**Minutes of the 15th Meeting of**

**Central and Western District Council**

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| **Date** | : | 17 July 2014 (Thursday) |
| **Time** | : | 2:30 pm |
| **Venue** | : | Conference Room  14/F, Harbour Building  38 Pier Road, Central, Hong Kong |

**Present:**

Chairman

Mr YIP Wing-shing, BBS, MH, JP\*

Vice-chairman

Mr CHAN Hok-fung, MH\*

Members

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| Mr CHAN Chit-kwai, BBS, JP\* |  |
| Mr CHAN Choi-hi, MH | (2:30 pm to 9:10 pm) |
| Mr CHAN HO-lim, Joseph\* |  |
| Ms CHENG Lai-king\* |  |
| Mr CHEUNG Kwok-kwan, JP | (3:30 pm to the end of the meeting) |
| Mr CHEUNG Yick-hung, Jackie\* |  |
| Mr HUI Chi-fung | (2:30 pm to 4:00 pm, ordered to leave) |
| Mr KAM Nai-wai, MH | (2:30 pm to 8:02 pm) |
| Dr Malcolm LAM\* |  |
| Mr LEE Chi-hang, Sidney\* |  |
| Miss LO Yee-hang | (2:36 pm to 9:58 pm) |
| Mr MAN Chi-wah, MH\* |  |
| Mr NG Siu-keung, Thomas, MH, JP | (2:30 pm to 3:11 pm and 4:54 pm to the end of the meeting) |
| Ms SIU Ka-yi | (2:30 pm to 8:01 pm) |
| Mr WONG Kin-shing | (2:30 pm to 7:20 pm) |

