

**Minutes of the 8th Meeting of
Yau Tsim Mong District Council (2012-2015)**

Date : 13 December 2012 (Thursday)
Time : 2:30 p.m.
Venue : Yau Tsim Mong District Council Conference Room
4/F., Mong Kok Government Offices
30 Luen Wan Street
Mong Kok, Kowloon

Present:

Chairman

Mr CHUNG Kong-mo, JP

Vice Chairman

Ms KO Po-ling, BBS, MH, JP

District Council Members

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

Representatives of the Government

Ms HO Siu-ping, Betty, JP	District Officer (Yau Tsim Mong)	Home Affairs Department
Mr CHIU Chung-yan, Charlson	Assistant District Officer (Yau Tsim Mong)	Home Affairs Department
Mr CHAN Hon-kwong	District Environmental Hygiene Superintendent (Mong Kok)	Food and Environmental Hygiene Department
Mr PONG Kwok-kee, James	District Environmental Hygiene Superintendent (Yau Tsim)	Food and Environmental Hygiene Department

Mr Peter David CORNTHWAITE	District Commander (Mong Kok)	Hong Kong Police Force
Mr CHUNG Sze-pong	District Commander (Yau Tsim) (Acting)	Hong Kong Police Force
Mr MAN Tat-shing	Assistant District Commander (Crime) (Yau Tsim)	Hong Kong Police Force
Mr CHOY Chik-sang, Mario	Chief Transport Officer/Kowloon	Transport Department
Mr SO Ting-lut, Vincent	District Leisure Manager (Yau Tsim Mong)	Leisure and Cultural Services Department
Mr WONG Chi-sing, Janson	Chief Engineer/Kowloon 2	Civil Engineering and Development Department
Ms TSO Pui-hing, Tammy	Housing Manager/Kowloon West 3	Housing Department
In Attendance:		
Mr NIP Tak-kuen, Patrick, JP	Director of Social Welfare	Social Welfare Department
Ms WONG Yin-yee	District Social Welfare Officer (Kowloon City/Yau Tsim Mong)	Social Welfare Department
Mrs TING YIP Yin-mei, Jessie, JP	Postmaster General	Post Office
Ms AU Wai-yin, Teresa	Director (Operations)	Post Office
Ms Estella CHOW	Director, Product Development, Marketing & Sales	Post Office
Mr CHUI Man-leung	Divisional Commander (Kowloon South)	Fire Services Department
Mr CHUNG Chit-chun, Thomas	Divisional Officer (Kowloon West)	Fire Services Department
Mr CHU Yu-tin, Albert	Senior Structural Engineer/F2	Buildings Department
Mr TANG Hing-fung	Structural Engineer/F5-2	Buildings Department
Ms LI Po-yi, Mabel	Assistant Commissioner (Development)	Labour Department
Ms SIN Tak-man, Germaine	Chief Executive Officer (2), Work Incentive Transport Subsidy Division	Labour Department
Mr TAO Kei-hung	Chief Engineer (Major Works Project Management Office)	Highways Department
Mr LEUNG Chung-lap	Senior Engineer	Highways Department
Mr LEUNG Chi-hung	Senior Engineer	Highways Department
Mr LAM Man-san	Senior Engineer	Highways Department
Mr YIP Chi-kwai, Tom	Senior Town Planner/Yau Tsim Mong	Planning Department
Mr KWAN Wai-ming, Laurence	Senior Project Manager	Architectural Services Department
Mr CHIU Chi-min, Edward	Engineer/Strategic Roads	Transport Department
Mr Michael Kenneth SHARP	Assistant Divisional Commander (Administration) (Yau Ma Tei)	Hong Kong Police Force
Ms ONG Peck-san, Janet	Superintendent of Police (Planning & Development)	Hong Kong Police Force
Mr KM LIU	Technical Director	Arup – Mott MacDonald Joint Venture

Mr Franki CHIU	Associate Director	Arup – Mott MacDonald Joint Venture
Ms Betty HO	Director	PlanArch Consultants Limited
Mr LAI Chi-kin, Derek	Assistant Secretary (Lands) 4	Development Bureau
Ms CHANG Yuen-ni, Yvonne	Senior Estate Surveyor/Kowloon Central	Lands Department
Ms LEE Ching-yee, Patty	Senior Liaison Officer (2), Yau Tsim Mong District Office	Home Affairs Department
Mr CHING Kwok-ping	Senior Environmental Protection Officer	Environmental Protection Department
Ms Lilian YEUNG	Public Relations Manager-External Affairs	MTR Corporation
Mr Benjamin CHANG	Station Services Manager-East Rail Line & Ma On Shan Line	MTR Corporation
Ms Kenny YIU	Manager-Environment Engineering	MTR Corporation
Mr PUI Wai-yiu, Frankie	Senior Social Security Officer (Sham Shui Po & Yau Tsim Mong)	Social Welfare Department
Mr LEUNG Shun-kai, Winston	Chief Officer, Office of the Licensing Authority	Home Affairs Department
Mr CHUNG Wing-kwong	Senior Divisional Officer (LA)	Home Affairs Department

Secretary

Ms CHUNG Siu-lan, Joanne	Senior Executive Officer (District Council), Yau Tsim Mong District Office	Home Affairs Department
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Opening Remarks

The Chairman welcomed representatives from government departments and participants to the meeting. He reported that Mr CHEUNG Kwai-kee, District Commander (Yau Tsim), Chief Superintendent of the Hong Kong Police Force (“HKPF”) was absent due to other commitments and Mr CHUNG Sze-pong, District Commander (Yau Tsim), Acting Chief Superintendent was attending the meeting in his place. He also reported that Mr IP Yu-sun, Sunny, Chief Manager/Management (Kowloon West & Hong Kong) of the Housing Department (“HD”), was absent due to other commitments and Ms Tammy TSO, Housing Manager/Kowloon West 3 was attending the meeting in his place. The Chairman asked participants to speak as concise as possible since there were many items on the agenda. He proposed that Councillors who had submitted papers be given two minutes to make supplementary remarks, and that each Councillor be allowed to speak twice on each item: two minutes for the first time and one minute for the second time. Participants had no objection to the proposal.

Item 1: Visit of Director of Social Welfare to Yau Tsim Mong District Council (“YTMDC”)

2. The Chairman welcomed Mr Patrick NIP, Director of Social Welfare and Ms WONG Yin-yee, District Social Welfare Officer (Kowloon City/Yau Tsim Mong) of the Social Welfare Department (“SWD”) to the meeting.

3. The Director of Social Welfare gave a powerpoint presentation to briefly introduce the existing and upcoming services and programmes of the SWD.

(Mr CHAN Siu-tong, Mr Edward LEUNG and Mr Barry WONG joined the meeting at 2:45 p.m.)

(Mr Benny YEUNG joined the meeting at 2:50 p.m.)

4. Mr Chris IP said that the Government had relaxed regulations to allow eligible elders residing in Guangdong and Fujian to receive cash assistance. He suggested the Government further relax relevant policies to extend the scope of the Portable Comprehensive Social Security Assistance (“PCSSA”) Scheme to other provinces on the Mainland, so as to benefit more elders. He added that many Hong Kong elders residing on the Mainland had no relatives or accommodation in Hong Kong. He suggested the Government re-consider relaxing the annual limit of stay in Hong Kong for these elders.

(Mr HAU Wing-cheong joined the meeting at 2:55 p.m.)

5. Mr Barry WONG made positive evaluation on the collaboration between the SWD’s District Social Welfare Office and local organisations and stakeholders of Yau Tsim Mong (“YTM”) District, the assistance and support the SWD provided for major disasters, and the SWD’s efforts in following up referrals of the Meet-the-Public Scheme. He added that the Government often took long time to find suitable places for setting up Integrated Community Centres for Mental Wellness (“ICCMWs”) in districts. He hoped the authority would reserve vacant lands for the setting up of an ICCMW in the district by New Life Psychiatric Rehabilitation Association from the 36 lots of Government, Institution or Community land with planned change of land use.

6. Ms WONG Shu-ming thanked the SWD for providing members of the public with timely aid when major emergencies happened in the community. She noted that the Neighbourhood Support Child Care Project had been launched in YTM District, and wanted to know how the SWD would monitor the training and service quality of home-based child carers. She hoped that the non-governmental organisations (“NGOs”) responsible for operating the project could introduce its content to District Council (“DC”) Members, so that they could promote the service to the public or refer cases. She also pointed out that the 300-odd occasional child care places across the territory was insufficient and requested the SWD to review and increase such quota.

7. Mr WONG Kin-san praised the SWD for its work in the district, especially the department’s efforts in handling the aftermath of the deadly fire in Fa Yuen Street. He asked the Government what other poverty alleviation measures it had after the implementation of the Old Age Living Allowance (“OALA”), what approaches the Government would take to address the problem of elderly poverty and whether there was any timetable in place.

8. Mr Edward LEUNG pointed out that the elders had increasingly high expectation on the quality of elderly service, it was necessary for the SWD to enhance the standard of related services. He suggested the SWD implement a pilot scheme for the outreaching service for the elderly so as to support the hidden elderly or elderly with more passive characters in the community.

9. Ms KWAN Sau-ling said that in late 2010 she wrote to the then Chief Executive Mr Donald Tsang Yam-kuen, asking the Government to allow residential care homes for the elderly (“RCHEs”) operated by Hong Kong people in Guangdong to claim Old Age

Allowance (“OAA”) on behalf of eligible Hong Kong elders staying at this kind of RCHEs. However, no active response had been received from officials so far, she hoped that the SWD would follow up on such recommendation.

(Mr Francis CHONG joined the meeting at 3:10 p.m.)

10. Mr Derek HUNG hoped that the Government would streamline the vetting mechanism as much as possible when implementing the Pilot Scheme on Community Care Service Voucher for the Elderly. He also hoped that the SWD would encourage more RCHEs in the district to participate in programmes for improving RCHEs so that their equipment and services could be enhanced. In addition, he expressed support for the joint implementation of benefit schemes by the social welfare sector, business sector and the Government in the form of matching grants.

11. Mr HAU Wing-cheong said that the performance of SWD was commendable in view of its proactive efforts in handling the aftermath of major incidents happened in the district, such as the deadly fire at Garley Building many years ago and the fire disaster at Fa Yuen Street last year. He also thanked the SWD for its prompt follow-up actions on cases referred by Councillors. He hoped that the SWD would enhance support services for mentally ill and ex-mentally ill persons in the district, and strengthen the Neighbourhood Support Child Care Project and elderly services.

12. Mr CHAN Wai-keung asked whether the Government would set up an inter-departmental working group to study whether our Treasury would be able to continue affording the existing social welfare spending after 30 years, if the current social welfare system and tax rate remained unchanged. He hoped that the Government could have a more long-term plan for the sustainability of the territory’s welfare system.

13. Mr HUI Tak-leung hoped to see Councillors’ commitment to social services and hoped that they would not rashly decline the SWD’s plan to establish an ICCMW in the district just because of opposite views from residents. In addition, he wanted to know the details of SWD’s plan for setting up an RCHE at Hoi Wang Road, Tai Kok Tsui, so the Community Building Committee (“CBC”) could be made aware of such arrangement.

14. Mr Francis CHONG hoped that the SWD would reflect to relevant departments the problems caused by prolonged occupation of public places by street sleepers. He suggested legislation amendment by relevant departments to strengthen regulation of street sleepers.

15. The Chairman said that the District Facilities Management Committee (“DFMC”) had repeatedly discussed about the issue of street sleepers at meetings and reached a consensus to call upon the relevant departments to introduce policies that moved with the times, in order to effectively resolve social problems created by street sleepers. He also asked the SWD about the confirmed location of the RCHE at Hoi Wang Road.

16. The Director of Social Welfare responded as follows:

- (i) He thanked Councillors for recognising the work of District Social Welfare Offices of the SWD. These offices would continue to provide timely and appropriate support to those in need, and strengthen communication with ward offices so as to follow up any referred cases actively.

