

**Minutes of the 19th Meeting of
Yau Tsim Mong District Council (2012-2015)**

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

Present:

Chairman

Mr CHUNG Kong-mo, JP

Vice-chairman

Ms KO Po-ling, BBS, MH, JP

District Council Members

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

Representatives of the Government

Mrs ARON Laura Liang, JP	District Officer (Yau Tsim Mong)	Home Affairs Department
Miss NG Wai-chung, Jocelyn	Assistant District Officer (Yau Tsim Mong)	Home Affairs Department
Mr LI Ka-kei	District Environmental Hygiene Superintendent (Mong Kok)	Food and Environmental Hygiene Department
Mr WONG Kam-wah	District Environmental Hygiene Superintendent (Yau Tsim)	Food and Environmental Hygiene Department

Mr CHUNG Sze-pong, Kent	District Commander (Mong Kok)	Hong Kong Police Force
Mr SIU Kit-hung, Tony	Deputy District Commander (Yau Tsim)	Hong Kong Police Force
Mr CHOY Chik-sang, Mario	Chief Transport Officer (Yau Tsim Mong)	Transport Department
Mr WONG Tat-ming, Richard	Chief Leisure Manager (Hong Kong West)	Leisure and Cultural Services Department
Mr POON Hiu-tung, Felix	Engineer/14 (Kowloon)	Civil Engineering and Development Department
Mr LEE Chi-yin	Senior Housing Manager (Kowloon West and Hong Kong 1)	Housing Department

In Attendance:

Mr YING Yiu-hong, Stanley, JP	Permanent Secretary for Transport and Housing (Housing) cum Director of Housing	Transport and Housing Bureau
Mr WONG Yuet-chung	Chief Manager/Management (Kowloon West and Hong Kong) (Atg)	Housing Department
Ms YAN Yin-yin, Treasa	Head (Central Support Unit)	Housing Department
Ms Bernadette LINN, JP	Director of Lands	Lands Department
Ms CHIANG Chui-wan, Sophia	District Lands Officer/Kowloon West	Lands Department
Mr LI Kam-hung, Joe	Principal Estate Officer/Kowloon West (North)	Lands Department
Mr CHAN Hoi-sing	Principal Estate Officer/Kowloon West (South)	Lands Department
Mr CHAN Kwok-wai, Damian	Senior Administrative Officer (Headquarters)	Lands Department
Ms SIN Kwai-lan, Sandy	Senior Estate Surveyor/Kowloon South (District Lands Office, Kowloon West)	Lands Department
Mr LEUNG Chi-ming	Deputy District Leisure Manager (District Support) Yau Tsim Mong	Leisure and Cultural Services Department
Mr CHAN Sui-hong	Divisional Commander (Kowloon South)	Fire Services Department
<u>Secretary</u>		
Ms CHUNG Siu-lan, Joanne	Senior Executive Officer (District Council), Yau Tsim Mong District	Home Affairs Department

Opening Remarks

The Chairman welcomed representatives from government departments and participants to the meeting. He reported that Mr MOK Wing-cheong, Ringo, Chief Engineer/Kowloon 5 (Kowloon) of the Civil Engineering and Development Department; Mr LUI Kwong-fai, Chief Manager/Management (Kowloon West and Hong Kong) of the Housing Department (“HD”) and Mr YU Tat-chung, District Commander (Yau Tsim) of the Hong Kong Police Force (“HKPF”) were absent due to other commitments. Mr Felix POON, Engineer/14 (Kowloon); Mr LEE Chi-yin, Senior Housing Manager (Kowloon West and Hong Kong 1) and Mr Tony SIU, Deputy District Commander (Yau Tsim) were attending the meeting in their place respectively. He also reported that Mr Richard WONG, Chief Leisure Manager (Hong Kong West) of the Leisure and Cultural Services Department (“LCSD”) could not join the meeting until Item 12 due to other commitments. Meanwhile, Mr LEUNG Chi-ming, Deputy District Leisure Manager (District Support) Yau Tsim Mong would attend the meeting in his place.

Item 1: Visit of Permanent Secretary for Transport and Housing (Housing) cum Director of Housing to Yau Tsim Mong District Council (“YTMDC”)

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

- (a) Mr Stanley YING, Permanent Secretary for Transport and Housing (Housing) of the Transport and Housing Bureau (“THB”) cum Director of Housing; and
- (b) Mr WONG Yuet-chung, Chief Manager/Management (Kowloon West and Hong Kong) (Atg); Ms Treasa YAN, Head (Central Support Unit) and Mr LEE Chi-yin, Senior Housing Manager (Kowloon West and Hong Kong 1) of the HD.

3. Mr Stanley YING briefed the meeting on housing policies and the duties of the HD as follows:

- (i) With reference to the recommendations of the Long Term Housing Strategy (“LTHS”) Steering Committee, the Government set the 10-year housing supply target at 470 000 units in early 2014. Among those units, 280 000 should be public housing units, including 200 000 public rental housing (“PRH”) units and 80 000 Home Ownership Scheme (“HOS”) flats. As long-term housing demand was affected by a number of factors, the Administration would review and revise the housing target every year. Moreover, the LTHS Steering Committee submitted a report on public consultation to the Government in February 2014. The Government was formulating a document titled “Long Term Housing Strategy” which would be promulgated within 2014.
- (ii) The Administration was reviewing the scheme to allow White Form applicants to purchase second-hand HOS flats without payment of land premium, which had been put in place for less than a year, to determine whether the scheme should be continued.

- (iii) The Administration was reviewing the Stamp Duty (Amendment) Ordinance 2014 enacted in early 2014 and the review would be completed in early 2015.
- (iv) The Administration would report to the Legislative Council (“LegCo”) on the enforcement of the Residential Properties (First-hand Sales) Ordinance in mid-2015.
- (v) The Administration would report to the LegCo on the maintenance and enhancement of facilities of PRHs on a regular basis, e.g. water seepage and spalling of ceiling concrete as well as the progress of lift installation/replacement in PRH blocks.

(Mr John WONG joined the meeting at 2:43 p.m.)

4. Ms KWAN Sau-ling said that the public had a strong demand for PRHs but there were serious PRH tenancy abuse. The Administration should step up efforts against the abuse of PRHs so that those in genuine need could be accommodated in PRHs as soon as possible.

(Mr LAM Kin-man joined the meeting at 2:53 p.m.)

5. Mr CHAN Wai-keung said that Fu Pak was the only constituency in the district with both PRH and HOS blocks. He was generally satisfied with the performance of the two property management companies of Hoi Fu Court. He also spoke highly of Ms TSO Pui-hing, Tammy, Housing Manager of the HD, for resolving disputes of residents in the Fu Pak constituency over the years. He relayed concerns from many PRH tenants that the hefty increase of PRH rent for the current year had increased their burden of tenants who were not eligible for or did not receive Comprehensive Social Security Assistance. He considered that the rate of increase in PRH rent should not be massive. Moreover, he said that there were frequent breakdowns of lifts in Hoi Fu Court and the cause might be the ageing parts. He requested the HD to follow up the problem.

6. Mr WONG Kin-san expressed discontent that the “Report on Public Consultation on the Long Term Housing Strategy” had failed to address the community problems arisen from subdivided-units (“SDUs”). He asked whether the Administration would introduce medium and short term housing measures to tackle the problem of SDUs.

7. The Vice-chairman said that many SDU tenants or street sleepers were not eligible for PRHs. She hoped the Administration could work with the Social Welfare Department (“SWD”) to address their housing needs through compassionate rehousing. She asked whether the Government would introduce any loan schemes to assist young people in acquiring their first home. She also asked the Government what measures had in place to ease the public’s burden of housing expenditures in the face of high property price and rent.