Remarks:   \* Members who attended the whole meeting

( ) The time of attendance of the Member

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| **Item 2(i)** |  |
| Mr LEUNG Ka-wah, Michael | Senior Liaison Engineer, MTR Corporation Limited |
| Mr Edmund WONG | Operations Manager-Island Line & Tseung Kwan O Line,  MTR Corporation Limited |
| Mr Kenrick KO | Project Communications Manager – Engineering Project  & Property, MTR Corporation Limited |
| Mr LI Sze-ming | Senior Engineer/WIL 1, Highways Department |
| Mr YIP Koon-keung, Ken | Senior Engineer/Priority Railway 1, Transport Department |
| Mr NGAN Siu-ming, George | District Leisure Manager (Central & Western), Leisure and Cultural Services Department |
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| **Item 2(ii)** |  |
| Mr Michael MA | Director (Planning and Design), Urban Renewal Authority |
| Mr AU Chun-ho, Wilfred | Deputy Chief Manager (Planning and Design), Urban Renewal Authority |
| Mr WONG Chi-pan, Ricky | Chief Assistant Secretary (Works) 2, Development Bureau |
| Miss LEE Lai-kwan, Queenie | Assistant Secretary (Heritage Conservation) 3, Development Bureau |
| Mr CHU Ho, Larry | Assistant Secretary (Harbour) 1, Development Bureau |
| Ms TSOI Shuk-mei, May | Estate Surveyor/Central (District Lands Office, Hong Kong West and South) , Lands Department |
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| **Item 4** |  |
| Mr LAI Man-hin, FSDSM | Director of Fire Services, Fire Services Department |
| Mr TSANG Tat-ming | Division Commander (Hong Kong Central), Fire Services Department |
| Mr CHEUNG Tsee-tuck | Assistant Chief Ambulance Officer (Hong Kong), Fire Services Department |
| Mr SUEN Wai-cheong | Division Officer (Management Group) 2, Fire Services Department |
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| **Item 5** |  |
| Ms Bernadette LINN, JP | Director of Lands, Lands Department |
| Ms WU Kam-man, Regina | District Lands Officer/HKW & S (District Lands Office,  Hong Kong West and South), Lands Department |
| Mr KWOK Kin-man, Alex | Senior Estate Surveyor/LC & LE (District Lands Office/Hong Kong East, West & South), Lands Department |
| Mr LAU Cheuk-hin, Hinry | Estate Surveying Graduate (District Lands Office, Hong Kong West and South), Lands Department |
| Mr CHAN Kwok-wai, Damian | Senior Administrative Officer (Headquarters), Lands Department |
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| **Item 8** |  |
| Mr KWOK Wai-fan, Franco, JP | Assistant Director (4), Home Affairs Department |
| Miss LI Ka-yuen, Sandy | Administrative Officer (4), Home Affairs Department |
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| **Item 9** |  |
| Miss CHOW Ho-kiu, Cheryl, JP | District Officer (Central & Western), Home Affairs Department |
| Miss LO Wing-sha, Tiffany | Project Manager, Home Affairs Department |
| Mr LI Ho-kin | Senior Project Co-ordination Manager, Architectural Services Department |
| Mr AU Tat-wing, Esmond | Senior Architect/22, Architectural Services Department |
| Mr SY Kin-man, Kevin | Architect/209, Architectural Services Department |
| Miss May W Y WONG | Landscape Architect, Architectural Services Department |
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| **Item 10** |  |
| Mr Andes LEUNG | Co-founder and COO, RunOurCity |
| Ms Nicole MAK | Director, Project, RunOurCity |
| Ms Hestor LO | Manager, Project, RunOurCity |
| Mr CHU Man-chiu | Station Commander Kwong Wan Fire Station, Fire Services Department |
| Mr TONG Pak-yu, Simon | Chief Estate Officer (District Lands Office, Hong Kong East, West and South), Lands Department |
| Mr LING Wing-cheong | Acting District Environmental Hygiene Superintendent (Central/Western), Food and Environmental Hygiene Department |
| Mr LOK Chun-chung, Francis | Engineer/Central & Western 1, Transport Department |
| Ms CHAN Yee-Lai | Acting District Commander (Central District), HKPF |
| Mr SOO Wan-lok | Police Community Relation Officer (Central District), HKPF |
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| **Item 11** |  |
| Mr Patrick Tang | Director of Campus Life, The University of Hong Kong |
| Mr K S WONG | Assistant Director of Estates, The University of Hong Kong |
| Mr Louis YU | Senior Architect, Andrew Lee King Fun & Associates Architects Limited |
| Miss LEUNG Cheuk-lam, Shirley | Engineer/Central & Western 3, Transport Department |
| Mr LING Wing-cheong | Acting District Environmental Hygiene Superintendent (Central/Western), Food and Environmental Hygiene Department |
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| **Item 12** |  |
| Mr TSE Pui-keung, Derek | Senior Town Planner/HK 5, Planning Department |
| Miss TSUI Shuk-ting, Yvonne | Senior Transport Officer / Central & Western, Transport Department |
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| **Item 13** |  |
| Ms CHAN Yee-Lai | Acting District Commander (Central District), HKPF |
| Mr SOO Wan-lok | Police Community Relation Officer (Central District), HKPF |
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| **In Attendance:** |  |
| Ms CHAN Yee-Lai | Acting District Commander (Central District), HKPF |
| Mr SOO Wan-lok | Police Community Relation Officer (Central District), HKPF |
| Mr LAM Wai-chuen, Eddie | Acting Chief Engineer/HK (1), Civil Engineering and Development Department |
| Mr LING Wing-cheong | Acting District Environmental Hygiene Superintendent (Central/Western), Food and Environmental Hygiene Department |
| Mr NGAN Siu-ming, George | District Leisure Manager (Central & Western), Leisure and Cultural Services Department |
| Miss TSUI Shuk-ting, Yvonne | Senior Transport Officer / Central & Western, Transport Department |
| Miss CHOW Ho-kiu, Cheryl, JP | District Officer (Central and Western), Central and Western District Office |
| Mr CHAN Yun-man, Winston | Assistant District Officer (Central and Western), Central and Western District Office |
| Ms YEUNG Lai-ching, Regent | Senior Executive Officer (District Management), Central and Western District Office |
| Mr CHAN Shing-fung | Executive Officer I (District Council), Central and Western District Office |
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| **Secretary** |  |
| Ms WONG Ming-wai | Senior Executive Officer (District Council), Central and Western District Office |
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| **Absence with Apologies** |  |
| Mr IP Kwok-him, GBS, JP |  |