- (ii) The SWD had set aside some spaces at The Hermitage, Olympian City 3, Tai Kok Tsui for the provision of a contract RCHE.
- (iii) During the early stages of planning for public housing or private developments, the Government needed to set aside lands for welfare facilities. In this connection, the SWD would keep in close contact with the Planning Department (“PlanD”), the Lands Department (“LandsD”), the HD and the Education Bureau (“EDB”). If, for example, the EDB informed the SWD that there was a vacant school premise in a particular district, then the SWD would contact the relevant department and conduct a site visit if possible to review the feasibility of further planning.
- (iv) If service buildings, centres or facilities of NGOs were found dilapidated seriously, the SWD would actively contact the organisations concerned and encourage them to rebuild or renovate their buildings or centres. If necessary, organisations might make fund application to the Lotteries Fund to cover the cost of reconstruction or renovation, and the SWD would coordinate with the parties concerned.
- (v) If Councillors became aware of any vacant flats or kindergartens in the district which had ceased operation, they could actively contact the SWD’s District Social Welfare Office. The staff of the SWD would coordinate with the relevant departments or units for determining whether the premises would be used for social welfare purposes.
- (vi) For the implementation of programmes on mental health service, the SWD hoped that Councillors could assist in local consultation exercises to allay the concerns of residents.
- (vii) In regard to elderly services, the Pilot Scheme on Community Care Service Voucher for the Elderly which would be launched in 2013-14 came with a co-payment mechanism, and the SWD would make arrangements according to the household income of the elders.
- (viii) Due to problems concerning medical support and ancillary facilities on the Mainland, there was a decline in the number of elders participating in the PCSSA Scheme. There were currently about 2 400 to 2 500 elders enrolled under the scheme.
- (ix) In the second half of 2013, the SWD would launch the Guangdong Scheme to allow Hong Kong elders who had chosen to reside in Guangdong (including Hong Kong elders staying at RCHEs operated by Hong Kong people in Guangdong) to receive OAA without the need to return to Hong Kong annually while claiming the allowance. The SWD would appoint an agent to follow up and process relevant cases on the Mainland.
- (x) As a matter of policy, the OAA Scheme required the elders to reside in Hong Kong continuously for one year prior to their date of application. While receiving the allowance, the elders were only required to stay in Hong Kong for 60 days each year in order to qualify for a full-year OAA payment. By relaxing the limit of stay in Hong Kong for the elders, the Government could make it more convenient for the elders to travel abroad or to reside on the Mainland or in foreign countries.

- (xi) The Government must be prudent when implementing non-contributory welfare projects, therefore it required the elders to declare their economic situation for the OALA. The Government expected that the recurrent expenditure for the first financial year after the implementation of the OALA would be increased by \$6.4 billion.
- (xii) Regarding long-term welfare policy planning, the Social Security and Retirement Protection Task Force under the Commission on Poverty would conduct in-depth studies on issues in relation to social security and retirement protection.
- (xiii) The SWD would contact hidden elderly within the district via centres for the elderly, and would promote the setting up of Elder Academies to encourage continuous learning amongst the elders.
- (xiv) The Tung Wah Group of Hospitals was the operating organisation for the YTM District Neighbourhood Support Child Care Project. The SWD would keep an eye on the quality of training for home-based child carers under the project in various districts.
- (xv) Regarding occasional child care service, the SWD would closely monitor the quota used by each district, so as to meet service needs of all districts.
- (xvi) The Comprehensive Social Security Assistance Scheme and OALA could provide the poor elders with monetary assistance.
- (xvii) NGOs were currently searching for a commercial building in YTM District as the site for a temporary ICCMW. The SWD would continue to identify a suitable place as the permanent site of the ICCMW. He supplemented that such kind of one-stop service centre could serve simultaneously purposes of prevention, crisis intervention and public education.
- (xviii) The Integrated Services Team for Street Sleepers would provide immediate support to street sleepers on a case-by-case basis. The team and the Hospital Authority (“HA”) had established a mechanism to refer street sleepers with mental health problems to hospitals or clinics under the HA for treatment.

(Mr Benjamin CHOI joined the meeting at 3:25 p.m.)

17. There being no further comments, the Chairman thanked the Director of Social Welfare and other staff of the SWD for attending the meeting and closed the discussion on this item.

Item 2: Visit of Postmaster General to YTMDC

18. The Chairman welcomed Mrs Jessie TING YIP, Postmaster General, Ms Teresa AU, Director (Operations) and Ms Estella CHOW, Director, Product Development, Marketing & Sales of the Hongkong Post (“HKP”) to the meeting.

19. The Postmaster General gave a powerpoint presentation to briefly introduce the facilities network and services of the HKP, the postal facilities in the YTM District and the community partnership between the HKP and the YTM District.

20. Mr HAU Wing-cheong praised the setting up of waiting areas, arrangements for public queuing and application of electronic monitors by the Mong Kok Post Office. He was satisfied with the improvement works and measures carried out by the office. He also praised the HKP for launching mobile applications and providing support for small and medium enterprises, such as helping them expand their businesses through brand building. He also said that when tenants of buildings were unable to receive mails while they were out during day-time, or when bulky items were too big for insertion into mailboxes, the postman might pass the mails to the duty caretaker who could sign to receive the mails and then forward them directly to the recipients. He considered that such current arrangement of the HKP brought convenience to the public and was yet another example of service enhancement.

21. Ms KWAN Sau-ling praised the staff of the HKP for their devotion to work and persistent service no matter the weather was good or bad. For better protection of the occupational safety and health of postmen, she suggested that the HKP provide postmen with mail pouches installed with pulleys. In addition, she hoped that the HKP would adopt the Mong Kok Post Office as a blueprint for improvement works at the Kowloon Central Post Office at Yau Ma Tei.

22. Mr Edward LEUNG said that he had heard from staff of the HKP that some tenants/owners of buildings did not want to receive circular mails, but the chairman of their owners' corporations ("OCs") claimed innocence of such situation. He asked the HKP to pay attention to the accuracy of the database for circular services.

23. Mr Derek HUNG said that there had been a surge in the number of residents in the Tsim Sha Tsui West constituency. The number of households living in properties above the Kowloon Station had increased to 6 500, and the Guangzhou-Shenzhen-Hong Kong Express Rail Link West Kowloon Terminus would also be built in the constituency in the future. In view of the completion of the West Kowloon Cultural District ("WKCD"), many residents had reflected to him that they hoped that the HKP would timely add a post office in the Tsim Sha Tsui West constituency or consolidate the postal services in the district. He hoped that the HKP would consider the above views.

24. Mr CHAN Wai-keung pointed out that since the HKP had changed to operate as a trading fund in 1995, it had kept developing markets for new products actively. However, he considered that the HKP focused only on competing with the business sector, making its services deviated from its core business, i.e. postal service. He hoped that the HKP would review whether it was appropriate to continue its operation in a self-financing mode.

25. Mr Benjamin CHOI pointed out that as said by the Postmaster General in her powerpoint presentation, the HKP had introduced the Mechanised Letter Sorting System to control costs and improve operational efficiency. He believed that the technology had emerged for quite some time. He did not understand why the HKP had not moved with the times and deferred the introduction of such technology till now. He added that with the development of computer technology, there was a great reduction in the number of mails needed to be handled by the HKP each day, however the HKP was not as competitive as other private courier companies in terms of courier services. He hoped that the HKP would review its positioning.

26. The Hon James TO agreed to Mr CHAN Wai-keung's views. He said that taking into account economies of scale and inherent advantages of the HKP, the HKP might not in a favourable position when having direct competition with other companies for businesses other than postal services, so he hoped that the HKP would re-examine its future development

direction.

27. The Postmaster General responded as follows:

- (i) The HKP had grave concern over the occupational safety and health of its staff. At present, each postman was provided with a mail trolley and temporary mail storage boxes were set up on streets so that mails could be delivered by batches.
- (ii) The HKP would adopt the design concept of the Mong Kok Post Office as blueprints for future renovations of other post offices. The refurbishment of each post office would be carried out according to the schedule originally determined by the HKP.
- (iii) She noted that some individual buildings had not been included in the scope of local circular service. The HKP would examine relevant cases.
- (iv) The HKP would review, from time to time, the demand for postal services of new development areas.
- (v) Like other postal administrations around the world, the HKP faced great changes in service demand. On one hand, the number of mails dropped continuously; on the other hand, the number of parcels kept increasing amid rapid development of e-commerce. In addition, in order to provide extensive mail services, the HKP needed to maintain the operation of a postal facilities network with wide coverage. For better use of the existing postal facilities network and to cope with market changes, the HKP would continue to open up new markets and launch diversified services.
- (vi) In terms of competitiveness, there were many delivery service providers positioned with different edges in the prevailing market, but the HKP distinguished itself with quality and reliable service at reasonable price. The HKP would continue to leverage on its existing postal facilities for the provision of established services while developing new businesses, it would not deviate from its core business of postal service.

28. The Chairman said that other than the Tsim Sha Tsui West constituency, there was also keen demand for postal service from residents of the new reclamation area around Hoi Wang Road. He hoped that the HKP would consider providing postal service in the community facilities to be completed at Hoi Ting Road.

29. There being no further comments, the Chairman thanked the Postmaster General and other staff of the HKP for attending the meeting and closed the discussion on this item.

Item 3: Confirmation of Minutes of 7th YTMDC Meeting

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

(The Hon James TO left the meeting at 4:25 p.m.)

Item 4: Matters Arising:
(i) Continued Concern over No. 4 Alarm Fire at Fa Yuen Street and
Its Follow-up Work
(YTMDC Paper No. 8/2012)

31. The Chairman welcomed the following representatives to the meeting:
- (a) Mr Peter David CORNTHWAITE, District Commander (Mong Kok) of the HKPF;
 - (b) Mr CHUI Man-leung, Divisional Commander (Kowloon South) and Mr Thomas CHUNG, Divisional Officer (Kowloon West) of the Fire Services Department (“FSD”); and
 - (c) Mr Albert CHU, Senior Structural Engineer/F2 and Mr TANG Hing-fung, Structural Engineer/F5-2 of the Buildings Department (“BD”).
32. Mr CHUI Man-leung said that the FSD has sent its investigation report on the fire to the Police for forwarding to the Coroner’s Court. The FSD had no additional information to provide for the time being.
33. Mr Peter David CORNTHWAITE said that the Police had completed the investigation report on the No. 4 alarm fire at Fa Yuen Street which had led to the death of nine people on 30 November 2011. The report had been submitted to the Coroner’s Court on 10 December 2012. It was now pending the decision of the Coroner’s Court on whether a death inquest should be held. He supplemented that the Briefing Support Unit of the Police had prepared a model of the buildings involved in this incident and the stalls on both sides in case a death inquest in respect of this fire incident would be held by the Coroner’s Court.
34. Mr TANG Hing-fung said that after the fire, the BD had issued 19 unauthorised building works (UBWs) removal orders against the building at 192-194 Fa Yuen Street. Among these, seven orders were against subdivided units, and all of them had been complied with. Of the 12 remaining UBWs removal orders, ten had not been complied with, the BD would instigate prosecutions against those owners involved. Moreover, the BD issued a total of six repair orders against the building at 192-194 Fa Yuen Street, and all of them had been complied with. In addition, the BD issued 19 UBWs removal orders against the building at 196-198 Fa Yuen Street. Eight of these orders were against subdivided units, five of them had been complied with, and the BD would instigate prosecutions against the subdivided units under the remaining three orders that had not been complied with. As for the 11 removal orders that did not involve subdivided units, seven of them had been complied with, and the BD would instigate prosecutions against the remaining non-compliant owners.
35. Mr WONG Kin-san was dissatisfied that the Police and FSD could only submit the investigation report to the Coroner’s Court a year after the fire at Fa Yuen Street. He said that both the fire at Fa Yuen Street and the collision of vessels near Lamma Island had resulted in casualties, he did not understand why the progress of investigation for the former was far behind the latter. Due to the public’s great concern over this fire incident, he hoped that the Coroner’s Court would hold an inquest as soon as possible. In addition, he asked the Police, FSD and other relevant departments whether they could reveal the cause of the fire. He pointed out that the reappearance of subdivided units, blocked fire escapes and locked roof gates, etc. in the buildings involved in the incident after the fire showed that the public failed to learn a lesson from the tragedy.

36. Mr HUI Tak-leung wanted to know under which ordinance the BD could take out prosecution against owners of subdivided units. He said that though breaches of Fire Services Ordinance might be identified during the FSD's inspections, the department always failed to take out any prosecution as no OCs had been formed for the buildings involved. In addition, he believed that the public should be obliged to keep rear staircases or fire escapes clear of furniture and sundry items, so as to avoid making it difficult for escaping and causing casualties in fire incidents.