8. Mr Francis CHONG opined that the Administration should not tolerate abuse of PRH resources and urged it to investigate into the suspected abuse of PRH resources by a Legislative Councillor. He continued that SDUs had caused water seepage problem, yet the affected households usually could not find out whether the water seepage originated in the common parts of the building or the poorly maintained units on upper floors. He suggested that the Administration should put in place a mechanism to identify the party to be held liable for the seepage within 21 or 30 days after the onset of the problem. He also suggested that

the Government should investigate the problem to identify the party to be held liable, so that the affected households could know what to do and therefore avoid unnecessary legal proceedings.

9. Mr Stanley YING responded as follows:

- (i) The Housing Authority (“HA”) had discussions on the “Well-off Tenants Policies” recently and found that there were divergent or even conflicting views in society on the policies. It was decided that the issue would be discussed in detail later.
- (ii) There was a task force to tackle PRH tenancy abuse cases. At present, around 7 000 to 8 000 flats were recovered for reallocation each year.
- (iii) The HA had set the rent for PRHs at an affordable level, which was below 10% of the average household income of PRH tenants. Under the existing legislation, the HA was only allowed to adjust the rent for PRH biennially. However, the rent increases for two years would be adjusted in one go. The public might therefore be under the impression that the rent had increased exponentially.
- (iv) The issue of SDUs was controversial and there were polarised views to the housing proposals put forward by the LTHS Steering Committee. The Administration considered that increasing PRH production was the main solution to the housing needs of eligible families.
- (v) The HD had provided Interim Housing for the needy. Although it was better than the temporary housing, the occupancy rate was relatively low. Increasing the production of PRH was still considered to be the best solution to housing problems. By setting out a long-term housing supply target, the Government hoped to create a stable and healthy environment for the development of the private market.
- (vi) The Government would provide 2 200 HOS flats in 2014 and would resume the production and sale of HOS flats by phases later. Those HOS flats could be one of the home ownership options for young people.
- (vii) The HD would spare no effort in solving the water seepage problem at PRHs, whereas the water seepage problem at private residential buildings was under the purview of the Joint Offices for Investigation of Water Seepage Complaints.

(The Hon James TO joined the meeting at 3:01 p.m.)

10. The Hon James TO said that young people had difficulties in purchasing properties nowadays. He proposed that young HOS applicants whose applications had been unsuccessful for seven consecutive years be given priority provided that they remained eligible for purchasing HOS flats.

11. The Chairman said that it was difficult for the PRH tenants to apply for transfer

based on the grounds of nuisance caused by mentally-ill neighbours under the existing mechanism. He would like to know how the HD would deal with this issue.

12. Mr Stanley YING responded as follows:

- (i) The Hon James TO's proposal involved complicated issues which were not suitable for detailed discussion at the meeting. The Government would provide 2 200 HOS flats during the year and would produce an average of 8 000 HOS flats each year in the next decade. In addition, the Government was actively identifying land suitable for HOS development.
- (ii) In response to the Chairman's enquiry, he said that the Administration would arrange for experts (e.g. social welfare organisations, doctors etc.) to help the tenants concerned on a case-by-case basis. Under the existing mechanism, the Administration could hardly terminate the tenancy of PRH tenants or ask them to move out as long as they were eligible for PRHs.

13. The Chairman thanked the representatives of the THB and the HD for joining the discussion on this item.

Item 2: Visit of Director of Lands to YTMDC

14. The Chairman welcomed Ms Bernadette LINN, Director of Lands; Ms Sophia CHIANG, District Lands Officer/Kowloon West; Mr Joe LI, Principal Estate Officer/Kowloon West (North); Mr CHAN Hoi-sing, Principal Estate Officer/Kowloon West (South) and Mr Damian CHAN, Senior Administrative Officer (Headquarters) of the Lands Department ("LandsD") to the meeting.

15. Ms Bernadette LINN gave a PowerPoint Presentation on the LandsD as follows:

- (i) The responsibilities of the LandsD included land grant (e.g. land sale, lease modification, land exchange, short-term tenancy), land acquisition, clearance of land, estate management (e.g. land control action and lease enforcement), land surveying and cartographic services.
- (ii) Under the Land Sale Programme 2014-15, four sites were in the Yau Tsim Mong ("YTM") District (one in Tsim Sha Tsui and three in Mong Kok). In view of the judicial review against the Mong Kok Outline Zoning Plan, the Development Bureau ("DEVB") was studying with the Department of Justice ("DoJ") whether the three sites in Mong Kok could be made available for sale under the Land Sale Programme as scheduled.
- (iii) In respect of the land exchange project for private lots in the YTM District, the LandsD had granted land to the Urban Renewal Authority ("URA") for redevelopment in the district. There were also topside development projects along railway lines. In addition, the LandsD was dealing with the land grant provision of the Western Kowloon Cultural District.
- (iv) There were 25 sites leased on short-term tenancy in the YTM District, including public car parks, community facilities and land for use by

non-profit-making organisations.

- (v) The LandsD would take enforcement action against unlawful occupation of government land or unlawful structures on government land in accordance with the Land (Miscellaneous Provisions) Ordinance.
- (vi) The LegCo was scrutinising the Land (Miscellaneous Provisions) (Amendment) Bill 2014 to increase the penalties relating to unlawful occupation of unleased government land.
- (vii) The LandsD might invoke the Government Rights (Re-entry and Vesting Remedies) Ordinance to resume the land in breach of land leases so as to compel the owner to cease the breach as soon as possible. The department would investigate the complaints about breaches of land leases and handle the cases referred by other departments. Furthermore, the LandsD would accord priority to the cases with immediate danger, risks of fire or serious loss of property, hygiene problems, and matters of concern among the public.

16. Mr CHOW Chun-fai said that a chain store had erected enormous metal advertising spotlight poles at Sai Yeung Choi Street and Soy Street, which had caused inconvenience to pedestrians. He asked whether the store had applied to the LandsD for permission for the works or had erected the poles by simply submitting the drawings to the Buildings Department.

17. Mr CHAN Wai-keung said that tents as large as 20 square feet x 20 square feet were often erected on the pavements in Fu Pak constituency for commercial activities. He had requested LandsD staff to visit the site at 8:00 a.m. but his request was rejected. He continued that in Tai Kok Tsui ("TKT"), the public display spot allocated to a Legislative Councillor of a certain political party was being used by the committee members of another political party for other purposes. He suspected that public resources had been abused for private use. He had requested the LandsD to follow up the case, but no follow-up action was taken. He enquired whether the LandsD had laid down any conditions for the use of publicity boards by Legislative Councillors/District Councillors.

18. Mr LAU Pak-kei would like to know what role the LandsD would assume in granting land to the URA for development. He supported the LandsD's proposal to increase the fine for unlawful construction of platforms and structures. He continued that the problem of unauthorised occupation of pavement by vehicle repair workshops and restaurants was acute in TKT. He urged the LandsD to step up enforcement action. He also suggested that the LandsD step up enforcement with relevant departments to combat illegal parking of bicycles in TKT.

19. Ms WONG Shu-ming noted that the LandsD planned to amend the law to increase the penalty for erection of unauthorised platforms and structures. She asked how long the legislative amendment would take. Moreover, she doubted whether the LandsD had sufficient manpower to conduct inspections on unauthorised extension of shop front platforms and unauthorised building works in the district. She also suggested the Councillors report the information of such "black spots" so that the LandsD could allocate its resources to focus on the reported cases.

20. Mr Francis CHONG noted that one of the duties of the LandsD was to prevent illegal occupation of government land or construction of illegal structures on government land. He pointed out that a mass occupation of public places had taken place at the section of Nathan Road between Argyle Street and Dundas Street since the previous month. For example, members of the public placed large structures, mills barriers, road barriers, tents and deity statues on the road. He asked whether the LandsD would issue statutory notices to and prosecute the road occupiers.