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| **Opening Remarks** | | |
| The Chairman welcomed guests and Members to the fifteenth meeting of the Central and Western District Council (C&WDC). On behalf of the C&WDC, he congratulated Mr CHEUNG Kwok-kwan for being appointed as Justice of the Peace, the Vice-chairman Mr CHAN Hok-fung and Mr CHAN Choi-hi for being awarded Medal of Honour on 1 July 2014. He welcomed Ms CHAN Yee-Lai, Acting District Commander (Central District) of the Hong Kong Police Force (HKPF), who attended the meeting for District Commander (Central District) Mr CHAU Ping-sun, and Mr SOO Wan-lok, Police Community Relation Officer (Central District) of the HKPF who succeeded Mr LAU Kar-ming. He also welcomed Mr George NGAN, District Leisure Manager (Central & Western) of the Leisure and Cultural Services Department (LCSD), Mr Eddie LAM, Acting Chief Engineer/HK (1) of the Civil Engineering and Development Department, Mr LING Wing-cheong, Acting District Environmental Hygiene Superintendent (Central/Western) of the Food and Environmental Hygiene Department (FEHD), and Miss Yvonne TSUI, Senior Transport Officer/Central & Western of the Transport Department (TD) who attended the meeting for Mr WONG Tat-ming, Mr MAK Chi-biu, Mr YIP Ming-bor and Mr CHAN Nap-sang respectively. | | |
| **Item 1: Adoption of the agenda**  (2:30 pm – 4:00 pm) | | |
| 1. Mr HUI Chi-fung requested the Chairman to deal with a discussion item yet to settle during the meeting held on 29 May 2014 according to Article 25 of the Central and Western District Council Standing Orders (Standing Orders). He said that the discussion on a paper proposed by four Members about “June 4th Incident” was adjourned due to objection by some other Members. Therefore he attempted to propose the same item again for discussion in this meeting, but the Chairman unreasonably refused to include it in the agenda. As a result, Members could not discuss on this item and vote for endorsement of the related motion. The Chairman’s refusal to include the proposal had upset the right and power of Members of political deliberation. He requested the Chairman to explain his grounds of refusal and change to include the proposed paper as an item of this agenda. | | |
| 1. The Chairman responded that he had clearly explained to Mr HUI Chi-fung prior to this meeting the reasons why he did not include the paper about “June 4th Incident” in the agenda. It was because, during the C&WDC meeting held on 29 May 2014, Members had widely discussed on and clearly expressed their views about the compatibility of the subject matter to the statutory functions of the C&WDC and the appropriateness about adjournment of discussion on the said item. The C&WDC then endorsed to adjourn the discussion on the paper and its motion about the June 4th Incident in accordance with Article 24 of the Standing Orders. The result of voting had obviously reflected that the worry and query of most Members about incompatibility of the subject matter to the C&WDC functions. Article 6(5) of the Standing Orders stated that the Chairman “shall approve the agenda for a meeting of the Council and shall ensure that items included in the agenda are compatible with the functions of the Council as laid down in section 61 of the District Councils Ordinance.” Being the Chairman, he had taken into account the functions of the C&WDC, stipulations of the Standing Orders, Members’ views and efficient operation of the C&WDC before finalising the agenda. Having considered the relevant Standing Orders and the necessity to respect views expressed by the majority of Members, he decided that it was secure to exclude Mr HUI’s proposed item about “June 4th Incident” from the agenda. | | |
| 1. Mr HUI Chi-fung requested the Chairman to explain why his proposal about “June 4th Incident” was included as an item for discussion in the last meeting but not the current one. He reminded that the Chairman was not required by the Standing Orders or legislation to consider views of other Members when drafting an agenda. In the course of drafting an agenda, the Chairman should decide with his personal judgement whether proposals submitted were appropriate for inclusion and compatible to the Standing Orders and statutory functions of the C&WDC. He asked the Chairman whether his ruling was simply his own decision or the outcome of influence exerted by other pro-establishment Members. | | |