37. Mr Francis CHONG said that the investigation report on the fire at Fa Yuen Street would only announce the cause of the fire and no one would be held liable. The media would widely report on the findings of the report during the inquest to be opened by the Coroner's Court, therefore he did not understand why the Police, FSD and relevant departments were still reluctant to disclose the cause of the fire in order to alert the public earlier.

38. Mr CHAN Wai-keung said that although the relevant departments had not yet announced the cause of the fire, the Oriental Daily News and other media had already reported on the cause of the fire two to three months ago, so he questioned whether departmental staff had disclosed the relevant information to the media without permission. In addition, he was dissatisfied with the slow progress of the investigation as it had taken more than a year to complete, he asked the department to explain this.

39. Mr Peter David CORNTHWAITE said that there was absolutely no delay in the investigation of the fire by the Police. The Region Crime Unit of Kowloon West was responsible for the investigation this time. As each case had its unique characteristics and required different directions for investigation, therefore it was inappropriate to compare investigation progress or time required for different cases. Instead, it was important for the relevant departments to conduct investigation with professional expertise, and collect sufficient and accurate information as well as expert advice. He reiterated that the investigation report on the fire at Fa Yuen Street had been submitted to the Coroner's Court on 10 December 2012. It would be the Coroner's Court's decision to determine whether a death inquest would be required. The Police had already prepared a model of the buildings involved in the incident and the stalls on both sides for use in case a death inquest would be held. It was understood from different sources that there was a high likelihood of holding a death inquest but the final decision would be made by the Coroner. The Police placed a great deal of importance on the case. Up till now, he had no idea about the basis of speculation about the cause of fire made by the media and the general public, and he had already told Councillors everything he knew about the investigation. In addition, as the investigation was conducted by the Region Crime Unit, Kowloon West, officers of the Mong Kok Police District, including himself, were not aware of the contents of the report. In fact, only a handful of officers in the Police force had read the said report, therefore he believed that the earlier reports on the cause of fire by the media were merely speculations and they were not the result of data leakage by the Police.

40. Mr TANG Hing-fung responded that the BD would assess the following three factors when considering prosecutions against owners of subdivided units:

- (i) whether flat subdivision had affected fire escapes, for example, doors/gates of units would block fire escapes if they were opened outwards;

- (ii) whether the fireproof materials (such as those used for doors) could withstand a blazing fire for half an hour; and
- (iii) whether the partitions and elevated floor screeding of subdivided units would affect the load capacity of floor slabs. The BD would issue UBWs removal orders to non-compliant owners according to the Buildings Ordinance (“BO”). In general, if the structure of a subdivided unit had affected fire escapes and blocked rear staircases, the BD would issue the owner with an order requesting reinstatement of the subdivided flat according to the approved plans, so as to keep the whole rear staircase unblocked. If an owner failed to comply with the order, the BD could consider taking out prosecutions. In addition, the BD also required owners of subdivided units to install fire stop doors capable of withstanding heat for at least half an hour. If an owner failed to comply with the above requirements, the BD could also prosecute the owner.

41. Mr CHUI Man-leung responded that since the fire at Fa Yeun Street, the FSD had carried out more than 300 inspections at stalls and buildings nearby. It had issued a total of 76 Fire Hazard Abatement Notices and made two prosecutions. Since the mobility of tenants living at subdivided units was great, from time to time, there were tenants moving in and out and they might dispose of garbage in fire escapes. However, it was impossible for the FSD to arrange staff to conduct daily inspection at each building due to limited resources. He would like to take the opportunity to call upon Councillors to remind the public to exercise self-discipline and not to place furniture and sundry items in fire escapes. He also called upon the public to report such non-compliances to the FSD. He added that the FSD and Food and Environmental Hygiene Department (“FEHD”) would strengthen promotion of fire safety to stall merchants in each district, such as by reminding them to keep an eye on the maintenance of electrical installations. In addition, after meetings of the stall management committee of each district in August 2012, promotional activities for fire prevention at stalls were held in September 2012. Moreover, the District Fire Safety Committee (Yau Tsim Mong District) would also promote fire prevention to stalls and buildings within the district in December 2012, so as to raise public awareness of fire prevention.

42. Mr Francis CHONG believed that the investigation report should explain the cause of the fire. He asked under which ordinance or for what reason the Police did not disclose the contents of the investigation report.

43. The Vice Chairman pointed out that so far the BD had no clear definition on whether flat subdivision was illegal, so the public, media and Councillors had the misconception that all subdivision works were illegal. In addition, she requested the Council to continue discussion on the subject matter until investigation findings of the fire had been announced by the Government.

44. The Chairman said that flat subdivision was a very serious problem in YTM District, he urged the relevant departments to resolve the problem as soon as possible. He believed that the majority of subdivided units in the district did not comply with the three criteria stipulated by the BD, therefore most of them were illegal.

45. Mr Edward LEUNG pointed out that Mrs Carrie LAM, former Secretary for Development had once said that subdivided units were not UBWs. Given that there were currently no specific regulations against subdivided units, he wanted to know under which legislation the BD took enforcement actions against subdivision works.

46. Mr HUI Tak-leung pointed out that BD officials had said on several occasions that subdivision works were not illegal, and they would violate the law only when they had affected the structure of buildings. He said that the aforesaid remark was obviously different from the explanation given by the department at the meeting, so he hoped that the BD would clarify at the Housing and Building Management Committee the conditions under which subdivision works would be regarded as illegal.

47. Mr Albert CHU responded as follows:

- (i) The BD had always handled flat subdivision according to the three criteria set out in the department's internal guidelines, so the criteria were not adopted only after casualties were caused by the fire at Fa Yuen Street.
- (ii) Works associated with subdivision of a flat were not necessarily illegal unless they had violated the three criteria mentioned above.
- (iii) The BD actively inspected 150-200 target buildings every year through consultant companies and the department followed up on subdivided units according to the prevailing policies and information collected.

48. Mr Peter David CORNTHWAITE responded as follows:

- (i) The Police would investigate each death case which had to be reported to the Coroner. According to the Coroners Ordinance, the Coroner's Court was responsible for investigating cases involving death and would hold a death inquest when necessary.
- (ii) The Police had submitted the investigation report on the fire at Fa Yuen Street to the Coroner's Court on 10 December 2012. He predicted that it was very likely that the Coroner would hold an inquest for the fire on the ground of public interest and circumstances of the case, but at this stage, it would be better to wait patiently for the decision of the Coroner.
- (iii) Since the Coroner's Court had not decided whether an inquest would be held, it would be inappropriate for the Police to disclose the contents of the investigation report at this stage.
- (iv) The Police was ready to report investigation findings and present evidence at the death inquest.

49. The Chairman suggested inviting representatives of the BD again to attend the next meeting to continue the discussion on this item. There was no objection to the suggestion. He then closed the discussion on this item.

Item 4: Mattes Arising:

- (ii) **Strong Denunciation of Labour and Welfare Bureau's Repeated Refusal to Send Representatives to Attend YTMDC Meetings (YTMDC Paper No. 124/2012)**
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50. The Chairman welcomed Ms Mabel LI, Assistant Commissioner (Development) and Ms Germaine SIN, Chief Executive Officer (2), Work Incentive Transport Subsidy Division of the Labour Department ("LD") to the meeting.

51. Ms Mabel LI said that the Labour and Welfare Bureau (“LWB”) received a letter from the Chairman on 8 November 2012, and the LD had replied the Chairman in writing on 3 December 2012. The LD attached great importance to the views of Councillors on the Work Incentive Transport Subsidy Scheme (“WITS Scheme”), so they attended this meeting to answer Councillors’ questions about the WITS Scheme.

52. Mr HUI Tak-leung thanked the LD for sending representatives to the meeting to explain the WITS Scheme, but he clarified that in fact he had requested the DC to write to denounce the LWB as the bureau had repeatedly refused to send representatives to the CBC meeting to answer Members’ questions. He said that the subject of the item was a strong denunciation of the LWB’s repeated refusal to send representatives to attend YTMDC meetings. He suggested the Chairman to ask other Councillors whether it was necessary to discuss the WITS Scheme at the meeting. He also requested the LD to reflect to the LWB that Councillors were quite dissatisfied with the LWB’s repeated refusal to send representatives to attend meetings. He believed that if the LWB appointed representatives to attend meetings of DCs or committees under DCs, it should inform the Chairman of the relevant DCs or committees as earliest as possible.

53. Ms WONG Shu-ming said that the repeated refusal of the LWB to send representatives to attend the meetings of DCs or committees under DCs reflected the bureau’s bureaucratic style, which ran contrary to Chief Executive Mr LEUNG Chun-ying’s request for officials to have more contact with members of the public in order to listen more to their views.

54. Mr WONG Kin-san asked when the LWB learned that the DC meeting wanted to discuss the WITS Scheme. He said that Councillors submitted papers to the CBC on 3 May 2012 requesting for discussion of the WITS Scheme, but they had not received any positive response from the LWB. He questioned whether the LWB valued and respected the views of Councillors.

55. The Chairman suggested the District Officer (Yau Tsim Mong) (“District Officer”) to arrange as soon as possible the Secretary for Labour and Welfare to visit the YTMDC to allow Councillors to reflect their views to the Secretary in person.

56. Ms WONG Shu-ming said that after Councillors had submitted discussion papers to DCs or committees under DCs, if the discussion item was related to the LWB, then the LWB should send representatives to attend the meeting to answer Councillors’ questions instead of appointing officials from non-policy-bureaux to attend the meeting on its behalf. The Chairman agreed to such comment.

57. The Chairman said that it had been a long time since the Secretary for Labour and Welfare had visited the YTMDC. He hoped that the District Officer could arrange as soon as possible the Secretary to visit the DC again.

58. Ms Mabel LI supplemented that the LWB had written to reply to the CBC on 2 May and 25 July 2012.

59. Mr HAU Wing-cheong hoped that the LWB would send representatives to attend the CBC meeting in order to personally answer Councillors’ questions about the WITS Scheme.

60. There being no further comments, the Chairman thanked the representatives of the LD

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

**Item 5: Financial Position of YTMDC as at 3.12.2012
(YTMDC Paper 139/2012)**

**Item 6: Funding Application from a Specified Organisation
(YTMDC Paper No. 140/2012)**

**Item 7: Funding Application from 2012-2013 YTM Road Safety Campaign Committee for Organising YTM Road Safety Fun Day and Road Safety Talks for Elderly in YTM District
(YTMDC Paper No. 141/2012)**

**Item 8: Revised Funding Application from 2012-2013 YTM District Fight Crime Committee for Organising Slogan And Poster Design Competitions and YTM Fight Crime And Anti-drug Abuse Family Fun Night
(YTMDC Paper No. 142/2012)**

61. The Chairman proposed that papers in respect of Items 5 to 8 about DC funding be discussed together and participants had no objection to the proposal. He reminded Councillors to fill in the Declaration of Interests form tabled, if necessary.

62. Councillors noted the financial position of the YTMDC as at 3 December 2012. Councillors endorsed an allocation of funding for Items 6 to 8 (YTMDC Paper Nos. 140/2012 to 142/2012).

**Item 9: Central Kowloon Route Phase 2 Public Engagement
(YTMDC Paper No. 143/2012)**

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

- (a) Mr TAO Kei-hung, Chief Engineer (Major Works Project Management Office), Mr LEUNG Chung-lap, Senior Engineer, Mr LEUNG Chi-hung, Senior Engineer and Mr LAM Man-san, Senior Engineer of the Highways Department (“HyD”);
- (b) Mr Tom YIP, Senior Town Planner/Yau Tsim Mong of the PlanD;
- (c) Mr Laurence KWAN, Senior Project Manager of the Architectural Services Department (“ASD”);
- (d) Mr Edward CHIU, Engineer/Strategic Roads of the Transport Department (“TD”);
- (e) Mr CHUNG Sze-pong, District Commander (Yau Tsim) (Acting), Mr Michael Kenneth SHARP, Assistant Divisional Commander (Administration) (Yau Ma Tei) and Ms Janet ONG, Superintendent of Police (Planning & Development) of the HKPF; and
- (f) Mr KM LIU, Technical Director and Mr Franki CHIU, Associate Director of the Arup – Mott MacDonald Joint Venture; Ms Betty HO, Director of PlanArch Consultants Limited.