21. Mr John WONG said that a two-storey structure had been erected for dwelling purpose at the roadside somewhere in TKT for more than a year. He reported the case to the LandsD but the department responded that it could only take action jointly with other departments after the SWD had advised the dweller of the structure to leave. He hoped the LandsD could keep an eye on the case and tackle the street sleeping problem in the district as soon as possible. He further said that the shortage of bicycle parking spaces in TKT had given rise to serious illegal parking of bicycles. He suggested the LandsD provide additional bicycle parking spaces in the district.

22. Ms KWAN Sau-ling asked whether the Government had to bring legal action to recover government land in adverse possession within 12 years or else, the occupant could apply for adverse possession of government land. She also asked whether the illegal occupation of central reservation was under the purview of the LandsD. She said that some members of the public chained wooden carts to the central reservation and hoped the LandsD could follow up the issue.

23. Mr CHAN Siu-tong stated that illegal extension of business area by shops was serious in the district. He was discontented with the LandsD which would only take enforcement action upon receipt of reports by the public or Councillors. He warned that if the Government did not tackle the problem proactively, occupiers of government land might have a claim in adverse possession after certain years.

24. Mr Benjamin CHOI asked what follow up action the Director of Lands would take after listening to the views of Councillors at the meeting. He said that many metalware shops and vehicle repair workshops were involved in unauthorised occupation of pavements and roads in TKT and hoped the LandsD could proactively follow up the problem.

25. Ms Bernadette LINN responded as follows:

- (i) If the contractor of the LandsD removed the illegally parked bicycles and disposed articles on the street by invoking the Land (Miscellaneous Provisions) Ordinance, the chance to initiate prosecutions under the Ordinance was slim as the occupiers generally could not be identified. The LandsD would end up providing free removal service for the illegal occupiers and no deterrent effect could be achieved. The Government should consider invoking other more targeted ordinances that could achieve immediate effect to deal with such a kind of road occupation effectively.
- (ii) The Land (Miscellaneous Provisions) Ordinance required that the LandsD must post notices about clearing the occupied land or demolishing illegal structures for at least one day before taking action. Thus the Ordinance might not be effective against structures that could be easily erected and removed, but would

be more effective against illegal structures on government land that took time to remove. The Administration had to take enforcement action against different kinds of street management problem by invoking appropriate laws strategically.

- (iii) The LegCo was scrutinising the amendments to the Land (Miscellaneous Provisions) Ordinance to revise the penalties for offences relating to “unlawful occupation of unleased land”. She hoped that the LegCo could scrutinise and pass the amendments as soon as possible.
- (iv) Structures erected on pavements without the approval from the LandsD were illegal structures. The approval from the LandsD and relevant departments must be obtained prior to any implementation of works.
- (v) Occupiers could submit claims for adverse possession only after occupying, without interruption, private land for 12 years and government land for 60 years.
- (vi) The Lands Administration Office would follow up individual cases such as wooden carts in accordance with its purview.

(The Hon James TO left the meeting at 4:05 p.m.)

26. Ms WONG Shu-ming pointed out that LandsD staff did not take the initiative to handle unlawful occupation of government land in the first place. It followed that the department could not identify the occupiers and take appropriate enforcement action. Eventually, it would have to remove the miscellaneous articles placed on government land by the occupiers. She asked whether the LandsD had sufficient manpower to conduct inspection in the district and hoped that the department would step up enforcement action at the “black spots” suggested by Councillors.

27. Mr CHAN Wai-keung was concerned about the erection of tents by some organisations for commercial activities on the pavement in Fu Pak constituency. He requested the LandsD to state if site inspection would be arranged at 8:00 a.m. He reiterated that a Councillor had displayed banners for commercial advertising at his allocated public display spot. He requested the LandsD to remove the unauthorised roadside banners as soon as possible.

28. Mr John WONG repeated that a structure had been erected for dwelling purpose at the roadside of Palm Street in TKT. The occupant had illegally occupied the road for over a year and even cooked on an open fire. The occupier did not claim himself to be a street sleeper, but the departments concerned handled the case as street sleeping instead of road occupation, thereby causing delay in the demolition of the structure. He considered that the LandsD’s lax enforcement action against illegal occupation of roads might be perceived as encouraging occupation of roads.

29. Mr LAU Pak-kei considered that the response given by the Director of Lands was not concrete enough. Furthermore, he proposed that the LandsD deploy more manpower to strengthen the management of government land. He pressed the Director of Lands to reply what role the LandsD would assume in granting land to the URA for development.

30. The Chairman hoped that the Director of Lands would give a concrete response to the following issues: 1) the LandsD's arrangement for site inspection; 2) the display of banners for commercial purpose at a Councillor's allocated public display spot; 3) the illegal structure at Palm Street in TKT; 4) the role of the LandsD in granting land to the URA for development; 5) the LandsD often decided to participate in joint departmental operation only after the cases concerned were brought up at the meeting of the District Management Committee. He was of the view that the department failed to respond immediately to the public's complaints by adopting such a practice. He suggested that the LandsD follow up the cases immediately on receipt of complaints without having to wait for a joint departmental operation so as to promptly respond to the public's demand; and 6) noting that the Transport Department ("TD") and the LandsD had divergent views on the provision of additional bicycle parking spaces in TKT, he enquired how the LandsD would tackle the problem of insufficient bicycle parking space in the district and step up efforts against illegal bicycle parking at Hoi Wang Road.

31. Ms Bernadette LINN responded as below:

- (i) She would approach the relevant staff members for the details about site inspection and the display of commercial banners at Councillors' public display spots. She said that the officers of the LandsD would try to accede to Councillors' request of conducting site inspection.
- (ii) The LandsD was responsible for approving applications of display of roadside banners while the Food and Environmental Hygiene Department ("FEHD") was responsible for enforcing the law and removing illegally displayed banners at the roadside. The LandsD and the FEHD would investigate the complaints about a Councillor's display of banners with suspected commercial elements at his allocated public display spot. The FEHD would take enforcement action if the complaint was substantiated. If Councillors exchanged public display spots among themselves of their own accord, the LandsD could hardly take any action. If, however, a Councillor applied to the LandsD for another public display spot after letting other Councillors/parties use his own allocated spot for publicity purpose, the LandsD would not entertain the request.
- (iii) Even if the officers of the LandsD knew the identity of the illegal occupiers of government land, the LandsD had to post a statutory notice for no less than one day before clearing the occupied land or removing illegal structures according to the Land (Miscellaneous Provisions) Ordinance. Meanwhile, the illegal occupiers might have relocated the articles or structures illegally placed on government land if those articles were general miscellaneous items or articles that could be easily removed. Thus it was necessary to consider invoking other more targeted ordinances that could achieve immediate effect to handle such cases more effectively.
- (iv) She suggested the YTMDC provide a priority list of black spots about illegal occupation of government land by shops (e.g. attachment of platforms at shop front) in the district, especially cases involving easily identified occupiers and repeated offenders to enable the LandsD to take enforcement action more effectively.

- (v) The case at Palm Street raised by Mr John WONG involved an occupier who had erected a structure for dwelling purpose. The LandsD considered it more appropriate to handle the case by an inter-departmental approach from a humane perspective to avoid making the person homeless.
- (vi) The URA would consult bureaux/departments such as the Planning Department, the SWD and the Education Bureau in respect of requirements such as development parameters and ancillary facilities when developing a site. The LandsD would include in the land lease the requirements on ancillary facilities as appropriate after discussion with relevant bureaux/departments.

(Mr Barry WONG joined the meeting at 4:20 p.m.)

32. Ms WONG Shu-ming said that the LegCo was scrutinising the Land (Miscellaneous Provisions) Ordinance and she noted that the LandsD suggested raising the penalty for unlawful occupation of government land under the Ordinance. She continued that the Ordinance required the LandsD to post a notice for no less than one day, informing the occupier that the LandsD would clear the land or remove the illegal structures before taking action. Because of this procedure, the department could not take enforcement action immediately. She did not understand why the LandsD did not take the opportunity to amend this provision. Moreover, she was concerned whether the LandsD would focus on the cases reported by Councillors to the department about black spots of illegal occupation of and unauthorised structures on government land.