| 1. The Chairman responded that he had clearly explained to Mr HUI Chi-fung prior to this meeting the reasons why he did not include the paper about “June 4th Incident” in the agenda, and had reiterated his standpoint during meeting. | | |
| 1. Mr HUI Chi-fung made a solemn protest against the Chairman’s ruling. He pointed out that there were discussions on items involving in dissenting political views during the C&WDC meetings in the past while compatibility of such items to functions of the C&WDC was never mentioned before. He wondered why discussion on “June 4th Incident” was not allowed this time because even the Legislative Council (LegCo) discussed and debated on this item and voted for the related motions every year. It was unreasonable for the C&WDC to avoid such discussion on grounds of functional incompatibility. He further explained that the nation-wide pro-democratic movement took place in 1989 had been influencing the democratic development in Hong Kong and the Mainland. As such, he disagreed that “June 4th Incident” had no relationship with the welfare and well-being of residents in the Central & Western District (C&W District) and was incompatible to the C&WDC functions. He found that the Chairman’s explanation was unacceptable, and suspected the Chairman of abusing his official position in this matter, resulting in reduced scope of political deliberation and debate by Members. | | |
| 1. The Chairman responded that views expressed by the majority of Members deserved respect, and stated his standpoint of not acceding to Mr HUI’s request for the third time. He opined that his justifications were clearly stated. | | |
| 1. Mr HUI Chi-fung considered that the poposal was an issue requiring discussion indeed, and preferred immediate discussion and voting to procrastination of it. He worried that the previous adjournment of debate during meeting had set a bad example which might result in adjournment of discussion on items proposed by Members at any time or unreasonable refusal to proposed items for inclusion in agenda in the future. He said that the practice of the Traffic and Transport Committee (TTC) was recommendable because items proposed by Members holding different political views such as those on anti-Occupy Central movement were allowed to be included in the agenda for discussion. He solemnly requested to include the paper about “June 4th Incident” in this agenda for discussion because it was not incompatible to functions of the C&WDC. On the contrary, it was an issue related to the welfare and well-being of residents in C&W District. He declared that, if his request was not met, he would solemnly and persistently make his protest until his aims were achieved. | | |
| 1. Mr MAN Chi-wah said that although Members did not vote for endorsement of the proposed motion in the previous meeting, they had fully expressed their views on the discussion item which were put on record. If anyone insisted on pursuing this matter, discussion of the meeting would be adversely affected. He therefore requested to waste no more time on this issue. | | |
| 1. The Chairman said that Members had adequately expressed their views regarding the item during the last C&WDC meeting. This could be substantiated by the minutes of the previous meeting. According to Article 13(3) of the Standing Orders, “Members of the Council shall not at the meeting of the Council discuss any item that is not included in the agenda.” Therefore he hoped that the meeting could be carried on with the agenda. | | |
| 1. Mr HUI Chi-fung made a solemn protest against the Chairman’s ruling again. He pointed out that the proposed item on “June 4th Incident” was compatible with the C&WDC functions and should not be refused for inclusion in the agenda simply due to objection by the majority of Members holding dissenting political views, thus narrowing the scope of political deliberation. He would continue to strive for reaching a consensus among Members. As there was no precedence for adjournment of political discussion during all C&WDC meetings in the past, he would keep on asking the Chairman for dealing with the point of order. | | |
| 1. Mr Sidney LEE pointed out that paragraphs no. 92-131 (i.e. 40 paragraphs in total) in the minutes of the last meeting were records of discussion on the item concerned, reflecting that there was adequate discussion about it already. Such being the case, he requested for continuance of the meeting according to the agenda. | | |