64. Mr Benny YEUNG said that since the works for Central Kowloon Route (“CKR”)

involved many aspects, he suggested the meeting to focus discussion on environmental impacts of the works and the works arrangements. He suggested that other aspects be discussed by the relevant YTMDC committees.

65. The Chairman said that the entrance to CKR would be located within the YTM District, therefore reprovisioning of several public facilities within the district would be required due to the construction of the underground tunnel of CKR. He asked departmental representatives to explain to Councillors the design of CKR works and its environmental impact assessment ("EIA"). Matters such as traffic diversions and reprovisioning of community facilities could be left to the relevant committees for further discussion.

66. Mr TAO Kei-hung briefly introduced the background information on CKR. He said that Phase 2 Public Engagement aimed at collecting public views on detailed designs of CKR and its works arrangements.

67. Mr LEUNG Chi-hung gave a powerpoint presentation to briefly introduce the contents of the paper.

68. Mr Laurence KWAN gave a powerpoint presentation to briefly introduce the reprovisioning of Yau Ma Tei Police Station. He said that the DC would be consulted about the reprovisioning works for the police station.

(Post-meeting note: The representatives of the HyD and HKPF would attend the CBC meeting on 1 February 2013 to introduce the reprovisioning of Yau Ma Tei Police Station.)

69. The Chairman asked whether Councillors agreed to let the Traffic and Transport Committee and CBC to discuss and follow up respectively on the traffic diversions and reprovisioning of community facilities required for the works, and whether they had any objections in principle to the reprovisioning of Yau Ma Tei Police Station. Councillors had no objection.

70. Mr CHAN Siu-tong said that the works for CKR had not been commenced though it had gone through years of gestation, which had resulted in the delay of improvement works for Yau Ma Tei Jade Hawker Bazaar and community facilities in the district. He hoped that the works for CKR could commence as soon as possible.

71. Mr Benny YEUNG urged the HyD to disclose EIA data on CKR as soon as possible, so that Councillors and the public would be able to know the actual impact of the works on the surrounding environment. He said that some residents had told him their demand for the provision of full noise enclosures at the section of the Gascoigne Road Flyover between Yaumatei Catholic Primary School (old campus at Tung Kun Street) to Nathan Road.

72. The Chairman wanted to know:

- (i) how far the tunnel entrance and ventilation buildings were set apart from the Prosperous Garden, he said that residents of Prosperous Garden had requested a separation of 1 000 metres between their estate and the aforesaid facilities;
- (ii) when the cluster of roads at Ferry Street would be completed, and the predicted flow of traffic at the cluster of roads at Ferry Street and the

Gascoigne Road Flyover after completion of works;

- (iii) whether residents of Charming constituency were sensitive receivers defined in the EIA report; and
- (iv) why the section of the Gascoigne Road Flyover off Prosperous Garden did not adopt full noise enclosures.

73. The Vice Chairman said that it was vital for the community to reach a consensus on the works for CKR. She suggested that when launching the Phase 2 Public Consultation, the HyD must explain to the public why views collected in the Phase 1 Public Consultation had not been fully adopted. She considered that full noise enclosures should be installed at the entire section of Gascoigne Road Flyover off Prosperous Garden, and was dissatisfied that a section of the flyover next to the estate was not provided with similar noise enclosures. In addition, she asked the HyD to take public order into consideration when drawing up options for the design of the landscape deck.

74. Mr HAU Wing-cheong hoped that the HyD would resolve the issue of the noise enclosures next to Prosperous Garden as soon as possible, so as to allow earliest commencement of the works for CKR.

75. Mr CHAN Wai-keung said that the HyD had pointed out that the air purification system (“APS”) of CKR tunnels could remove up to 80% of respirable suspended particulates and nitrogen dioxide. He wanted to know how other harmful substances emitted by vehicles would be handled by the HyD. He also pointed out that it had been stated in the consultation document of the HyD that: “The preliminary result of the air quality impact assessment shows that with treatment by the APS, the exhaust from the ventilation buildings will only have slight impact on air sensitive receivers in the vicinity”. He requested the HyD to define “slight” and hoped that the department could quantify the impact.

76. Mr HUI Tak-leung urged the authorities to commence the works for CKR as soon as possible and make public the relevant EIA report.

77. Mr TAO Kei-hung responded as follows:

- (i) He thanked Councillors for supporting the reprovisioning of Yaumatei Specialist Clinic and Yau Ma Tei Police Station. For implementation of the two projects, the departments concerned would apply for funding from the Finance Committee (“FC”) of the Legislative Council (“LegCo”) in due course. He predicted that after the commencement of the reprovisioning projects, the works for CKR could begin in 2015 and the construction would take around five years to complete.
- (ii) The EIA of CKR was about to complete, the HyD would later submit the EIA report to the Director of Environmental Protection (“DEP”) in accordance with the Environmental Impact Assessment Ordinance (“EIAO”). The DEP would, within 60 days, decide whether the report was appropriate for public inspection. If the DEP believed that the report met with the requirements set out in the EIA study brief and technical memorandum, the whole report would then be uploaded to the website and placed at specified locations for public inspection. He supplemented that the public could, within 30 days of the publication of the EIA report, comment on the contents of the report. Concurrently, the Advisory Council on the Environment would be given 60

days to comment on the EIA report after its publication. Therefore the whole EIA process was open and transparent.

- (iii) The Kowloon Bay section of the works involved temporary reclamation. Since the area for temporary reclamation would be within the Victoria Harbour, the HyD must, as required by the Protection of the Harbour Ordinance (“PHO”), conduct a public consultation on the temporary reclamation, so as to allow the public to reach a consensus and confirm that there was an overriding public need for such reclamation. Upon completion of the consultation, the DEP would also consider the overriding public need for the temporary reclamation works before approving the EIA report for public inspection. Therefore, the timing for HyD’s submission of the EIA report must also be matched with the public consultation on the temporary reclamation, the department would ensure earliest completion of the relevant processes.
- (iv) The CKR tunnel would be built under the foundation of the Kansu Street section of the Gascoigne Road Flyover. The affected part of the flyover would be underpinned or reconstructed, and the reconstructed flyover would be able to support full noise enclosures. In addition, the HyD would remove the under-utilised Tung Kun Street Pedestrian Subway to make way for the construction of noise enclosures along the section of Gascoigne Road Flyover fronting Block 2 to Block 4 of Prosperous Garden which would be supported by separate structures. Meanwhile, semi-enclosures would be installed on a section of the Gascoigne Road Flyover off Block 1 and Block 5 of Prosperous Garden to completely shield noise from southbound traffic. In addition, the semi-enclosures would be built in cantilever design of span about 5 metres to provide additional shield for noise from northbound traffic. This arrangement had brought the noise level at nearby sensitive receivers to a level that met with the requirements of the EIAO. According to data from the study conducted by the consultant, compared to the current option, if full noise enclosures were installed at the Public Square Street to Yau Ma Tei Police Station section of the Gascoigne Road Flyover, then residents living in the middle and upper levels of Block 1 of Prosperous Garden would only experience minor noise improvement, with difference no greater than one decibel. Nevertheless, the HyD would continue to study the views on noise enclosures put forth by Councillors and residents of Prosperous Garden.
- (v) The Kansu Street section of the Gascoigne Road Flyover was opened to traffic in 1977, and the works for Ferry Street section of the Gascoigne Road Flyover was completed in 1996. The consultant was still compiling data about the impact on traffic flow at the above clusters of roads before and after the completion of CKR. The HyD would provide the relevant information in due course.
- (vi) The residents of Charming constituency were sensitive receivers mentioned in the EIA report. Councillors and members of the public would be able to inspect all data in the EIA report during the public inspection period.
- (vii) The HyD was happy to exchange views on individual topics with the public during the Phase 2 Public Consultation.
- (viii) The HyD hoped to listen to the views of the DC on the landscape deck.

Once the design of the landscape deck had been finalised, the department and relevant departments would further examine issues of maintenance and management of the deck.

- (ix) The traffic impact assessment mainly assessed two main types of vehicle emissions, namely suspended particulates and nitrogen dioxide.

78. Mr LEUNG Chi-hung responded as follows:

- (i) According to the original plan, the ventilation building would be located at Ferry Street, it was 120 metres from Prosperous Garden. Based on the current plan, the two would be 570 metres apart.
- (ii) If the tunnel entrance or ventilation building were relocated to a site which was 1 000 metres away from Prosperous Garden, then it would be necessary to build them at the Yau Ma Tei Typhoon Shelter, which would affect the operation of the shelter. In addition, if the location of the tunnel entrance and ventilation building were within the Victoria Harbour, then the works involved would be subject to the governance of the PHO.

79. Mr TAO Kei-hung supplemented that the CKR needed to be connected with the West Kowloon Highway. If the tunnel entrance or ventilation building had to be relocated to a site which was 1 000 metres away from Prosperous Garden, then reclamation would be required for the construction of ground level roads.

80. Mr Franki CHIU supplemented that the EIA report would list out the pollutants generated by the project, and give an account of the major pollutants and their relevant data.

81. Mr Benny YEUNG noted that there was a smoke extract system inside the CKR tunnel to purify air pollutants, but he was still concerned about the serious air pollution at the vehicle funnelling point outside the tunnel, therefore he requested that the tunnel entrance should be located far away from Prosperous Garden. In addition, he considered that the landscape deck must be open to public use. He also declared that residents of Prosperous Garden had strongly demanded the construction of full noise enclosures at the Gascoigne Road Flyover to reduce the impact of vehicular noise on households.

82. The Chairman said that the Council requested the installation of full noise enclosures along the entire section of Gascoigne Road Flyover surrounding Prosperous Garden. He hoped that the works for CKR could commence as soon as possible to improve traffic congestion and save travel time. In addition, he suggested using the underground space, which would be excavated at Kansu Street and Ferry Street while constructing the cut-and-cover tunnel, for recreational purpose to make up for the lack of community facilities. He also believed that the design of the landscape deck should allow the public to walk to the Express Rail Link station and the West Kowloon Cultural District without crossing any carriageways, and the opening hours of the landscape deck should also be convenient to the public. He added that though the HyD had said that the air purification system inside the tunnel was able to remove up to 80% of respirable suspended particulates and nitrogen dioxide, the public did not understand the actual quantity of these pollutants, the HyD should explain such data in a simpler way. In order to allay residents' concerns, he also suggested the HyD print brochures which explained mitigation measures against vehicle emissions adopted at the tunnel entrance and ventilation building, and their respective effectiveness.

83. Mr TAO Kei-hung responded as follows:

- (i) The CKR project would not consider the suggestion of extending full noise enclosures of Gascoigne Road Flyover to the section near Yaumatei Catholic Primary School (old campus at Tung Kun Street) as the said location was out of the scope of the works.
- (ii) The HyD was open to the suggestion of converting spaces created by the construction works into community use, and would be happy to support the idea as long as relevant departments considered it feasible.
- (iii) The HyD noted that the DC agreed to open the landscape deck for public use.
- (iv) The HyD would consider using a simpler way to explain the APS of the tunnel to the public.

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

Item 10: Provision of Public Open Space in Private Development Projects

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

- (a) Mr Derek LAI, Assistant Secretary (Lands) 4 of the Development Bureau (“DEVB”);
- (b) Ms Yvonne CHANG, Senior Estate Surveyor/Kowloon Central of the LandsD;
- (c) Mr Tom YIP, Senior Town Planner/Yau Tsim Mong of the PlanD; and
- (d) Ms Patty LEE, Senior Liaison Officer (2) of the Yau Tsim Mong District Office (“YTMDO”).

86. The Chairman said that at the meetings on 23 August and 25 October 2012, Councillors had discussed the issue of providing public open space in private development projects. He recalled that the OC of Metro Harbour View, Tai Kok Tsui had written to the DC, requesting discussion of such matter at DC meetings. At the DC meeting on 25 October 2012, the DC Member of the constituency concerned, Mr LAU Pak-kei, expressed his views on Metro Harbour View, and the DC later wrote to the DEVB to request follow up on this matter. The DEVB had already made a written reply, but the Council was unsure about some contents of the department’s reply, so it had invited the DEVB to send representatives to attend the meeting in order to answer Councillors’ enquiries.

