以及與業主及其委聘的顧問會面;
- 執行「樓宇安全貸款計劃」，提供財政援助;
- 與民政事務總署合作，協助成立法團;
- 參與地區防火委員會/地區防火講座，提倡改善消防安全的觀念

由於不同部門或機構皆有對業主提供不同的協助，本署未能準確掌握有關協助成效的數字。本署分析一些「三無大廈」已遵從指示的個案，本署人員都有提供不同程度的協助。

提問 4: 對於無法執行命令的樓宇，民政處、屋宇署及消防處有無實質的辦法處理？

《條例》所規定的改善工程旨在使目標樓宇達至條例訂明的現代消防安全水平。此類工程的可行方案和工程安排（如設施安裝位置）須經大廈業主/佔用人商討，以達成共識，所以本署會以靈活和務實的執法方針，從旁幫助業主遵從「指示」。

如對本署上述就《條例》的執法情況需要進一步資料，請聯絡本署高級屋宇測量師/防火規格組 5 李偉豪先生(電話: 2135 2412)。

屋宇署署長

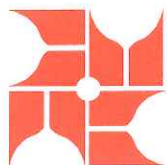
(防火規格組總屋宇測量師 沈祿祥



代行)

2014 年 8 月 21 日

副本送： 消防處處長(經辦人: 副消防總長(消防安全) 謝炳豪先生)
CSE/F (Fax : 2625 0960)



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

Annex 7

發展局局長
陳茂波先生, MH, JP

傳真文件
(2845 3489)

陳先生：

**要求有關政府部門主導協助「三無」大廈
執行《消防安全(建築物)條例》**

在油尖旺區議會 2014 年 8 月 21 日第十八次會議上，有議員提呈標題文件，反映「三無」大廈(即沒有法團、沒有居民組織和沒有聘用管理公司的樓宇)業戶在遵守《消防安全(建築物)條例》方面遇到的困難。

多位議員在會上指出，「三無」大廈有大量出租單位，租客即使收到消防處發出的消防命令，也難以聯絡業主進行改善工程，業主亦多不願意與租客商討如何遵從消防命令，因此，租客惟有申請延期執行消防命令，但往往逾期仍未遵辦。有見及此，議員促請當局修例，容許屋宇署和消防處協助租客進行消防安全改善工程，之後再向相關人士追討工程費用。此外，有議員認為應在《消防安全(建築物)條例》中引入《建築物管理條例》有關委任建築物管理代理人的條文，以便民政事務局局長可在指定期限內強制管理有即時危險的樓宇。

油尖旺區議會房屋事務及大廈管理委員會(“房管會”)亦曾多次討論《消防安全(建築物)條例》的實施問題，並提出不少改善意見，現夾附房管會相關的會議記錄，以供參考。

有關上述區議會會議的內容，請登入油尖旺區議會網頁(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：保安局(傳真：2868 5074)
民政事務局(傳真：2591 6002)

2014 年 10 月 7 日



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

保安局局長
黎棟國先生, SBS, IDSM, JP

傳真文件
(2868 5074)

黎先生：

**要求有關政府部門主導協助「三無」大廈
執行《消防安全(建築物)條例》**

在油尖旺區議會 2014 年 8 月 21 日第十八次會議上，有議員提呈標題文件，反映「三無」大廈(即沒有法團、沒有居民組織和沒有聘用管理公司的樓宇)業戶在遵守《消防安全(建築物)條例》方面遇到的困難。

多位議員在會上指出，「三無」大廈有大量出租單位，租客即使收到消防處發出的消防命令，也難以聯絡業主進行改善工程，業主亦多不願意與租客商討如何遵從消防命令，因此，租客惟有申請延期執行消防命令，但往往逾期仍未遵辦。有見及此，議員促請當局修例，容許屋宇署和消防處協助租客進行消防安全改善工程，之後再向相關人士追討工程費用。此外，有議員認為應在《消防安全(建築物)條例》中引入《建築物管理條例》有關委任建築物管理代理人的條文，以便民政事務局局長可在指定期限內強制管理有即時危險的樓宇。

油尖旺區議會房屋事務及大廈管理委員會(“房管會”)亦曾多次討論《消防安全(建築物)條例》的實施問題，並提出不少改善意見，現夾附房管會相關的會議記錄，以供參考。

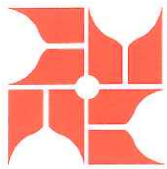
有關上述區議會會議的內容，請登入油尖旺區議會網頁(http://www.districtcouncils.gov.hk/ytm/tc/2012_2015/committee_meetings.html)，收聽會議錄音。