(Mr Chris IP joined the meeting at 4:23 p.m.)

33. The Chairman hoped the LandsD could focus on handling the cases of black spots raised by Councillors.

34. Ms Bernadette LINN responded as follows:

- (i) She welcomed Councillors to report black spots of unlawful occupation of government land in the district with identified occupiers and illegal structure owners to facilitate the follow-up investigation by the LandsD.
- (ii) The Land (Miscellaneous Provisions) Ordinance was enacted to handle a certain type of cases of unlawful occupation of government land. The ordinance was more effective against illegal structures on government land which took time to remove. In this case, cost would be incurred by the occupiers because they were required to clear the occupied land or remove the illegal structures in accordance with the statutory notice. To respect the legislative intent of the Ordinance, the LandsD did not propose to amend the relevant provisions. Notwithstanding this, the LandsD was seeking the DoJ's advice to find out whether enforcement action could be taken against repeated offenders of illegal occupation of the same government land, without the need to issue any notice.

35. The Chairman said that if the LandsD did not take timely enforcement action against the illegal occupiers of government land, others would follow suit, which would in turn make the LandsD more difficult to enforce the law.

36. Mr CHAN Siu-tong asked when the Land (Miscellaneous Provisions) Ordinance was enacted. He pointed out that a lot of shops illegally attached platforms to and erected illegal structures at shop fronts in the district. He would like to know when the Government would consider amending the legislation to combat the problem. He continued that he had reservation about the fact that the Government could not bring any action to recover the government land after the land had been occupied for 60 years without interruption.

37. Ms Bernadette LINN responded that she did not have the information on the date of enactment of the Land (Miscellaneous Provisions) Ordinance on hand. She reiterated that the LandsD had proposed imposing heavier penalties under the Ordinance and was studying legislative amendments to speed up the handling of repeated illegal occupation of land. She added that there were other departments and legislations to deal with the problem of street obstruction by miscellaneous articles. In addition, the LandsD would focus on handling the cases of black spots suggested by Councillors.

(Post-meeting note: The Land (Miscellaneous Provisions) Ordinance was enacted in 1972.)

38. The Chairman thanked the representatives of the LandsD for joining the discussion on this item.

(Post-meeting note: The LandsD responded to the enquiries of Mr CHOW Chun-fai, Ms KWAN Sau-ling, Mr CHAN Siu-tong and Mr CHUNG Kong-mo, which were set out in paragraph 16, paragraph 22, paragraph 36 and point 6 of paragraph 30 respectively, on the phone or at the scene of the cases after the meeting.)

Item 3: Confirmation of Minutes of 18th YTMDC Meeting

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

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

Item 4: Financial Position of YTMDC as at 20 October 2014
(YTMDC Paper No. 112/2014)

Item 5: Funding Applications from Specified Organisations
(YTMDC Paper No. 113/2014)

Item 6: Revised Funding Application from 2014-2015 Yau Tsim Mong Organising Committee on Cultural Arts Events ("OCCAE") for Organising "Arts in the Community – Schools"
(YTMDC Paper No. 114/2014)

Item 7: Funding Application from OCCAE for Organising a Dance Drama Appreciation Activity in 2014-2015
(YTMDC Paper No. 115/2014)

Item 8: Funding Application from 2014-2015 Yau Tsim Mong Road Safety Campaign Committee for Organising Yau Tsim Mong Road Safety Fun Day (YTMDC Paper No. 116/2014)

Item 9: Funding Application from Working Group on Women's Affairs ("WGWA"), YTMDC for Production of a Mobile Application to Locate Breast Feeding Areas in YTM District (YTMDC Paper No. 117/2014)

Item 10: Funding Application from Working Group on Care for the Community, YTMDC for Organising Community Care Activities in YTM District in 2014-2015 (YTMDC Paper No. 118/2014)

Item 11: Revised Funding Application from 2014-2015 Working Group on Ethnic Affairs, YTMDC for Organising Ethnic Activities (YTMDC Paper No. 119/2014)

41. The Chairman proposed that the papers in respect of Items 4 to 11 about District Council ("DC") funding be discussed together and there was no objection. He reminded Councillors to fill in the Declaration of Interests form on the table if necessary.

42. Councillors noted the financial position of the YTMDC funds as at 20 October 2014 and endorsed the funding applications for Items 5 to 11 (YTMDC Papers No. 113/2014 to 119/2014).

43. Mr Barry WONG supported the funding application under Item 9 for production of a mobile application to locate breast feeding areas in the YTM District. He enquired about the total number of breast feeding areas at public venues in the district.

44. Ms WONG Shu-ming said that the WGWA was engaging the YTMDO to collect information on local government facilities and large shopping malls where breast feeding areas were provided. Preliminary data showed that breast feeding facilities were provided at around 25 public venues in the district. The WGWA would launch the mobile application in March 2015.

Item 12: Maintenance of Olympian Park Facilities (YTMDC Paper No. 120/2014)

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

- (a) Ms Sandy SIN, Senior Estate Surveyor/Kowloon South (District Lands Office, Kowloon West) of the LandsD; and
- (b) Mr Richard WONG, Chief Leisure Manager (Hong Kong West) and Mr LEUNG Chi-ming, Deputy District Leisure Manager (District Support) Yau Tsim Mong of the LCSD.

46. Mr CHAN Wai-keung supplemented the contents of the paper. He said the owners' committees of Park Avenue and Central Park had relayed to him in July 2014 their concern

about maintaining the Olympian Park. They stated that the Olympian Park was a large leisure venue in TKT and had all along been opened for public use. Residents of the two housing estates did not use the park frequently but the owners' committees had to bear the daily operating expenses of the park. He continued that although it was stated clearly in the land lease of the housing estates that the park had to be opened to the public, many owners might not be aware of such conditions when they purchased the property. Thus he and the owners' committees of Park Avenue and Central Park hoped that the Government could avoid including such a provision in land sale conditions in future development of large private housing estates to minimise disputes.

47. Ms Sandy SIN responded that since the land owners of Kowloon Inland Lot No. 11090 (i.e. owners of Park Avenue and Central Park) were well aware of the land lease conditions of the lot, she would save the time in explaining them in detail. She then talked about the long-term policy concerning the provision of public open space in private developments. In January 2010, the Development Bureau ("DEVB") explained to the LegCo that the Government's policy direction was to avoid requiring the provision of public open space in private residential developments lest the responsibility of maintenance would be passed onto the owners unless under special circumstances such as a serious shortfall of open space in the district. In respect of commercial developments, developers were generally more willing to provide public open space. Thus the Government would retain the flexible approach in dealing with the provision of public open space in commercial developments.

48. Mr LEUNG Chi-ming said that the LCSD had no comment as the land lease condition under discussion was a matter of the Government's land development policies.

49. The Chairman said that many developers did not fulfil the responsibility to maintain the public open space in private residential developments. He worried that the facilities of such public open space would wear out and eventually affect the surrounding environment.

50. Mr CHAN Wai-keung said that a few years before, many developers occupied the public open space of commercial or comprehensive developments for commercial publicity activities, but non-profit-making organisations had to hire such public open space from the developers at a fee. He asked whether this practice was illegal. Moreover, he asked whether the LandsD would initiate prosecutions against the developers if those non-profit-making organisations lodged such complaints and the complaints were substantiated.

51. Ms Sandy SIN responded that owners who wished to use the public open space in private developments could submit applications to relevant departments with reference to the Public Open Space in Private Developments Design and Management Guidelines which was available on the website of the DEVB. She would forward the guidelines to Mr CHAN Wai-keung for reference after the meeting.