87. Mr Derek LAI explained the DEVB’s written reply on open space in Metro Harbour View (Annex 1).

88. Mr LAU Pak-kei did not understand why the Government allowed the developer to open up the podium gardens on the 4th and 5th floor of Metro Harbour View as public open spaces. He said that the OC of Metro Harbour View had requested the DEVB to waive the estate from opening podium gardens for public use several years ago, but the DEVB requested all owners or the OC of Metro Harbour View to satisfy five criteria before making any waiver application to the LandsD. He added that papers had been submitted to the YTM West Area Committee (“AC”) requesting the West AC to state its position directly on the issue of waiving Metro Harbour View from opening its open spaces for public use, and the West AC had ultimately vetoed the suggestion by a large majority. He wanted to know

under the five criteria, whether waiver application could be made to the LandsD if either one of the five criteria could not be met. He also asked the LandsD what the waiver fee would be for such waiver. In addition, he urged the DEVB to review existing policies and give an account of the situation to the owners of Metro Harbour View as soon as possible.

89. The Chairman asked the YTMDO to report the said voting results of the West AC.

90. Ms Patty LEE responded that at the YTM West AC meeting on 23 November 2012, per the request of the OC of Metro Harbour View, Members listened to its ground for waiver request and had voted on whether the estate should be waived from opening public open spaces for public use; 13 Members at the meeting voted against the waiver, one Member had no opinion, and no Member supported the waiver, therefore the YTM West AC did not support the waiver request.

91. The Chairman said the DC had always valued the views of ACs. He wanted to know if one of the five criteria was not satisfied in the case of Metro Harbour View, what owners could do to follow up on this matter.

92. Mr Derek LAI responded that in January 2010, the DEVB submitted a paper concerning “Provision of Public Open Space in Private Developments” to the Panel on Development of LegCo. The paper pointed out that for existing public open space on private land in private developments, there was no question of the Government taking over the management and maintenance of the public open space. In very exceptional cases, the Government might consider sympathetically waiving the relevant requirement in the land lease, based on the individual merits of each case and subject to the five criteria. One of the criteria was that the application for waving from opening public open space in private land for public use had already secured support from the relevant DC and AC. Since the proposal to waive Metro Harbour View from opening public open space failed to secure the support of the AC, the Government would not consider the waiver application put forward by owners. Regarding the waiver fee, he said that valuers of the LandsD would determine the waiver fee if the waiver application had been approved.

93. Mr Tom YIP supplemented that regarding such waiver application, the PlanD would consider whether there were sufficient existing and planned public open spaces within the district according to the Hong Kong Planning Standards and Guidelines. Also, other considerations like the location, distance and distribution of public open spaces within the district would also be taken into account.

94. Mr LAU Pak-kei said that the case of Metro Harbour View would also fail to secure support from the PlanD due to a lack of public open spaces in Mong Kok District, in addition to its failure to solicit support from the AC. He hoped that relevant meeting minutes would be sent to the DEVB to allow the bureau to understand the latest development of the case. He also urged the DEVB to give the owners of Metro Harbour View a clear account of this matter as soon as possible, and review relevant current policies.

95. Mr CHAN Siu-tong said that based on the response given by the representative of the DEVB, he understood that the case of Metro Harbour View failed to meet two of the criteria being considered for the waiver, so he believed that there was no need for the DC meeting to continue discussion on this item.

96. The Chairman said that the Government must, whenever practicable, strive to provide public open spaces in districts.

97. Mr Barry WONG urged the DEVB to reply to the OC of Metro Harbour View in writing, so as to make them clear about the Government's position on this matter.

98. Mr LAU Pak-kei reiterated that for the case of Metro Harbour View, the DEVB must clearly explain its policies and position to the owners. He pointed out that there were insufficient public open spaces in Mong Kok District, and he wanted to know whether this was why the case of Metro Harbour View could not meet one of the wavier criteria.

99. Mr Tom YIP responded that it was true that there were insufficient public open spaces in Mong Kok District, but the public open spaces in YTM District as a whole was still sufficient. The PlanD had already stated this point when putting forward its views on the case of Metro Harbour View to the Town Planning Board ("TPB"). As a result, the TPB requested the applicant to consult the DC and YTM West AC again.

100. Mr HAU Wing-cheong said that since the case of Metro Harbour View failed to secure support from the YTM West AC, he believed that there was no need for the DC to continue discussion on such waiver.

101. The Chairman requested the DEVB to give an account of the case to the OC of Metro Harbour View as soon as possible, and urged the Government to provide more public open spaces in the district. In addition, he said that the relevant meeting minutes should be sent to the OC of Metro Harbour View for perusal.

102. Mr Derek LAI said that the DEVB had maintained good communication with the OC in the case of Metro Harbour View, and had already explained to the OC the bureau's position and details of the case. The DEVB would continue to maintain effective communication with the OC and residents of Metro Harbour View.

103. Mr Barry WONG hoped that the DEVB would take a balanced approach to explain in writing to the OC of Metro Harbour View, without exaggerating the objection of YTM West AC.

104. Mr Derek LAI supplemented that there was no mandatory order to the five criteria mentioned in the written reply of the DEVB.

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

**Item 11: No More on Her Majesty's Service
 (YTMDC Paper No. 144/2012)**

106. The Chairman said that the written response of the Civil Service Bureau ("CSB") (Annex 2) had been distributed to Councillors for perusal before the meeting.

107. Mr CHAN Wai-keung was satisfied with the reply and follow-up actions of the CSB. He hoped that all civil servants would pay attention to avoid using envelopes printed with emblem of or wordings about the colonial government, and that they should take heed of the problem.

108. The Chairman said that to prevent similar situations from happening again, the Government should consider destroying envelopes printed with "ON HER MAJESTY'S SERVICE" if the stock of which was not large. He also suggested that the Secretariat pass

meeting minutes concerning this item to the CSB for information.

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

Item 12: Concern over Ventilation for Walkway Connecting MTR Hung Hom Station on M Floor
(YTMDC Paper No. 145/2012)

110. The Chairman said that the written response of the HyD (Annex 3) had been distributed to Councillors for perusal before the meeting. He then welcomed Mr CHING Kwok-ping, Senior Environmental Protection Officer of the Environmental Protection Department (“EPD”), and Ms Lilian YEUNG, Public Relations Manager-External Affairs; Mr Benjamin CHANG, Station Services Manager-East Rail Line & Ma On Shan Line and Ms Kenny YIU, Manager-Environment Engineering of the MTR Corporation (“MTRC”) to the meeting.

111. Ms KWAN Sau-ling supplemented the paper with some additional information.

112. Mr CHING Kwok-ping said that the EPD published a practice note in 2003 in the hope that railway companies could effectively manage indoor air quality of its transport facilities by following the guidelines issued. On the issue of ventilation, the practice note especially required the indoor air quality of transport facilities of the MTR to meet a certain benchmark. He added that after the EPD became aware of the poor air quality at MTR Hung Hom Station, it had immediately sent staff to inspect the site and contacted the MTRC to look into the ventilation problem in walkways of the station.

113. Ms Lilian YEUNG pointed out that same as walkways in other MTR stations, the walkway leading to Exit A, B and D on M Floor of MTR Hung Hom Station was installed with fans, exhaust fans and cooling devices to maintain good ventilation. She supplemented that after the MTRC had received reports on unsatisfactory air quality at Hung Hom Station, it carried out site visits with the EPD, and found that the ventilation equipment at the station were working well and normal.

114. Ms Kenny YIU said that the MTRC had measured the air quality at the walkway connecting MTR Hung Hom Station on M Floor, and confirmed that the carbon dioxide level was in line with the benchmark set out in the practice note of the EPD.

115. Ms KWAN Sau-ling said that she was present on the day when air monitoring was conducted at Hung Hom Station. At the time, she found that hot air was emitted from all exhaust fans inside the walkway. She added that she had asked about 10 members of the public at the scene on that day, and they all said that the air circulation in the walkway was poor, especially during the peak hours of 5 p.m. to 7 p.m. when the turbidity of air was even higher. She was worried that the situation of the walkway would become even worse during the peak flu season. However, she added that, as understood, the air quality of the said walkway had been improved two days before the meeting.

(Mr CHAN Wai-keung left the meeting at 7:15 p.m.)

116. The Vice Chairman wanted to know whether there was any change in air quality at Hung Hom Station before and after the merger of the MTR and West Rail. She also asked at which time interval the staff of MTRC measured the carbon dioxide level at Hung Hom Station.

(Mr Derek HUNG left the meeting at 7:20 p.m.)

117. The Chairman said that the MTRC needed to improve the ventilation system of the walkway on M floor of Hung Hom Station, especially by improving ventilation during periods with high pedestrian flow, in order to maintain good ventilation.

118. Mr CHING Kwok-ping believed that it was extremely important to choose an appropriate time period for air quality assessment. It would be better for the MTRC to conduct air test during time periods with high pedestrian flow and on days with poor weather conditions.

119. Ms Lilian YEUNG said that the MTRC would pay close attention to the ventilation for the walkway connecting MTR Hung Hom Station on M Floor. She also thanked Councillors for their concern over how the MTRC would improve quality of station facilities.

120. Mr Benjamin CHANG said that the MTRC attached great importance to the repair and maintenance work of station facilities and would conduct frequent inspections. The company had already planned to further improve air circulation in Hung Hom Station by installing fans at proper locations.

121. The Chairman hoped that the MTRC would implement improvement works on ventilation at Hung Hom Station as soon as possible, and suggested that the MTRC consult Ms KWAN Sau-ling, the DC Member of the constituency concerned, for her views about the relevant works.

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

**Item 13: Who Does Not Support Enactment of Old Age Living Allowance?
(YTMDC Paper No. 146/2012)**

123. The Chairman said that the written responses of the LWB and Home Affairs Department (“HAD”) (Annexes 4 and 5) had been distributed to Councillors for perusal before the meeting. He then welcomed Ms WONG Yin-yee, District Social Welfare Officer (Kowloon City/Yau Tsim Mong) and Mr Frankie PUI, Senior Social Security Officer (Sham Shui Po & Yau Tsim Mong) of the SWD to the meeting.

124. Mr WONG Kin-san said that he had recently heard repeated complaints from the elders that the filibustering of LegCo Members had led to the delay of approval for the OALA Scheme. Although the OALA Scheme had been passed ultimately, he was deeply dissatisfied with three LegCo Members belonging to the pan-democratic camp who had voted against the Scheme. He hoped that the SWD and other relevant departments would work together to help the poor elders so that they could enjoy the benefit as soon as possible.

125. Ms WONG Shu-ming said that the LWB had not sent any representative to attend the meeting, showing that it paid no heed to the views of the DC. She said that local organisations had conducted surveys which found that the majority of respondents supported the OALA Scheme. She pointed out that in addition to delaying the approval for OALA Scheme, the filibustering of LegCo Members had also ignored the well-being of the elders and postponed other vote on account resolutions regarding matters related to livelihood, and that she was quite dissatisfied with this.

126. Ms WONG Yin-yee responded that at the meeting on 7 December 2012, the FC of LegCo had approved the OALA Scheme and agreed that the first payment of the allowance to eligible applicants would include a lump sum payment counting from the effective date (1 December 2012) as well as the first regular monthly payment of \$2,200. She said that the SWD would proceed in full swing with the preparatory work for the OALA Scheme, with the goal to launch the scheme in April 2013. At that time, the SWD would make out the allowance to the first batch of 290 000 elders who were receiving the OAA and had declared their financial status. The SWD also planned to write, by late March 2013, to all remaining beneficiaries who were currently receiving Higher OAA and not having received Normal OAA before as well as those aged 65 or above currently receiving Normal Disability Allowance, to invite them to apply for the OALA by post if they were eligible. After the launch of the OALA Scheme, other new applicants might also submit an application in person to the social security field units of the SWD, or make application by fax, by e-mail, by post or through referral. The SWD would process application cases as soon as possible to allow a total of more than 400 000 elders in need to enjoy the benefits as soon as possible.

127. Mr Francis CHONG reprimanded the LegCo Members who had engaged in filibuster, and was dissatisfied with them as they had caused delay to the funding application for the OALA Scheme.

128. Mr Barry WONG hoped that the SWD would reflect the views of Councillors to the LWB, so that the bureau would consider paying the 290 000 elders in need the two months of allowance that were delayed by the deferred funding application of the OALA Scheme.