| 1. Mr CHAN Chit-kwai opined that “June 4th Incident” occurred 25 years ago and history would pass its own judgment. Owing to the tight schedule of the C&WDC which had been focusing on matters and livelihood of residents at district level, it was inappropriate to discuss the proposed item in the meeting. He hoped that the Chairman would make a ruling about this. | | |
| 1. The Chairman reiterated that he had already made the ruling by not including Mr HUI’s proposal in the agenda. He repeated Article 13(3) of the Standing Orders, maintaining that the meeting would only continue with the agenda. He recalled that Mr HUI had caused the adjournment of some Committee meetings under the C&WDC including that of the Culture, Leisure and Social Affairs Committee (CLSAC) held on 27 March 2014 and 3 July 2014 as well as that of the Finance Committee (FC) held on 10 July 2014. He said that he would be responsible for the ruling, and asked Mr HUI not to hold on to his own views lest discussion by Members should be delayed. | | |
| 1. Mr HUI Chi-fung explained that his persistence was not anything personal because adjournment of discussion and voting for an item in an agenda was a constitutional and legal matter. He opined that it was unfair to only adjourn the discussion on “June 4th Incident” proposed by him while discussion on items regarding anti-Occupy Central movement were allowed in three other meetings. | | |
| 1. Mr CHAN Chit-kwai clarified that Mr HUI’s paper “Concern over the decorative lighting of the Chinese People’s Liberation Army Forces Hong Kong Building displayed in the form of Chinese characters” was already included in the agenda of the CLSAC meeting held on 3 July 2014 for discussion. However, Mr HUI made two unreasonable requests at the meeting, that is, his item should be accorded priority as the first one for discussion; and all CLSAC Members should undertake that his item would be discussed and the related motion voted. Mr CHAN opined that Mr HUI was insincere in discussion, and requested the Chairman to be persistent about his standpoint. | | |
| 1. Mr Sidney LEE clarified that the objective of discussing the paper “Concern over the impact of the ‘Occupy Central’ movement on the traffic in Central” in the TTC meeting held on 19 June 2014 was to estimate the possible seriousness of traffic congestion arising out of the Occupy Central movement (Movement) and formulate countermeasures. He considered that both items were different in nature as June 4th Incident was purely a political issue, and Mr HUI should not confuse them. | | |
| 1. Mr MAN Chi-wah clarified that the main purpose of the rules of procedure of the FC meeting was to require declaration of interest by Members. Although there were three rules regarding the declaration procedures, Mr HUI only focused on one during the meeting on 10 July 2014, seeming to have distorted the purpose of the rules and actually upsetting the procedure of meeting by such nuisance. He urged the Chairman to make his ruling about this agenda. | |
| 1. Mr HUI Chi-fung stressed that the C&WDC meetings should be conducted according to democratic procedures, and Members were obliged to accept the voting result as the final decision after discussion on each item. However, this incidence was an unprecedented one, resulting in deprivation of Members’ right of expression and violation of procedural justice. | |
| 1. The Chairman reiterated that he would not include Mr HUI’s proposal in this agenda and the meeting would, as stipulated by Article 13(3) of the Standing Orders, continue with the agenda only. | |
| 1. Mr HUI Chi-fung opined that the Chairman had abused his power and narrowed Members’ scope of political deliberation. | |
| 1. The Chairman stated that, according to Article 25 of the Standing Orders, “Privilege motions and written questions take precedence of other motion or question.” and asked Mr HUI Chi-fung to clearly state his question. He repeated his explanation about the adjournment of discussion on “June 4th Incident” during the last meeting, namely, some Members queried that the item was incompatible to the C&WDC’s functions and adjournment of discussion was confirmed after voting. The Chairman stressed that he had already made his ruling about this agenda. | |