52. The Chairman thanked the representatives of the LandsD for joining the discussion on this item.

53. The Chairman said that some departmental representatives who would be joining the discussion of Item 13 had not yet arrived and he suggested Item 15 be discussed first. There was no objection.

Item 15: Any Other Business

(1) Vita Green Charity Cycling Marathon Challenge 2015 – District Council Invitation Tournament

54. The Chairman said that the 4th Vita Green Charity Cycling Marathon Challenge would be held on 1 February 2015 (Sunday). One of the race categories was the District Council Invitation Tournament, in which each DC would be invited to compete for the champion. Each DC could form one or more teams to participate in the tournament. There must be three members aged between 18 and 60 in each team, with at least one of them being a District Councillor or co-opt member. The Chairman continued that Mr CHAN Siu-tong had assisted the YTMDC in forming teams to compete in the tournament in the last two Marathons. He asked whether Councillors agreed that the YTMDC should be a supporting organisation of the 4th Charity Cycling Marathon and whether Mr CHAN Siu-tong should be nominated to form teams and represent the YTMDC to compete in the District Council Invitation Tournament. There was no objection after discussion.

(2) Report by the 5th Hong Kong Games Organising Committee

55. Mr Derek HUNG reported that Mr LAM Kin-hong of Mongkok District Cultural, Recreational and Sports Association (“MCRSA”) had earlier notified the Secretariat of his resignation as the Deputy Manager of the YTM District Delegation Team in the 5th Hong Kong Games (“HKG”). Mr HAU Wing-cheong, Acting Chairman of the MCRSA, had agreed to take over as the Deputy Manager and Mr LOW Lock-ming would take over as the leader of futsal. The said arrangements were endorsed at the meeting of YTM District Organising Committee (“OC”) for the 5th HKG on 28 October 2014.

56. Mr Derek HUNG further reported that at the said OC meeting, OC members accepted Ms CHAN Oi-ching as the sponsor of donation over \$100,000 of the YTM District Delegation Team in the 5th HKG. The OC had been maintaining close liaison with the LCSD in the selection of athletes and coaches. In addition, the YTM District Delegation Team would wear blue sportswear as per arrangement. The OC had requested the athletes representing the district to inform the LCSD of their sportswear size as soon as possible so that the department could distribute the sportswear to them. The pledging ceremony of the YTM District Delegation Team was tentatively scheduled for 14 March 2015 at Kowloon Park.

57. Councillors noted the above arrangements and had no objection.

**Item 13: To Stop Illegal Activities and Restore Social Order for People to Return to their Normal Lives
(YTMDC Paper No. 128/2014)**

58. The Chairman said that the Secretariat received the discussion paper of Item 13 after the paper submission deadline. Since the paper was jointly submitted by two-thirds of the Councillors of the YTMDC and the incident described in the paper had serious impacts on the daily life of the residents in Mong Kok District, he decided to exercise the delegated authority to the Chairman of the DC under the Standing Orders of the Yau Tsim Mong District Council to put the item for discussion at the meeting. He continued that the written response of the

Security Bureau (Annex 2) had been placed on the table for Councillors' reference. He then welcomed the following representatives to the meeting:

- (a) Mr Kent CHUNG, District Commander (Mong Kok) and Mr Tony SIU, Deputy District Commander (Yau Tsim) of the HKPF;
- (b) Mr Mario CHOY, Chief Transport Officer (Yau Tsim Mong) of the TD; and
- (c) Mr CHAN Sui-hong, Divisional Commander (Kowloon South) of the Fire Services Department ("FSD").

59. The Vice-chairman supplemented the contents of the paper. She said that the "Occupy Central" movement ("the Movement") had lasted for more than a month. The occupiers had occupied the streets of Mong Kok, resulting in severe impact on residents and shop operators in the district. Since the beginning of the Movement, she and many YTMDC Councillors had received complaints from residents and shop operators against the Movement. Moreover, 70 to 80 bus routes passing through the YTM District were diverted. She and Mr Francis CHONG submitted a discussion paper on the Movement to the Secretariat on 15 October 2014. Subsequent to the re-opening of northbound Nathan Road on 17 October 2014, they decided to withdraw the paper in the expectation that the chaotic road blockade would alleviate. However, not only the areas in the vicinity along Nathan Road to Argyle Street were occupied at present, some sections of Dundas Street were also blocked. During the occupation, there were constant confrontations between participants of the Movement and people against the Movement. Some even threw objects from height. There were signs of intensified tension in Mong Kok which was on the verge of a riot. Furthermore, the occupiers had ignored the injunction order granted by the court. In view of this, 17 YTMDC Councillors jointly moved a motion and urged the Council to pass the motion.

60. Mr Kent CHUNG responded as follows:

- (i) It was an offence to occupy roads. The occupiers stole government properties such as mills barriers to block roads and obstruct the access of emergency vehicles. As a result, the public in the vicinity of the occupied areas were exposed to unnecessary risks to life.
- (ii) In the previous month, various sectors of the society visited different occupied areas across the territory and appealed to the occupiers (especially students and teenagers) to remove barricades and evacuate as early as possible, but they turned a deaf ear to the advice.
- (iii) The Movement had led to traffic diversion and severe congestion, causing inconvenience to residents and people working in the district. The movement had also undermined the rule of law.
- (iv) The confrontation between the participants and opponents of the Movement during the night of 3 October 2014, and the re-occupation of roads in Mong Kok during the night of 17 October 2014 showed that the aggressive acts of the protestors did not only impede law enforcement and disrupt social order, but also affected the daily life of Hong Kong people. The police would step up enforcement against all violent behaviours.

- (v) From the beginning of the Movement to 28 October 2014, the police had arrested a total of 115 persons from different occupied areas in Mong Kok, among which 106 were males and 9 were females aged between 18 and 82. The offences involved included assault, criminal damage, assault occasioning actual bodily harm, resisting arrest, assaulting police officer and obstructing police officer, etc.

61. Mr CHAN Sui-hong responded that road blockades had affected the emergency rescue work of the FSD in four aspects: firstly, delay in rescue operation; secondly, impact on rescue resources; thirdly, impact on operational deployment in case of fire; and fourthly, increased fire risks to affected buildings.

(i) Delay in rescue operation

Since 28 September 2014, a number of trunk roads on Hong Kong Island and in Kowloon were blocked. Many barricades were erected on the roads that led to traffic diversion and traffic congestion. Fire-fighting, rescue and emergency ambulance services of the FSD were also affected. The impacts were not confined to the blocked road sections, but also the surrounding areas.

The impact could generally be quantified by the response time performance (“RTP”) in the affected areas. When compared with the time before the outbreak of the road blockade (1 January to 27 September 2014), the RTP in the affected areas, namely the Central District, Causeway Bay/Wan Chai and Mong Kok, had recorded a decrease ranging from 1.3% to 11.1% subsequent to the road blockade (after 28 September 2014). He continued that ambulance crew needed to safely deliver the injured to hospital, but at present, ambulances could not use the roads in the affected areas to gain direct access to surrounding hospitals. The obstruction of roads continued to affect rescue operations of the FSD and as a result, the lives and properties of the public would be seriously endangered.

In summary, what the FSD was facing was that it could not use the fast lanes and major roads in affected areas and could not go to the nearest hospital. In other words, the rescue services of the FSD had been continuously affected by the road blockade which might severely endanger the life and property of the public.

He emphasised that time was of vital importance in fire-fighting, rescue services and emergency ambulance services of the FSD. A small fire might turn into a disaster with severe loss of life and property because of a minute’s delay. To those injured persons and patients requiring emergency ambulance services, one minute of delay could mean a difference between life and death.

(ii) Impact on rescue resources

To enable prompt arrival at the scene, the FSD would despatch vehicles in duo to the scene when necessary. Vehicles from different fire stations or ambulance depots would be despatched to ensure that one of the two vehicles from either direction could reach the scene swiftly. To a certain extent, this would thin out the resources of emergency services for other districts.