油尖旺區議會主席

鍾港武

副本送：發展局(傳真：2845 3489)
民政事務局(傳真：2591 6002)

2014 年 10 月 7 日



油尖旺區議會

YAU TSIM MONG DISTRICT COUNCIL

民政事務局局長
曾德成先生, GBS, JP

傳真文件
(2591 6002)

曾先生：

**要求有關政府部門主導協助「三無」大廈
執行《消防安全(建築物)條例》**

在油尖旺區議會 2014 年 8 月 21 日第十八次會議上，有議員提呈標題文件，反映「三無」大廈(即沒有法團、沒有居民組織和沒有聘用管理公司的樓宇)業戶在遵守《消防安全(建築物)條例》方面遇到的困難。

多位議員在會上指出，「三無」大廈有大量出租單位，租客即使收到消防處發出的消防命令，也難以聯絡業主進行改善工程，業主亦多不願意與租客商討如何遵從消防命令，因此，租客惟有申請延期執行消防命令，但往往逾期仍未遵辦。有見及此，議員促請當局修例，容許屋宇署和消防處協助租客進行消防安全改善工程，之後再向相關人士追討工程費用。此外，有議員認為應在《消防安全(建築物)條例》中引入《建築物管理條例》有關委任建築物管理代理人的條文，以便民政事務局局長可在指定期限內強制管理有即時危險的樓宇。

油尖旺區議會房屋事務及大廈管理委員會(“房管會”)亦曾多次討論《消防安全(建築物)條例》的實施問題，並提出不少改善意見，現夾附房管會相關的會議記錄，以供參考。

有關上述區議會會議的內容，請登入油尖旺區議會網頁(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：發展局(傳真：2845 3489)
保安局(傳真：2868 5074)

2014 年 10 月 7 日



本中心檔案：

Our ref:

來函檔案：

YTMDC 13/10/18/12

Your ref:

With regard to Ms Wong Shu-ming, Yau Tsim Mong District Councilor's questions relating to 1823 raised on 6 August 2014, the Efficiency Unit provides a written response as follows -

1. Please explain 1823's complaint handling procedure in detail.

Upon receipt of citizens' complaints, 1823 will jot down case information and, according to the case nature, refer them to the departments concerned for follow up. 1823 will also monitor case progress with reference to the departments' performance pledge and issue reminders to departmental management on overdue cases. For those cases involving unclear responsibility, 1823 will escalate them to departmental management for review and resolution. Moreover, once replies are received from departments, 1823 will contact the citizens for relaying the replies.

2. How many complaints are related to Mongkok District?

For the period from January to July 2014, 1823 has received around 190 000 complaint cases and the figures in respect of Mongkok District and Yau Tsim Mong District are provided below -

	Relating to Mongkok District	Relating to Yau Tsim Mong District
Number of complaint cases	Around 9 700	Around 18 700
Number of cases with reminders sent by 1823 to departmental management	Around 1 300	Around 2 500

1823 conducts analysis on complaint cases (such as distribution of locations of complaint cases) and furnishes departments with the findings for further study and consideration of service enhancement. Examples are at Annexes 1 to 4 for reference.

3. Is there any internal guideline for 1823 staff to provide case number to the public proactively?

1823's computer system assigns a 10-digit case number to every case for identification. For privacy protection and citizens' convenience, where citizens wish to check own cases' information, they only need to provide (1) contact information and (2) surname or name, as left when making the enquiries or complaints; and (3) brief case information. 1823 will then be able to verify their identity and provide updates, without the need for them to provide the case number. That said, should citizens wish to obtain the case number, 1823 staff will be happy to provide.