| 1. Mr HUI Chi-fung said that willful adjournment of discussion on political item proposed by Members during meeting was a matter of constitution and procedure of meeting which might recur in future and hence had to be solved first. | |
| 1. The Chairman said that he had explained why he refused to include the item in the agenda and this matter was thus settled. He asked Mr HUI Chi-fung not to repeat his viewpoint again. | |
| 1. The Vice-chairman advised that Mr HUI Chi-fung might seek judicial review if he was not convinced by the Chairman’s ruling. He reminded that Members possessed both the powers to propose items for discussion and adjourn discussion of items proposed. As the latter power helped protect Members of the minority parties in a meeting and was often used by Neo democrats during LegCo meetings, Mr HUI should not maintain double standard about the exercise of this power. Regarding discussion on the Movement in Committee meetings as mentioned by Mr HUI, he clarified that the objective of the discussion on an anti-Occupy Central movement item in the TTC meeting was to identify solutions to tackle the possible traffic problems caused by the Movement. Another similar item to be discussed in this meeting focused on the countermeasures to be adopted by the HKPF in handling the Movement. | |
| 1. Mr Sidney LEE reiterated that 40 paragraphs in the minutes of the last meeting were records of the discussion about “June 4th Incident”, indicating that Members resolved to adjourn discussion after adequate discussion and expression of views. In view of the principle of “prevalence of the majority over the minority” and absence of new viewpoint proposed by Mr HUI Chi-fung, he requested the Chairman to immediately carry on the meeting according to the agenda. | |
| 1. Mr MAN Chi-wah pointed out that Mr HUI Chi-fung repeatedly related things to the so-called point of order and frequently handled general matters about livelihood in a political manner such as the planters outside the Liaison Office of the Central People’s Government in the Hong Kong Special Administrative Region and the military site at Tamar. He doubted the appropriateness about Mr HUI’s behavior and requested the Chairman to carry on the meeting according to the agenda. | |
| 1. The Chairman said that each Member should have the right of expression. | |
| 1. Mr HUI Chi-fung opined that the pro-establishment Members should be responsible for the current confrontation developed among Members in the C&WDC holding dissenting political views because they gave no chance to Members in the minority of the C&WDC to have political deliberation and narrowed their scope of expression and voting, making the situation of the latter ones more disadvantaged in future. He hoped that the C&WDC could restore to its previous equilibrium of allowing Members holding different political views to express freely without further limiting the power of Members in the minority. | |
| 1. The Chairman responded that he would not include the verbal proposal in the agenda because the discussion on “June 4th Incident” was adjourned after voting in the last meeting and it was neither an agenda item of this meeting. He asked Mr HUI Chi-fung not to repeat his personal viewpoint and justification anymore. Otherwise, this meeting might not continue and would delay discussion of items concerning livelihood such as delay of the commissioning of the WIL. He stressed that he had handled the case according to the Standing Orders and had let Mr HUI express his views adequately. | |
| 1. The Chairman suggested that the agenda be adopted if Members had no objection to it. | |
| 1. As Mr HUI Chi-fung insisted on requesting to solve the point of order first, the Chairman decided to adjourn the meeting for 5 minutes. | |
| 1. After resuming the meeting, the Chairman explained that adjournment of meeting aimed at providing a break for Members to calm down. He stressed that Mr HUI Chi-fung’s verbal proposal would not be included in the agenda and, according to Article 13(3) of the Standing Orders, the meeting would proceed only according to the agenda. He repeated for the fourth time the reasons why he did not include the paper on “June 4th Incident” in the agenda and his standpoint in this matter, and requested Members to adopt the agenda. | |