129. The Chairman said that he believed that the majority of YTMDC Members supported the OALA Scheme, hoping that the eligible elders would be able to benefit from the scheme as soon as possible. He asked Ms WONG Yin-yee to tell the authorities that discretion should be exercised on individual cases during the vetting and approval of asset declaration. For example, in the constituency of Charming Garden, since the Charming Garden was under the Home Ownership Scheme and parking spaces within could only be purchased by owners, if an applicant could prove that he/she was not the true user of the parking space under his/her name, then the SWD should consider treating the case more leniently.

130. Ms WONG Yin-yee said that she would reflect the views of the Chairman to the LWB. She supplemented that the OALA Scheme was part of the measures to alleviate poverty, so it was necessary to establish an income and asset declaration mechanism.

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

Item 14: Request for Government Ban on All Unlicensed Guesthouses in YTM District
(YTMDC Paper No. 147/2012)

132. The Chairman said that the written responses of the HAD and HKPF (Annexes 6 and 7) had been distributed to Councillors for perusal before the meeting. He then welcomed the following representatives to the meeting:

- (a) Mr Winston LEUNG, Chief Officer, Office of the Licensing Authority (“OLA”) and Mr CHUNG Wing-kwong, Senior Divisional Officer (LA) of the HAD;
- (b) Mr Albert CHU, Senior Structural Engineer/F2 of the BD; and

(c) Mr CHUI Man-leung, Divisional Commander (Kowloon South) and Mr Thomas CHUNG, Divisional Officer (Kowloon West) of the FSD.

133. Mr Francis CHONG supplemented the paper with some additional information.

134. Mr Winston LEUNG said that the OLA would adopt a two-pronged approach, strengthening law enforcement on one hand and stepping up publicity and providing tourists with information on licensed accommodation to encourage them to stay at licensed accommodation, on the other, to combat illegal guesthouse. In the first ten months of 2012, the OLA received 505 reports of suspected unlicensed guesthouses in YTM District, 82 prosecutions were made according to the Hotel and Guesthouse Accommodation Ordinance (“HAGAO”). Regarding law enforcement, upon receipt of a report, the OLA would conduct an inspection within eight working days and, having regard to the circumstances of individual case, collect evidence with different approaches, including conducting surprise inspections during and outside office hours and mounting undercover operations if necessary. In addition, the OLA would also carry out large-scale joint blitz operations with relevant departments against targeted establishments. Prosecution would be instituted by the OLA immediately if there was sufficient evidence that the premise concerned was involved in unlicensed guesthouse operation.

135. Mr CHUNG Wing-kwong said that the OLA was committed to combatting unlicensed guesthouses in the district. In 2010, 2011 and the first ten months of 2012, the number of complaints against unlicensed guesthouses in YTM District had decreased progressively, accounting for 43%, 46% and 37% of the total number of such complaints across the territory in the respective year. During the said period, the number of prosecutions had increased, accounting for 53%, 55% and 88% of the total prosecution across the territory in the respective year. He added that the OLA would regularly inspect buildings where unlicensed guesthouses were mostly found in the district, and would take joint actions with the Immigration Department and HKPF to ban unlicensed guesthouses.

136. Mr Albert CHU said that in the past six months, the BD had received a total of 1 100 complaints about changes in building use, including complaints about partitioned rooms and the use of residential units for commercial purposes. During the said period, the BD had issued no less than 50 removal orders for UBWs in the district. He added that after receiving these complaints, the BD would inspect whether the buildings concerned had carried out UBWs or changed their use. Buildings posing immediate danger would be handled with priority, such as the BD would issue removal orders to the owners concerned. In addition, if the Building Authority found any changes in use of buildings, the BD might, under Section 25 of the BO, request the party concerned to reinstate the building involved to the use stated on the approved plan. If the unit had been used as a vice establishment, the BD would follow up the case jointly with other departments.

137. Mr HUI Tak-leung questioned the effectiveness of the OLA’s prosecution process and undercover operations. He said that despite repeated complaints Councillors had lodged to the OLA against unlicensed guesthouses, the staff of OLA often replied that the department failed to gain entry into the units concerned, so it was unable to collect evidence and take enforcement action. He hoped that the departmental representatives in attendance could speak out on the difficulties they encountered in prosecution process, so that Councillors could reflect the situation to the authorities.

138. The Vice Chairman pointed out that though some unlicensed guesthouses were not

in immediate danger, they had posed serious nuisance to residents nearby and affected public order. In addition, she asked about insurance liability in case of any incident happened at unlicensed guesthouses, and requested the relevant departments to review current prosecution process against unlicensed guesthouses and evidential tools in use.

139. Mr HAU Wing-cheong hoped that the FSD would enhance cooperation with relevant departments on the problem of unlicensed guesthouses, and urged the authorities to conduct more inspections.

140. Mr Francis CHONG questioned the Government's determination to eliminate unlicensed guesthouses, he considered that the Government was very passive when handling the issue and often left the OLA to work on its own. He pointed out that the OLA had replied that 505 cases of suspected unlicensed guesthouses had been reported in the YTM District in the first ten months of 2012, and that prosecution had been made in 82 cases, which meant that prosecution in more than 400 cases were failed. He said that penalties in successfully prosecuted cases were too lenient to serve as a deterrent. He also believed that visitors to Hong Kong would not care whether a lodging house was licensed or not, so the Government's vigorous publicity targeting at visitors might not be effective.

141. Mr WONG Kin-san recalled that Ms KWAN Sau-ling had, at the HBMC meeting on 12 April 2012, proposed discussion on relevant matters. At the time, the representative from the OLA said that there were 30 front-line enforcement officers and the department would recruit more staff. He wanted to know whether the current staffing arrangements of the OLA had improved. In addition, he pointed out that guesthouses located in commercial and residential buildings affected all residents of the same building regardless of whether the guesthouses were licensed or not. Therefore he requested the OLA to fully consult stakeholders of the district concerned when considering the grant of guesthouse licences.

142. Ms KWAN Sau-ling pointed out that Chungking Mansion, Mirador Mansion and Golden Crown Court in Tsim Sha Tsui District were filled with unlicensed guesthouses, but she had yet to see the OLA taking any action against the operators. She inquired about the penalty against unlicensed guesthouses, and suggested that the Government implement a demerit point system. Points would be deducted if licensees were found to have operating unlicensed guesthouses (i.e. shadow guesthouses), and their licences could be revoked after points had been deducted repeatedly.

143. The Chairman believed that the penalties against unlicensed guesthouses were too lenient and failed to have any deterrent effect. He suggested that the Government consider a higher starting point for penalties. He also said that the HAD should arrange judicial officers to visit unlicensed guesthouses to help them understand the severity of the problem.

144. Mr Winston LEUNG responded as follows:

- (i) Upon a shadow guesthouse operator's conviction of the offence, the OLA would consider cancelling other valid guesthouse licences in respect of the operator concerned.
- (ii) According to HAGAO, the operation of unlicensed guesthouses was classified as a criminal offence, and the operator could be liable on conviction to imprisonment for two years and a fine of \$200,000.
- (iii) The OLA would clearly state the severity and consequences of operating

unlicensed guesthouses when it put up a case for prosecution to the court.

- (iv) The number of OLA's front-line enforcement officers had increased to 56 people, and it had recruited some part-time staff to help out mainly with online intelligence gathering. It was expected that they would report duty in December 2012.
- (v) The OLA was currently looking into other ways, such as arranging foreigners to participate in undercover operations, to achieve expected goals of operations.

145. Mr CHUI Man-leung responded that the FSD would initiate prosecution if public areas of buildings were obstructed by sundry items. He said that the FSD would conduct regular inspections at public areas of Chungking Mansion, Mirador Mansion and Golden Crown Court, and beef up fire prevention publicity at the buildings mentioned above.

146. Ms KWAN Sau-ling asked how many cases of non-compliant guesthouse operators were being sentenced two years of imprisonment and a fine of \$200,000, and she would like to know details of these cases.

147. The Chairman said that to his knowledge, most unlicensed guesthouse operators had only been fined several thousand dollars, heavy penalties were rarely imposed.

148. Ms WONG Shu-ming further asked whether the OLA would consult stakeholders in the district concerned when considering the grant of guesthouse licences.

149. Mr Francis CHONG pointed out that the existing legislation only targeted at the operators of unlicensed guesthouses, so the owners of the buildings concerned could escape from their legal liabilities. In addition, he questioned whether the staffing arrangements of the OLA were capable of supporting undercover operations, and suggested the OLA to take joint action with the Police.

150. The Chairman believed that Mr Francis CHONG's views were worth considering.

151. Mr Winston LEUNG responded that the OLA handled guesthouse licence applications according to HAGAO. Under HAGAO, the Hotel and Guesthouse Accommodation Authority might only refuse to issue the licence in respect of a guesthouse on the ground that the premises intended to be used as a guesthouse did not comply with the requirements stipulated in HAGAO relating to building structure safety, fire safety, sanitary configuration and guesthouse management, etc. In processing applications for guesthouse licences, the OLA would act under the power conferred by the relevant provisions. The OLA had sought legal advice and was informed that it could only refuse applications on the grounds stipulated in HAGAO. There was currently no mechanism to empower the OLA to consult other parties on matters in relation to licence issuance. Information on law enforcement actions against shadow guesthouses had already been uploaded to the website of the HAD, and the OLA would submit to the Secretariat information on guesthouses that had their licences been cancelled as a result of operating shadow guesthouses. He added that the OLA could only prosecute the operators or responsible persons of unlicensed guesthouses according to HAGAO, and that the ordinance did not empower the OLA to prosecute the owner of the premises used as an unlicensed guesthouse, unless it was found during evidence collection that the owner was also the operator or responsible person of the unlicensed guesthouse concerned.

152. Mr Peter David CORNTHWAITE said that the HAD was the major authority responsible for law enforcement against guesthouses, it had posted a lot of publicity information on its website and set up a hotline (2881 7498) for the public to report any suspected unlicensed guesthouses. He added that there were currently 213 licensed guesthouses in Mong Kok Police District, and the Police referred a monthly average of two cases of suspected unlicensed guesthouses to the YTMDO for handling. He supplemented that regardless of the use of premises, any person at any premises could provide the Police with intelligence about crime. No matter what type of buildings, the Police would enforce the law if any premise was kept as a vice establishment. He also reiterated the importance of building security, and said that at the meeting of the YTM District Fight Crime Committee (“DFCC”) on 12 December 2012, the Police had put forth many burglary prevention measures and exchanged views with Members on building security, including access management of occupants of and visitors to buildings. In previous meetings of the DFCC and the working group under the DFCC, the Police had also been involved in the discussion on robberies happened within buildings and measures to improve building security. He believed that the OCs and property management companies played an extremely important role in this regard, and that robbery, theft, vandalism of public property, stealing of metal items, pornographic activities and other crimes happened with buildings could only be effectively prevented by improving access control of occupants and visitors. This would then help improve public order in the district.

153. Mr CHUNG Sze-pong supplemented that the Police was committed to combatting illegal prostitution activities to prevent residents from being affected. The Police would issue a warning letter to the owner or tenants of any premise where two or more prostitutes were found engaging in prostitution activities. If complaint was received again within six months after issuance of the warning letter, stating that the said premise was kept as an illegal vice establishment, then an order for closure of the relevant unit would be applied from the court. He supplemented that some owners had recently refused to rent their units out for use as vice establishments. In addition, the Police would step up publicity efforts at DFCC meetings and when contacting with the OCs or owners to appeal to owners not to rent out their units for use as vice establishments. He added that the Police would, according to individual circumstances, refer any irregularities found during its inspection of buildings to the OLA and FSD for follow-up actions.

(The Vice Chairman, Mr Francis CHONG and Ms WONG Shu-ming left the meeting at 8:30 p.m.)

154. Mr HUI Tak-leung suggested the Government amend the legislation to raise penalties and plug the loopholes in procedures for licensing and proof-giving.

155. Mr CHUNG Wing-kwong responded that since 2010, the number of prosecutions against unlicensed guesthouses had continued to increase. He said that the OLA would write to owners of premises that were used for operation of unlicensed guesthouses to notify them that their premises had been used for illegal purposes. Based on information held by the Land Registry, the OLA would also notify banks and the Rating and Valuation Department that the properties concerned had been used for operating unlicensed guesthouses, in order to allow them to take follow-up actions under their respective regulatory regimes. For cases that involved real estate agents or insurance brokers, the OLA would, after prosecution and conviction, notify the Estate Agents Authority or Office of the Commissioner of Insurance for follow up on respective cases.