(iii) Impact on operational deployment in case of fire

In case of fire in buildings, the FSD staff would need to deploy hose reels and aerial ladders, which would require much road space. However, the barricades could not be easily removed within a short time. Even if the roads were re-opened, rescue might be delayed by the assembled crowd and the large number of temporary structures.

(iv) Increased fire risks to affected buildings

Apart from hindering the FSD's deployment, the accumulation of miscellaneous articles and structures on the street would pose higher risks to buildings in the vicinity. This was because when there was a fire, flying embers or other falling objects might injure the crowds nearby and set fire to the articles on the road. The fire might spread to other buildings nearby through such articles.

62. Mr Mario CHOY responded as follows:

- (i) Since 28 September 2014, the Emergency Transport Co-ordination Centre ("the ETCC") of the TD, in collaboration with the relevant departments and public transport operators, had been closely monitoring the traffic and public transport situations round the clock every day in the territory. The ETCC would co-ordinate the public transport services and make diversion arrangements based on the situations of each district and implement contingency measures having regard to the actual traffic flow. Furthermore, the TD would disseminate the latest traffic news to the public through its website, the media and SMS messages to help them plan their journeys in advance.
- (ii) A number of major trunk roads on Hong Kong Island and in Kowloon (including Connaught Road Central, Gloucester Road, Nathan Road and Argyle Street) had been blocked. Alternative roads in Kowloon such as Waterloo Road, Shanghai Street, Reclamation Street, Boundary Street, Prince Edward Road East and Prince Edward Road West had also become very congested due to the significant increase in traffic flow.
- (iii) As for the impact on public transport services, a total of 270 bus routes were affected on 30 September, accounting for 48% of all bus routes in Hong Kong. There were about 80 suspended routes and more than 190 diverted routes. As at 29 October, 225 routes were still affected by road blockades and they accounted for 40% of all bus routes in Hong Kong. Eight of the routes were suspended and the remaining 217 routes were diverted. As most bus routes in Kowloon passed through Argyle Street and Nathan Road, their travelling time, frequency and journey had been severely affected. Overall, the travelling time for buses and minibuses per trip had increased by some 30 to 40 minutes, and the frequency of some routes had been reduced by half.
- (iv) As the roads were unusually congested, the travelling time of some public transport routes was once increased to 1.5 hours to 3 hours.

63. Mr Francis CHONG wanted to know among the 115 persons arrested by the Police in Mong Kok in the previous month, how many were prosecuted for unlawful assembly; among those who were not prosecuted, how many were under investigation and were released on bail.

He further enquired about the number of persons who had refused to extend bail upon expiry of bail period and whether the Government would prosecute those persons for unlawful assembly or release them unconditionally.

64. Mr HAU Wing-cheong said that not only did the Movement cause traffic congestion and obstruct the access of emergency vehicles, but also gave rise to public grievances due to its impacts on the small and medium enterprises, the catering industry and the retail industry in the occupied areas. He supported the Police in upholding the rule of law, clearing the scene effectively and arresting the organisers of the Movement.

65. Mr LAM Kin-man indicated that he had been authorised by the Hon James TO, who left the meeting early to attend the LegCo Meeting, to vote on his behalf. He continued that the Movement had been going on for over a month, but it was not until 29 October that the 17 Councillors submitted the paper with a motion and requested discussion at the meeting on the next day. The Hon James TO and he did not understand why the Councillors had not submitted the paper earlier. They also expressed regret over the Chairman's acceptance of the discussion on the paper at the meeting. He pointed out that a lot of members of the public participated in the Movement out of their discontent with the Standing Committee of the National People's Congress's ("NPCSC") decision made on 30 August about the selection of the Chief Executive by universal suffrage and the method for forming the LegCo in 2016. He hoped that the Government would solve the problem at the political level and hold a second round of dialogue with the representatives of Hong Kong Federation of Students ("HKFS") and other stakeholders to reach a consensus, so that the occupiers would leave the occupied areas as soon as possible.

66. Mr Barry WONG remarked that the Movement had lasted for over a month and had reached a deadlock. Therefore, the Chairman had no choice but to "take special measures for special problems" to put the paper to the meeting for discussion. He continued that the Police deserved great trust and commendation for their bravery, professionalism and restraint in taking enforcement action against the occupiers who defied the injunction order granted by the Court and openly disobeyed orders. He enquired about the Police's support provided for frontline police officers and their families.

67. Mr Chris IP said that there were new updates on the Movement every day. Normal social order could not be restored because the occupiers continued to occupy roads in disregard of the interim injunction order granted by the Court. He corrected Mr LAM Kin-man that the NPCSC's decision on the political reform of Hong Kong was made on 31 August instead of 30 August. He said that the Government had shown its sincerity by putting forward two proposals during the dialogue with the representatives of the HKFS. One of the proposals was to set up a communication platform for the consultation on various aspects of the political reform. He hoped that Mr LAM Kin-man and the Hon James TO would call on the occupiers to leave as soon as possible to allow the society to resume its normal order.

68. Mr HUI Tak-leung said that the building in which he was residing was within the occupied area in Mong Kok. During the early days of the Movement, residents experienced difficulties in withdrawing money as the automatic teller machines ("ATMs") of HSBC and Hang Seng Bank in the area were all shut down and the cash in the ATMs in Mong Kok MTR Station was all withdrawn. He continued that a fire broke out at Kwong Yuen Building at 10:00 p.m. on 27 October. The residents of the building had to self-evacuate as no fire appliance could promptly arrive after they had reported the case. It was thus evident that the

occupiers had seriously affected the normal life of residents and the emergency rescue service of the FSD. While he respected the occupiers' freedom to express aspiration, he thought that they should not do so at the expense of the interests of the residents in Mong Kok and urged them to retreat from the occupied areas as early as possible.

69. Ms WONG Shu-ming said that agitation had pervaded the society and there had been endless disputes over the Movement among families and friends since its onset. She hoped for the early retreat of occupiers and swift enforcement action by the Police so as to end the Movement soon. She also hoped that the Government would introduce a series of relief measures in light of the Movement. On behalf of the residents in Mong Kok District, she thanked the Police for its devotion in upholding the rule of law. She called on the occupiers to refrain from sacrificing others' interests while striving for democracy.

70. Mr Derek HUNG thanked the Police for their professionalism and restraint in taking enforcement action over the past months on behalf of the residents in Tsim Sha Tsui West constituency. He wrote to the management of the FSD in mid-October to express his concerns over the potential fire risks which might arise from the Movement. He continued that the metal railings and bamboo scaffolds used by occupiers to block major roads might impede the FSD's rescue operation. In addition, he thanked the Police for promptly handling the "occupy" incident at Canton Road to restore the order. He added that the general public in Hong Kong did not agree to the illegal behaviours of occupiers in the pursuit of the so-called "democracy" and considered that such behaviours had completely destroyed the rule of law which was the cornerstone of Hong Kong's success.

71. Mr CHAN Wai-keung said that in the early days of the Movement, a Senior Superintendent of Police wore the cap bearing colonial badge by mistake when carrying out duties in the occupied area in Mong Kok. He asked the Police why such a mistake had happened. He continued that not all occupiers participated in the Movement with the aim of striving for democracy. Some might have been provoked by the use of tear gas by the Police. Some were young people who might be discontented with the lack of upward mobility in society, while some others might have housing problems or were dissatisfied with the Government's frequent introduction of policies in favour of the business sector. Therefore, he considered that the Government must face up to the deep-rooted dilemma of the society after the Movement. Similar movements might otherwise occur frequently in future.