4. Has 1823 ever encountered any difficulties when referring cases to departments?

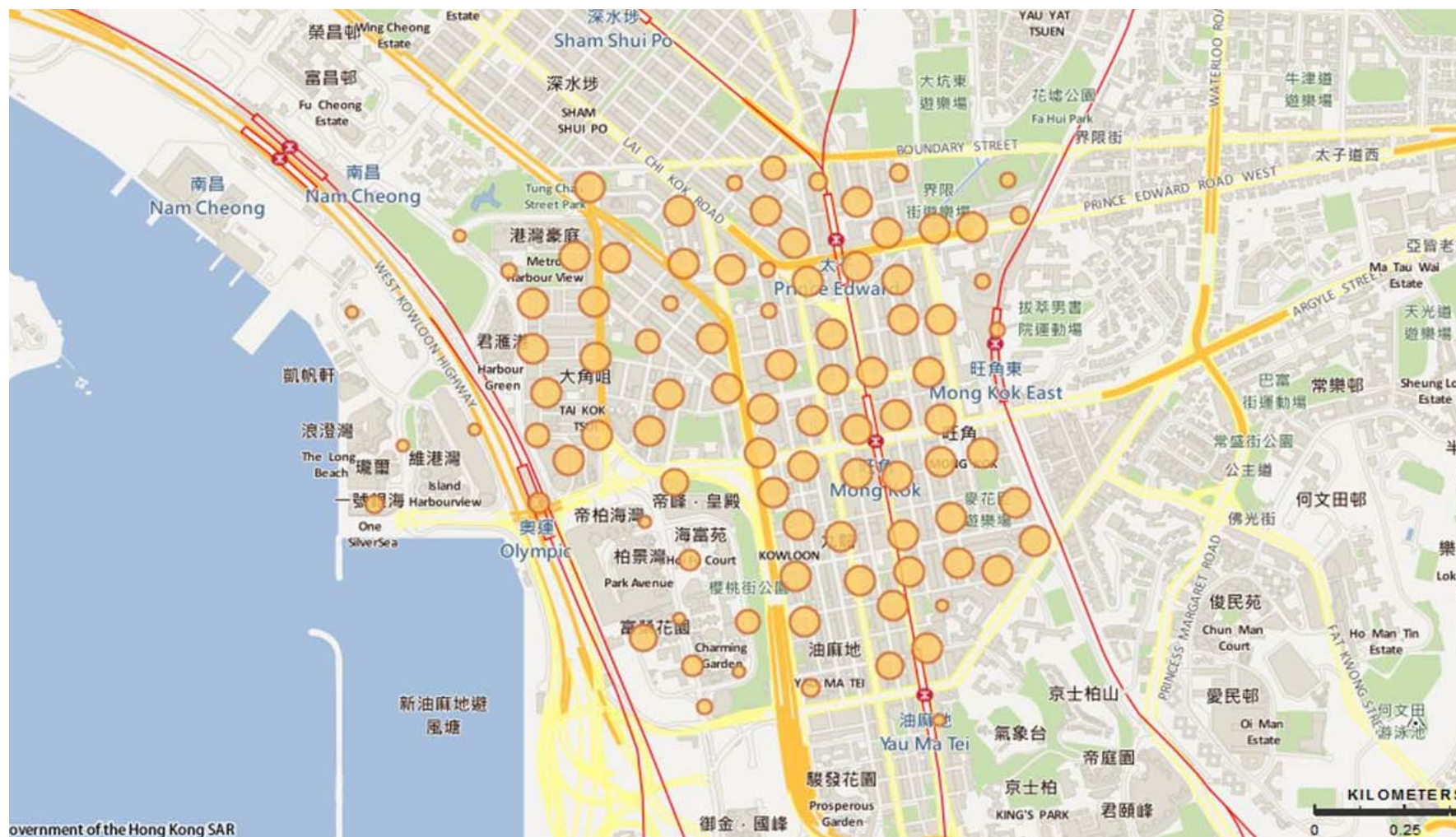
The vast majority of cases that 1823 referred directly to departments were resolved without escalation to departmental management. For the period from January to July 2014, over 95% of the cases were resolved after direct referral. As regards those few cases involving unclear responsibility, 1823 has escalated them to departmental management for review. Case progress hinges on individual cases' merits. Both 1823 and departments uphold the principle that resolution of cases should come before demarcation of responsibilities.

5. Is manpower for 1823 sufficient for daily operation?

For the period from January to July 2014, 1823 has handled over 2 000 000 calls, an increase of 19% when compared to the same period last year. Call load is affected by various factors. Where there is an upsurge of calls at a particular point in time, citizens may have to wait for a longer period before their calls can be answered. If all the call handling staff of 1823 is engaged with calls, to avoid citizens being put on hold for a long time, the telephone system will divert the calls to voice mail box and 1823 staff will handle the voice mails once they are available. Apart from telephone, 1823 also provides various means for citizens, including email (tellme@1823.gov.hk), web form (www.1823.gov.hk), mobile application (tellme@1823), SMS (6163 1823), fax (2760 1823) or mail (Tsuen Wan PO Box 1823). 1823 will review manpower level from time to time and recruit additional staff as necessary to cater for increase in service demand.

The Efficiency Unit
14 August 2014

The number of complaints relating to Mongkok District during the period from January to July 2014 – Overall



Annex 2

The number of complaints relating to Mongkok District during the period from January to July 2014 – Refuse



The number of complaints relating to Mongkok District during the period from January to July 2014 – Water Dripping



The number of complaints relating to Mongkok District during the period from January to July 2014 – Obstruction