156. The Chairman approved of Mr HUI Tak-leung's suggestion to amend the legislation. He said that Councillors could reflect their views to the LegCo when they meet with LegCo Members each year.

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

(Post-meeting note: The OLA of HAD submitted supplementary information (Annex 8) to the Secretariat on 21 December 2012.)

Item 15: Progress Reports

- (1) **District Management Committee**
(YTMDC Paper No. 149/2012)
 - (2) **Community Building Committee**
(YTMDC Paper No. 150/2012)
 - (3) **District Facilities Management Committee**
(YTMDC Paper No. 151/2012)
 - (4) **Food and Environmental Hygiene Committee**
(YTMDC Paper No. 152/2012)
 - (5) **Housing and Building Management Committee**
(YTMDC Paper No. 153/2012)
 - (6) **Working Group on Women's Affairs**
(YTMDC Paper No. 154/2012)
 - (7) **Area Committees**
(YTMDC Paper No. 155/2012)
-

158. Councillors noted the contents of the progress reports.

Item 16: Any Other Business

(1) "Green Stalls" Activity in Hong Kong Flower Show 2013

159. The Chairman said that the Leisure and Cultural Services Department ("LCSD") would organise the Hong Kong Flower Show at the Victoria Park between 15 and 24 March 2013. The Hong Kong Flower Show Organising Committee invited various DCs to attend the "Green Stalls" activity at this event to promote green awareness to the public. Also, the LCSD would subsidise each stall up to a maximum of \$1,500. He added that the YTMDC had also participated in the activity in 2012. At that time, the activity was coordinated by Mr HAU Wing-cheong and Mr Derek HUNG respectively, and the YTMDC had allocated \$8,000 for organising the activity.

160. The Chairman asked Councillors whether they supported YTMDC's participation in the "Green Stalls" activity in Hong Kong Flower Show 2013, and which Councillor they would nominate for the coordination work. In addition, he wanted to know whether Councillors agreed to the allocation of \$8,000 by the YTMDC to cover the expenses of the activity.

161. Mr CHAN Siu-tong supported YTMDC's participation in the "Green Stalls" activity, and said that Mr Derek HUNG would be glad to be the coordinator of the activity.

162. Mr HAU Wing-cheong said that if necessary, he would be willing to assist Mr Derek HUNG in coordinating YTMDC's participation in such activity.

163. There being no objection, the Chairman announced that Mr Derek HUNG would be responsible for the coordination work of the "Green Stalls" activity. The YTMDC would allocate \$8,000 to cover the operating expenses of the activity.

(2) Cycling for Health Marathon Challenge 2013

164. The Chairman said that Vita Green Charitable Foundation would organise the Cycling for Health Marathon Challenge 2013 in Central and Wanchai on 27 January 2013. The entry fee would be \$1,080 for each team enrolled under the name of the DC. He supplemented that in the last session of the same event, the YTMDC had sent three Councillors, namely Mr CHAN Siu-tong, Mr Derek HUNG and Mr WONG Kin-san, to participate in team competition. Mr CHAN was the contact person of the team. He asked whether Councillors agreed to have Mr CHAN Siu-tong forming a team to participate in the competition again this year.

165. Mr CHAN Siu-tong said that he was willing to form a team for the competition. Mr Derek HUNG, Mr WONG Kin-san and Mr Chris IP would be in the team. He was glad to be the contact person of the team and called upon participants of the meeting to donate actively in order to support the event with concerted efforts.

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

(3) Revitalisation Projects of Urban Renewal Authority ("URA")

167. The Chairman asked Councillors whether they agreed to pass the discussion and follow up of the Mong Kok Revitalisation Project to the DFMC.

168. Mr CHAN Siu-tong briefly introduced the background information on the project. He pointed out that the project had been discussed by the previous session of the DFMC. Since Councillors were very concerned about particular one or two works under the project, it was believed that it would be more appropriate for the DC to discuss the project, therefore, at that time, Councillors endorsed the proposal of allowing the DC to discuss and follow up on the project. However, given the views of the URA and the tight schedule of the works, he suggested passing the deliberation of the project back to the DFMC.

169. The Chairman said that the Secretariat would consult Councillors' views on such suggestion by circulation.

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

(Post-meeting note: The Secretariat circulated a paper on 18 December 2012 to consult Councillors whether they would accept passing discussion about the project back to the DFMC. Most Councillors who had replied accepted the arrangement.)

(4) Change of Deadline for Collection of Papers for 9th YTMDC Meeting

171. The Secretary said that the 9th YTMDC meeting would be held on 28 February 2013. The deadline for submission of papers to the meeting was originally 13 February 2013, but it was the fourth day of Lunar New Year, which had been earlier announced as a public holiday by the Government. Therefore the deadline for submission of papers to the 9th YTMDC meeting would be advanced to 8 February 2013 (Friday). The Secretariat would inform all Councillors and relevant departments in writing in due course.

(Post-meeting note: The Secretariat officially informed Councillors and relevant departments in writing on 14 December 2012 about the change of deadline for submission of papers.)

**(5) Toy Character Design Competition of Vocational Training Council
("VTC")**

172. The Chairman recalled that in February 2012, the VTC had invited the YTMDC to be a corporate supporter of the Toy Character Design Competition and asked the YTMDC to nominate one Councillor to be the adjudicator of the competition. The YTMDC had replied to accept the invitation and nominated Mr Derek HUNG as the adjudicator for the competition. Mr HUNG later learned that the competition was over, but the VTC had never contacted him actively. The YTMDC wrote to the VTC on this matter in December 2012, requesting the council to give an account of the whole story. The VTC replied that since there were not many works received from the YTM District and the differences in their standards were quite distinct, therefore Mr HUNG was not asked to participate in the primary round of assessment for the sake of saving his time. The Chairman believed that VTC's explanations were not convincing, and said that if the YTMDC would be invited again to act as a corporate supporter of any event by the VTC in the future, it would refer to the experience this time and consider VTC's invitation seriously.

173. Mr Barry WONG suggested that the Secretariat write to the VTC to express YTMDC's dissatisfaction and regret over VTC's improper arrangements. There being no objection to the suggestion.

(Post-meeting note: The Secretariat wrote to the VTC on 10 January 2013 to express YTMDC's dissatisfaction.)

174. The Chairman reported that the YTMDC had participated in the Promenade Marathon that was organised by the Yaumatei and Tsimshatsui Recreation and Sports Association last month, and won the 2nd runner-up award.

175. There being no other business, the Chairman closed the meeting at 8:45 p.m. The next meeting would be held at 2:30 p.m. on 28 February 2013 (Thursday).

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附件一

九龍
聯運街 30 號
旺角政府合署 4 樓
油尖旺區議會
鍾港武主席

鍾主席：

港灣豪庭公眾休憩空間

閣下於本年 9 月 20 日就港灣豪庭公眾休憩空間事宜致函發展局局長，並建議發展局就豁免向外開放上述公眾休憩空間一事，主動諮詢區議會及分區委員會。本局現獲授權回覆如下。

港灣豪庭位於九龍內地段 11127 號。根據該地段的地契，業權人須提供及開放不少於 9 800 平方米的公眾休憩空間供公眾使用，有關的公眾休憩空間位於 1 樓、2 樓及平台，每天上午 7 時至晚上 10 時向公眾開放。

發展局於 2010 年 1 月 26 日向立法會發展事務委員會提交有關「在私人發展項目內提供公眾休憩空間」的文件指出，在私人發展項目內私人土地上的現有公眾休憩空間（如港灣豪庭個案的情況），政府不會收回管理和維修保養。但在非常特殊的情況下，政府可考慮從諒解的角度出發，視乎每宗個案的情況，並按下述原則，考慮豁免有關私人土地要向公眾提供的休憩空間的土地契約規定：

- (a) 地政總署豁免有關規定在法律上是恰當的；
- (b) 豁免的要求必須由全體業主一同或經業主立案法團提出，並須符合地政總署定下的條款及條件，包括支付涉及這項豁免所應支付的豁免限制費用；
- (c) 根據《香港規劃標準與準則》，在有關地區內的適當地點已有或規劃了足夠的公眾休憩空間。此外，亦須考慮公眾休憩空間的位置、距離和分布情況；
- (d) 如提供公眾休憩空間的規定已包括在分區計劃大綱圖的《註釋》，要取消相關大綱圖內的公眾休憩空間規定，須徵得城市規劃委員會（城規會）的同意；以及
- (e) 豁免申請已獲得有關區議會及分區委員會支持，尤其是他們理解到有關公眾休憩空間之後將不再開放予公眾使用。

若港灣豪庭的全體業主或業主立案法團有意向政府申請豁免履行讓公眾使用公眾休憩空間的規定，並符合上述的五個原則，可向地政總署提出申請。

據了解，港灣豪庭業主立案法團（法團）曾就豁免履行讓公眾使用公眾休憩空間的規定與油尖旺西分區委員會接觸，而油尖旺區議會及該分區委員會亦曾作出討論。此外，法團亦於本年3月向城市規劃委員會（城規會）提出更改分區計劃大綱圖的《註釋》中關於公眾休憩空間規定的申請。城規會在本年6月1日的會議上同意押後就這宗申請作出決定，並要求申請人在城規會考慮申請前，諮詢區議會及油尖旺西分區委員會。據知，分區委員會剛於本月23日再次討論此事，有關建議並未獲分區委員會支持。

本局需指出，港灣豪庭及其公眾休憩空間屬私人業權，是否提出豁免業主履行讓公眾使用公眾休憩空間規定亦取決於業主的意願，政府不適宜代替業主或法團主導此事。事實上，如上文所

述，法團曾就此事與分區委員會接觸，而區議會及分區委員會亦曾作出討論，本局認為各方應以此作基礎繼續磋商，尋求共識。

發展局局長

(羅建偉



代行)

二零一二年十一月二十九日

副本送：

油尖旺民政事務專員

九龍西區地政專員

九龍規劃專員

(經辦人：陳婉妮女士)

(經辦人：葉子季先生)

政府總部
公務員事務局
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CIVIL SERVICE BUREAU
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HONG KONG

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油尖旺區議會
秘書鍾小蘭女士

鍾女士：

政府信封的使用

二零一二年十二月三日有關使用政府信封的來函收悉。以下為行政署的回應：

「當局已安排於一九九七年七月一日前替換所有政府物品上帶有英國主權含意的標誌和徽號，包括通過必需的法例修訂，將當年政府信封上的“ON HER MAJESTY’S SERVICE 香港政府公函”字樣，改為“香港政府公函 ON GOVERNMENT SERVICE”。鑑於最近有報道指一名市民收到一封在信封面印有“ON HER MAJESTY’S SERVICE 香港政府公函”字樣的信件，當局已提醒各決策局／部門，必須避免類似事件再次發生。」

謝謝對使用政府信封的關注。

公務員事務局局長

( 代行)

副本送：行政署署長（經辦人：趙燕驊先生）

二零一二年十二月十日



HIGHWAYS DEPARTMENT
URBAN REGION (KOWLOON)
13TH FLOOR, NAN FUNG COMMERCIAL CENTRE
19 LAM LOK STREET, KOWLOON BAY, KOWLOON
Web site : <http://www.hyd.gov.hk>

路政署

市區(九龍)

九龍灣臨樂街十九號

南豐商業中心十三樓

網址 : <http://www.hyd.gov.hk>

[KJTA0]

Annex 3

本署檔號 Our Ref.: (KJTMJ)HyD UK/12-14/3/76(DYT)
來函檔號 Your Ref.: YTMDC/13-10/8/12
電話 Tel. No.: 2707 7217
圖文傳真 Fax No.: 2758 3394

3 December 2012

Yau Tsim Mong District Council Secretariat
4/F, Mong Kok Government Offices,
30 Leun Wan Street, Mong Kok, Kowloon
(Attn: Ms. Joanne CHUNG, Secretary, YTMDC)

Dear Sirs/Madams,

Invitation to Attend the Meeting of Yau Tsim Mong District Council
(關注港鐵紅磡站 M 層行人通道空氣流動問題)

I refer to your fax dated 28 November 2012 regarding the paper entitled “關注港鐵紅磡站 M 層行人通道空氣流動問題” which will be presented at the Yau Tsim Mong District Council meeting on 13 December 2012.

Please be advised that the concerned pedestrian walkway connecting the MTR Hung Hom Station exits A, B & D at M floor is not under the maintenance of Highways Department. As we are committed to other urgent matters, we will not attend the subject meeting on 13 December 2012.