72. Ms KWAN Sau-ling thanked the Police and the FSD for standing fast in their positions during the Movement. She said that two large-scale exhibitions had been cancelled recently due to the Movement. Furthermore, the occupancy rate of the guesthouses in tourist destinations, the number of visitors and share price had dropped. The business in all trades had become sluggish, just like the market situation in the SARS period. She hoped the occupiers could understand that all sectors in Hong Kong had been hardly hit by the Movement. She urged them to end the movement as soon as possible so that social order could be restored.

73. Mr CHAN Siu-tong said that he was operating a small business in the YTM District. In recent months, the business of the commercial sector was affected and the decrease in business volume was even higher than that during the SARS period. Operators found that there was no sign of recovery even though it was right after the golden week in October and in the run-up to Christmas and Lunar New Year. He continued that foreign investors and tourists were hesitant to come as they were concerned about the impacts of the Movement on the rule of law and safety of Hong Kong. He worried that Hong Kong would lose its edges

to other places amid the deteriorating business environment. He hoped that occupiers would give deep thoughts to the impacts of the Movement on all strata in Hong Kong and end the action immediately.

74. Mr WONG Kin-san opined that it was selfish to pursue the “universal suffrage dream” in defiance of the rule of law and by ignoring the interests of various social strata. He said that the occupiers should voice their discontent to the Government directly, instead of expressing their aspiration by way of undermining the rule of law and affecting the daily life of the public.

75. Mr Benny YEUNG said that because of the Movement, students studying in Mong Kok had to walk or use more expensive means of transport to go to school. Furthermore, many small shop operators in Mong Kok had suffered a loss in business in recent months and the average daily income of many taxi drivers had dropped by 30% to 40%. He further said that the access of some residents in Mong Kok to their residence was obstructed as the entrance of their buildings had been blocked by the protesters on a long term basis. They thus often had confrontations with the protesters on trivial matters. He considered that the illegal acts of the protesters had made Hong Kong become a lawless society. He thanked the Police for their commitment to serving the community over the past months and hoped that members of the public could be tolerant of and accept the occasional mistakes made by the Police.

76. The Chairman said that the rule of law was the cornerstone of democracy. He found it difficult to understand why the democracy fighters chose to express their aspirations for democracy in defiance of the rule of law. He pointed out that the Movement had seriously affected the life and business of many residents and small shop operators in the occupied areas in Mong Kok and their vicinity. Furthermore, he noted that the Police had deployed some of its manpower to maintain order in the occupied areas, thus significantly reducing the patrolling force in the Mong Kok Police District. In addition, the GMB travelling from Charming Garden to Mong Kok East Station usually took 10 minutes. As the route had been diverted, the travelling time significantly increased to 45 minutes. He further said that it would take much time to remove the barricades erected by protesters in the occupied areas. This would severely obstruct the access of fire emergency vehicles to the occupied areas and thus seriously affect the emergency rescue services.

77. Mr Kent CHUNG responded as follows:

- (i) Anyone who committed illegal acts should be brought to justice. As it was illegal to occupy roads, the Police had responsibility for collecting evidence and conducting follow-up investigations. He stressed that everyone was equal before the law.
- (ii) The Hong Kong Bar Association had issued a statement, indicating that the participants of the Movement should respect the rights and freedom of other people who did not necessarily agree with their views, and should not cause excessive damage or inconvenience. They should also be ready to accept the criminal consequences of their conduct.
- (iii) The Police would seriously probe into each case. As at 28 October, the Police had arrested 115 persons in the occupied areas in Mong Kok. The offences concerned included assault, criminal damage, assault occasioning actual bodily

harm, resisting arrest, assaulting police officer and obstructing police officer, etc. Moreover, the Police were very concerned that some people disseminated false news via the Internet and attacked the Government websites. They would initiate investigations into the cases and make arrests. He pointed out that anyone who incited others to engage in illegal activities, no matter in the real or cyber world, had to bear criminal liability and would be brought to justice.

- (iv) The Police had exercised restraint in handling the protesters in the past month. However, they would not tolerate any acts of violence. Although police officers were provoked and insulted by the protesters when carrying out duties, they still enforced the law in a professional and impartial manner with restraint in a bid to ensure public safety, maintain public order and avoid injuries to the protesters, members of the public and police officers.
- (v) The Police had removed barricades in Central, Admiralty, Causeway Bay and Mong Kok to resume the traffic and minimise the impact of road occupation on pedestrians and emergency rescue services. However, the protesters erected the barricades again and the situation remained the same. The Police would closely monitor the situation and take timely action. Before taking action, the Police would issue announcements and warnings to give the protesters a last opportunity to leave and would arrest those who refused to leave.
- (vi) The Police would like to express their heartfelt gratitude to the YTMDC, Fight Crime Committee, district organisations, local community and members of the public for their support. He would convey the YTMDC's gratitude and support to the officers of the Mong Kok Police District.
- (vii) The HKPF had a number of channels in place to assist police officers and their relatives to cope with negative emotion appropriately.
- (viii) The FSD would deploy firemen to the operation command centre in the occupied areas to strengthen liaison and communication with the Police so that fire appliances could be deployed to the scene soonest in case of incidents. The Police and the FSD would jointly remove barricades if necessary to facilitate access of emergency vehicles to provide assistance to those in need.
- (ix) The police officer who wore a cap with the wrong badge had apologised to the public and he appealed for the public's understanding.

78. Mr CHAN Sui-hong responded as below:

- (i) The FSD had repeatedly appealed to the public to remove barricades during the joint press conference with the Police. It had also deployed officers to the occupied areas to urge occupiers to remove barricades to avoid increasing the risk of fire, but the efforts were in vain.
- (ii) The FSD had conducted risk assessments and reviewed resource allocation and operational strategy as early as before the onset of the Movement to handle unforeseen incidents.

- (iii) The FSD had deployed duty officers to the operation command centre of the Police to closely monitor the situation of various occupied areas round the clock to ensure the earliest possible mobilisation of fire appliances and emergency vehicles to the scene. The FSD would also deploy emergency vehicles to the destination from two different directions to ensure that one of the two vehicles from either direction could arrive at the scene.
- (iv) According to Section 10 of the Fire Services Ordinance, the Director or other member in charge of the FSD or any contingent thereof on the occasion of a fire or other calamity might remove or order any member under his command to remove any person interfering by his presence or actions with the operations of the FSD. This provision was only applicable in case of a fire. The FSD would not remove barricades on roads under general circumstances.
- (v) FSD staff would consider removing some unusually tall barricades jointly with the Police to avoid affecting the access of emergency vehicles having regard to experience and the actual environment.

79. Mr Francis CHONG said that the discussion paper was submitted to redress public grievances. He referred to what Mr LAM Kin-man had just stated that political issues should be resolved through political means. However, occupiers tried to achieve their purpose through illegal means. It was unreasonable for them to request solutions through political means while they acted illegally. He urged law enforcers to take action in accordance with the law. He also appealed to Councillors from the pan-democratic camp to persuade occupiers to leave as soon as possible to enable law enforcers to carry out their duties.

80. The Chairman said that the original motion in YTMDC Paper No. 128/2014 was proposed by the Vice-chairman, Mr CHAN Siu-tong, Mr CHAN Wai-keung, Mr Benjamin CHOI, Mr Francis CHONG, Mr CHOW Chun-fai, Mr HUI Tak-leung, Mr Derek HUNG, Mr Chris IP, Ms KWAN Sau-ling, Mr LAU Pak-kei, Mr John WONG, Mr WONG Kin-san, Mr Barry WONG, Ms WONG Shu-ming, Mr Benny YEUNG and him, and was seconded by Mr HAU Wing-cheong. The original motion was as follows:

“The Yau Tsim Mong District Council urges the Occupy Central participants to stop illegal acts immediately so that social order can be restored and the public can return to their normal life.”