Yours faithfully,

(T C NG)
for Chief Highway Engineer/Kowloon
Highways Department

C,C,
AC for T/U, TD (Attn: Mr. S L Cheung)

- Fax: 2397 8046

Internal ME/YT, DE/YT



回應油尖旺區議會 2012 年 12 月 13 日會議上
黃舒明議員和黃建新議員提出的動議

「油尖旺區議會強烈要求立法會儘快通過
長者生活津貼撥款，改善貧窮長者的生活質素」

目的

本文件旨在回應黃舒明議員和黃建新議員在 2012 年 12 月 13 日油尖旺區議會會議上提出「油尖旺區議會強烈要求立法會儘快通過長者生活津貼撥款，改善貧窮長者的生活質素」的動議。

背景

2. 行政長官於 2012 年 7 月 16 日的立法會答問大會上宣布，政府會增設每月 2,200 元的「長者生活津貼」，給予本港 65 歲或以上、需要經濟支援的長者。

最新進展

3. 立法會財務委員會已於 2012 年 12 月 7 日的會議上通過長者生活津貼的建議，同意合資格申請人首次發放津貼時，款項將包括由生效日期(即 2012 年 12 月 1 日)起計的一筆過款項，以及首次的定期每月款項 2,200 元。

4. 社會福利署(下稱“社署”)會全速推動長者生活津貼的籌備工作，目標是在明年 4 月推出計劃。屆時，社署會向第一批 29 萬名現正領取高齡津貼並曾申報其經濟狀況的長者發放津貼。另外，社署亦計劃在明年 3 月底致函其餘從未領取普通高齡津貼的現有高齡高齡津貼受惠人和年滿 65 歲的現有普通傷殘津貼受惠人，邀請他們如符合資格便可以郵遞方式申領長者生活津貼。至於其他新申請人，亦可在長者生活津貼推出後，親自前往社署的社會保障辦事處，或以傳真、電郵、郵遞或透過轉介方式遞交申請。社署會盡快處理個案，讓合共超過 40 萬名有需要的長者盡早受惠。

5. 請各議員備悉文件內容。

ITEM 4

In Response to the Motion Moved by Councillors Wong Shu-ming and Wong Kin-san at the Yau Tsim Mong District Council Meeting on 13 December 2012

“The Yau Tsim Mong District Council strongly requests the Legislative Council to approve funding for the Old Age Living Allowance as soon as possible to improve the living quality of the impoverished elderly”

Purpose

This paper sets out our response to the motion moved by Councillors Wong Shu-ming and Wong Kin-san at the Yau Tsim Mong District Council Meeting on 13 December 2012 that “The Yau Tsim Mong District Council strongly requests the Legislative Council to approve funding for the Old Age Living Allowance as soon as possible to improve the living quality of the impoverished elderly”.

Background

2. The Chief Executive announced, at the Legislative Council (LegCo) Question and Answer session on 16 July 2012, that the Government would introduce the Old Age Living Allowance (OALA) for Hong Kong elders aged 65 or above who were in need of financial support, and that OALA would be pitched at \$2,200 per month.

Latest Progress

3. The LegCo Finance Committee approved the proposal of OALA at its meeting on 7 December 2012, and agreed that the first OALA payment to eligible applicants would include a lump sum payment in arrears counting from the effective date (i.e. 1 December 2012), as well as the first regular monthly payment of \$2,200.

4. The Social Welfare Department (SWD) will press ahead at full steam with the preparatory work for OALA, with a view to launching the scheme in April 2013. By then, SWD will release allowance payment to the first batch of 290 000 elders who are receiving Old Age Allowance (OAA) and have declared their financial status before. Besides, SWD plans to issue letters in late March 2013 to the remaining current recipients of Higher OAA who have not received Normal OAA before as well as current recipients of Normal Disability Allowance aged 65 or

above, inviting them to opt for OALA by postal submission if they are so eligible. As for other new applicants, they can make their applications directly to SWD's social security field units in person, by fax, by e-mail, by post or through referral after OALA is launched. SWD will process the cases at the earliest so that over 400 000 elders in need can benefit as soon as possible.

5. Members are invited to note the content of the paper.

Labour and Welfare Bureau
December 2012

(Translation)

11 December 2012

An email to Assistant District Officer (Yau Tsim Mong)
from Home Affairs Department

We have mentioned about the invitation letter dated 3 December 2012 this morning. Since matters regarding Old Age Living Allowance fall under the scope of work of the Labour and Welfare Bureau and Social Welfare Department, it is not appropriate for the Home Affairs Department to send representatives to attend the meeting of District Council on 13 December for discussion on the aforesaid item. Please refer this matter to relevant decision-making bureaux/departments for follow up.

Dennis NGAN
Senior Administrative Officer (3)

油尖旺區議會

事項：要求政府取締油尖旺區內所有無牌賓館

按照現行法例規定，經營旅館受《旅館業條例》（第349章）（《條例》）監管。《條例》的目的是確保擬用作旅館的處所的樓宇結構及消防安全達致規管標準，才可獲發牌照經營，以保障入住者及樓宇其他使用者的安全。本署轄下的牌照事務處（牌照處）負責處理《條例》下有關旅館牌照簽發及執法工作。

2. 根據《條例》，任何處所提供收費的住宿，假如其租出期少於連續28天，必須領有旅館牌照方可經營。無牌經營旅館屬刑事罪行並會留有案底，一經定罪可被判監禁，最高罰款200,000元及監禁兩年，並可就罪行持續期間的每一天另處罰款20,000元。
3. 按照現行的發牌機制，擬用作旅館的處所必須是經建築事務監督批准可用作「住用用途」。根據《建築物條例》（第123章），「住用」指為供居住而建或擬供居住的部分，而「居住」的定義包括將其作為旅館、賓館、公寓等相類的住宿設施而使用。
4. 在處理旅館牌照申請時，牌照處須按《條例》所賦予的權限處理有關申請。根據《條例》第8（3）條，旅館業監督只可因應擬用作旅館的處所由於未能符合《條例》訂明的樓宇結構安全、消防安全、衛生配置和旅館管理等等原因而拒絕就有關旅館發出牌照。牌照處會根據《條例》所訂的權限處理所有申請。
5. 牌照處在接獲旅館牌照申請後，會派出從屋宇署及消防處借調的專業人員作實地視察，對有關處所的樓宇結構及消防安全作出審核和規定，並會向申請人發出改善工程通知信，有關的要求是按照《建築物條例》及《消防條例》（第95章）而訂明。當申請人完成有關工程後，牌照處會再次派員進行完工視察。在確定處所符合發牌規定後，才會根據《條例》向申請人發出牌照。此外，牌照處接獲牌照續期申請時，亦會派員進行實地視察。在確定有關處所符合發牌規定後，

才會根據《條例》為牌照續期。

6. 旅館牌照旨在證明有關處所達致相關的樓宇結構及消防安全標準，並非規管旅館內所經營的其他活動。旅館內營辦的其他業務須遵守其他相關法例。如持牌人不遵守或違反任何其他法例，須承擔法律後果，絕對不會因獲發旅館牌照而獲得豁免。牌照處如在巡查時發現有關處所涉及違反其他條例，例如有逾期居留人士，涉嫌行使虛假文件等，亦會轉交相關部門跟進。

7. 牌照處一直致力打擊無牌經營旅館，並採取雙管齊下的方法，一方面加強執法，另一方面廣泛宣傳及提供持牌旅館資料，以鼓勵和方便旅客選擇持牌住宿地方，打擊無牌經營旅館。

8. 在執法方面，牌照處在接獲懷疑無牌經營旅館的舉報後，會在8個工作天內進行巡查，並會視乎每宗個案的具體情況，採用不同的方式進行搜證，包括在辦公時間及非辦公時間進行突擊巡查行動，並在有需要時以喬裝顧客的方式（即俗稱「放蛇」）搜集證據。另外，牌照處執法人員經常瀏覽報章及網頁，並作出地區巡查，主動搜集及調查有關宣傳懷疑無牌旅館的資料。同時，牌照處亦會與政府其他有關部門展開大規模跨部門針對性聯合突擊行動。經調查後如有足夠證據証明有關處所涉及無牌經營旅館，便會立即採取檢控行動。

9. 此外，牌照處已設立舉報熱線（電話號碼：2881 7498）及電郵地址（hadlaenq@had.gov.hk）方便旅客或市民舉報懷疑非法經營的旅館，並將舉報表格上載至牌照處網頁（www.hadla.gov.hk），讓公眾以傳真（2504 5805）方式舉報。

10. 為加強打擊無牌經營旅館，任何持牌旅館經營者如涉及經營無牌旅館，一經定罪，牌照處會根據《條例》，考慮撤銷或拒絕續發有關經營者的所有旅館牌照。

11. 在宣傳方面，牌照處規定所有持牌賓館須在賓館入口及每一間客房的房門，貼上持牌賓館標誌，方便旅客識別。同時，政府已增加在港鐵沿線、電視及電台播放宣傳短片及聲

帶的次數，亦在出入境檢查站及懷疑無牌旅館較多的地區展示海報／橫額，促請訪港旅客光顧領有牌照的旅館。牌照處亦把所有持牌旅館的名單上載於網頁（www.hadla.gov.hk）方便旅客查閱。牌照處並與旅遊事務署和香港旅遊發展局合作，鼓勵旅客光顧持牌旅館，並向內地旅遊當局傳達相關信息。消費者委員會亦在其為內地旅客設立的『精明消費香港遊』網站，提示切勿光顧無牌旅館。

12. 於2012年1月1日至10月31日期間，牌照處接獲有關油尖旺區涉嫌無牌經營旅館的舉報個案為505宗，而根據《旅館業條例》向有關無牌經營旅館提出檢控的數字為82宗。

民政事務總署
牌照事務處
2012年12月6日

香港警務處
旺角警區
九龍太子道西一四二號



HONG KONG POLICE
Mong Kok District
No. 142, Prince Edward Road West
Kowloon

警察網頁 : <http://www.police.gov.hk>
本署編號 : (12) in KW/MK 22/24 Pt.36
來函檔號 : YTMDC 13/10/8/12
電話號碼 : 2398 6208
傳真號碼 : 2397 8819

Annex 7

30th November 2012

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

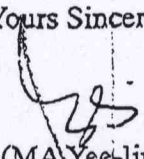
Dear Joanne,

**Invitation to Attend the Meeting
of Yau Tsim Mong District Council**

I refer to your invitation to attend the meeting to be held on 13th December 2012 and respond to two issues, namely 'Continued Concern over No. 4 Alarm Fire at Fa Yuen Street and Its Follow-up Work' and 'Request the Government to ban all unlicensed guesthouse in YTM district'.

Please note that Mr. Peter Cornthwaite, District Commander of Mongkok District will attend the next meeting. While he will respond to the issue of 'Continued Concern over No. 4 Alarm Fire at Fa Yuen Street and Its Follow-up Work', the matter regarding the number of guesthouse licensed or otherwise or complaints relating to unlicensed guesthouse are referred to HAD and HAD should respond. Police will give a verbal response regarding any observation or vice activities at such premises in the DFCC or DC meeting. I would be grateful if HAD could forward a copy of their reply to police for reference, please.

Yours Sincerely,


(MA Yee-ling)

for District Commander,
Mongkok

Our Ref: HAD/LA/1-55/3 Pt.V
Your Ref:
Tel: 2881 7035
Fax: 2894 8343

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

21 December 2012

Dear Ms CHUNG,

8th Meeting of Yau Tsim Mong District Council (2012-2015)

At the captioned meeting held on 13 December 2012, the Chief Officer of the Office of the Licensing Authority (OLA) had promised to provide after the meeting additional information about the cancellation of licences by the OLA upon licensees' conviction for the offence of operating an unlicensed guesthouse (i.e. shadow guesthouse). Details of the information are as follows:

Name of guesthouse	District	Date of cancellation of licence
Lai Ho Villa	Tsuen Wan	25 August 2010
Union Create Guest House	Mong Kok	11 April 2011
Golden Capital Travel & Trading Co	North Point	29 August 2011
Yesinn	North Point	1 November 2011
Golden Palace Hotel	Mong Kok	3 December 2012

Yours sincerely,

(Ms Iris CHAN)
for Chief Officer
Office of the Licensing Authority