81. The Chairman continued that the Hon James TO had authorised Mr LAM Kin-man to vote on his behalf. Mr LAM Kin-man proposed an amended motion (Annex 3), which was seconded by the Hon James TO. The amended motion was as follows:

“Since the Occupy Central participants and many people are dissatisfied with the decision on political reform made by the NPCSC on 31 August 2014, the Yau Tsim Mong District Council urges the Government to begin a new round of sincere, concrete and comprehensive discussions with the Occupy Central participants soonest so that Hong Kong people can see the hope of a genuine universal suffrage in 2017, thus they will end the Occupy Movement to restore social order and the public can return to their normal life.”

82. The Chairman said that the Hon James TO had seconded the amended motion only in writing. He enquired of the Secretariat whether the amended motion could be put to the YTMDC meeting for discussion.

83. The Secretary responded that the Hon James TO had authorised Mr LAM Kin-man to vote on his behalf before he left the conference room. He had also signed the amended motion in the column for seconders. Therefore, that amended motion should be valid.

84. The Chairman said that the YTMDC had received an original motion and an amended motion. He enquired of the Secretariat about the procedure of handling the two motions.

85. The Secretary responded that in accordance with the Standing Orders of the YTMDC, the Council should vote on the amended motion. If the amended motion was passed, it was not necessary to vote on the original motion. If the amended motion was negated, the Council should vote on the original motion.

86. Mr Barry WONG said that judging from the contents of the amended motion, it seemed that it was a replacement instead of an amendment. He doubted whether such motion should be put to the meeting for discussion.

87. Mr Chris IP said that although Mr LAM Kin-man expressed his hope for an early conclusion of the Movement in the amended motion, he put the focus on the decision on the constitutional reform made by the NPCSC on 31 August 2014. Mr IP opined that it was the illegal acts of the occupiers that made many Hong Kong people dissatisfied, but not the decision made by the NPCSC on 31 August 2014. In view of this, he and fellow Councillors from the same party objected to the amended motion.

88. Mr LAM Kin-man was dissatisfied with the statement by Mr Barry WONG that the amended motion ran counter to the original motion. He said that the amended motion also appealed for the earliest conclusion of the Movement and restoration of social order. As the Movement originated from political issues, the Government should solve the problem at the political level.

89. Mr Chris IP did not understand why Mr LAM Kin-man did not mention any illegal acts in the Movement in the amended motion, given that he was a lawyer.

90. Mr LAM Kin-man was dissatisfied with Mr Chris IP's personal attack.

91. Mr Chris IP enquired why Mr LAM Kin-man did not condemn the illegal acts in the Movement but chose to avoid discussing it.

92. The Chairman said that the wording of the original motion was "...to stop illegal acts immediately...", but was amended to "...end the Occupy Movement..." in the amended motion. He would not comment on whether Mr LAM Kin-man and the Hon James TO regarded the Movement as illegal.

93. Mr Francis CHONG emphasised that the original motion was meant to "stop illegal acts immediately", but Mr LAM Kin-man held the view that the Movement could only be concluded by the Government at the political level. Mr Francis CHONG said that there was

no room for bargaining on illegal acts.

94. The Chairman asked Councillors to vote on the amended motion.

95. The voting result: Mr LAM Kin-man and the Hon James TO (Mr LAM Kin-man voted on his behalf) voted for the amended motion (2 votes); the Chairman, the Vice-chairman, Mr CHAN Siu-tong, Mr CHAN Wai-keung, Mr Benjamin CHOI, Mr Francis CHONG, Mr CHOW Chun-fai, Mr HAU Wing-cheong, Mr HUI Tak-leung, Mr Derek HUNG, Mr Chris IP, Ms KWAN Sau-ling, Mr LAU Pak-kei, Mr John WONG, Mr WONG Kin-san, Mr Barry WONG, Ms WONG Shu-ming and Mr Benny YEUNG voted against the amended motion (18 votes). No Councillor abstained from voting.

96. The Chairman announced that the amended motion was negated. He asked Councillors to vote on the original motion.

97. Mr LAM Kin-man requested to speak.

98. The Chairman said that as the amended motion was negated, Mr LAM Kin-man should respect the result and let him chair the meeting so as to ensure its smooth conduct. He asked Councillors to vote on the original motion.

99. Mr LAM Kin-man walked out in protest at 6:25 p.m.

(Mr LAM Kin-man left the meeting at 6:25 p.m.)

100. Voting result: The Chairman, the Vice-chairman, Mr CHAN Siu-tong, Mr CHAN Wai-keung, Mr Benjamin CHOI, Mr Francis CHONG, Mr CHOW Chun-fai, Mr HAU Wing-cheong, Mr HUI Tak-leung, Mr Derek HUNG, Mr Chris IP, Ms KWAN Sau-ling, Mr LAU Pak-kei, Mr John WONG, Mr WONG Kin-san, Mr Barry WONG, Ms WONG Shu-ming and Mr Benny YEUNG voted for the motion (18 votes). No Councillor voted against the motion. No Councillor abstained from voting.

101. The Chairman announced that the original motion was passed. He remarked that Councillors were respectful when voting on the amended motion. However, Mr LAM Kin-man disrupted the order of the meeting by shouting in the conference room when Councillors voted on the original motion. In this connection, he condemned Mr LAM's act.

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

Item 14: Progress Reports

- (1) **District Management Committee**
(YTMD Paper No. 121/2014)
- (2) **District Facilities Management Committee**
(YTMD Paper No. 122/2014)
- (3) **Food and Environmental Hygiene Committee**
(YTMD Paper No. 123/2014)
- (4) **Housing and Building Management Committee**
(YTMD Paper No. 124/2014)
- (5) **Traffic and Transport Committee**

- (6) (YTMDC Paper No. 125/2014)
Working Group on Care for the Community
(YTMDC Paper No. 126/2014)**
 - (7) YTM Area Committees
(YTMDC Paper No. 127/2014)**
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103. Councillors noted the contents of the progress reports.

104. There being no other business, the Chairman closed the meeting at 6:25 p.m. The next meeting would be held at 2:30 p.m. on 11 December 2014 (Thursday).

Yau Tsim Mong District Council Secretariat
November 2014

**Proposed Amendments to the Draft Minutes of
the 18th Meeting held on 21 August 2014
Yau Tsim Mong District Council (2012-2015)**

Paragraph 108:

Original text: “Mr Derek HUNG said that the Chairman and he.....He thereafter wrote to the Town Planning Board and the WKCD to relay the OC’s strong opposition and to urge them to consult the YTMDC on important amendments relating to the WKCD.”

Proposed amendment: “Mr Derek HUNG said that the Chairman and he.....He thereafter wrote to the Town Planning Board and the WKCD to call for their due consideration of the OC’s strong opposition and to urge them to consult other DCs and residents as well on important amendments relating to the WKCD.”

Paragraph 166:

Original text: “Mr Derek HUNG pointed out that directly discharging sewage into Hong Kong waters was undesirable. He suggested that the EPD and the MD should require passenger ships of a certain tonnage plying between outlying islands and Central to be equipped with sewerage facilities before a licence could be issued or renewed. The problem of pollution of Hong Kong waters by sewage from small and medium ships could be regulated in such a way.”

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

結束違法行為、恢復社會秩序、讓市民重過正常生活
(油尖旺區議會第128/2014號文件)

保安局的書面回應

關於貴會於以下電郵提出的邀請，本局未能派代表出席貴會於十月三十日舉行的會議。據本局了解，警方相關的警區會有代表出席會議商討有關事項。

油尖旺區議會秘書：

動議修訂第 13 項議程之動議

我們對於油尖旺區議會第 128/2014 號文件之動議，提出以下修訂動議：

「鑑於佔中人士和很多市民不滿人大常委會 8 月 31 日之政改決定，油尖旺區議會敦促政府儘快和佔中人士展開新一輪真誠、實質及全面性討論，令全港市民能真正看到 2017 年有實施真普選的希望，因而可結束佔領運動，恢復社會秩序，讓市民重過正常生活。」

動議人：林健文

和議人：涂謹申