| 1. Mr HUI Chi-fung said that the pro-establishment Members were the responsible ones even if the meeting could not continue because they had upset the procedure of meeting by not allowing Members of dissenting political views to have political deliberation. If the item “June 4th Incident” were included in the agenda, the discussion might have been finished already. | |
| 1. Mr CHAN Chit-kwai agreed to the Chairman’s ruling. He opined that Mr HUI was firm in his view regarding declaration of interest by Members, over-emphasising on Article 46(12) of the Standing Orders and ignoring Mr CHAN’s reference of Article 46(9). As a result, the CLSAC meetings were adjourned for two times. He hoped that the Chairman would insist on making his ruling according to the Standing Orders. | |
| 1. The Chairman said that he had made his ruling according to the Standing Orders. He asked Mr HUI not to be persistent in his opinion even though this might cause adjournment of meeting and not to misinterpret the provisions of the Standing Orders. He reiterated that Mr HUI’s proposal would not be included in the agenda. | |
| 1. Mr MAN Chi-wah said that the third FC meeting (2014-15) was also forced to adjourn due to Mr HUI Chi-fung’s persistence. During the meeting, Mr MAN had clearly declared that he was the Vice-chairmen of the last term of one of the organisations having submitted fund application. The booklet published for the inaugural ceremony of the new term of the Executive Committee of that organisation also clearly indicated that Mr MAN was no more a committee member. However, Mr HUI insisted that only the record of the Companies Registry should be accepted as proof of Mr MAN’s identity regarding the organisation and therefore objected to his chairmanship of the meeting. | |
| 1. Mr Sidney LEE reminded that the last minutes of meeting had recorded the contents of discussion in detail and the resolution of the majority. He requested the Chairman to launch discussion of the next item as soon as possible. | |
| 1. The Chairman said that the speech time of each Member was two minutes. | |
| 1. Mr HUI Chi-fung said that it was reasonable for Members who were public office bearer to have higher ethical performance. He enquired the Chairman of the basis of his justifications to accuse that the item regarding June 4th Incident, which was proposed in accordance with Article 25 of the Standing Orders, was incompatible to the C&WDC functions and irrelevant to the welfare and well-being of residents in the C&W District. | |
| 1. The Vice-chairman opined that the meeting of the C&WDC should not be adjourned due to the “personal violence in meeting” of individual Members. He requested the Chairman to launch the meeting as soon as possible. | |
| 1. The Chairman urged Mr HUI to stop obstructing the launch of the meeting and stated that, according to Article 13(3) of the Standing Orders, items not included in the agenda would not be discussed in the C&WDC meeting. | |
| 1. Members had no objection to the agenda, so the Chairman declared the adoption of the agenda. | |
| 1. Mr HUI Chi-fung asked why his paper on “June 4th Incident”, which was submitted as early as on 30 May 2014, was not accepted as a discussion item, and whether such refusal was due to the political nature of the item. | |
| 1. The Chairman stressed that his ruling was the final one, and announced an adjournment of meeting for 5 minutes. | |
| 1. After resuming the meeting, the Chairman stated for the fifth time the reasons why he did not include the paper on “June 4th Incident” in the agenda. He hoped that Mr HUI Chi-fung would observe the rules of meeting procedure. Otherwise, he might order Mr HUI to leave the place of meeting according to Article 15(2) of the Standing Orders, which stated that “If a person attending or sitting in on a meeting of the Council misbehaves in such a way as to disrupt the orderly conduct of the meeting, the Chairman may issue warnings to the person. The Chairman may order the person to leave the place of the meeting if the person persists in his or her misbehaviour despite warnings”. He repeatedly warned Mr HUI to behave himself. 2. Mr HUI Chi-fung also repeatedly stated that the C&WDC had to deal with point of order prior to discussion because Members’ right given by Article 25 of the Standing Orders was deprived of. | |
| 1. Finally, the Chairman requested Mr HUI Chi-fung to leave the place of meeting but was refused. | |
| 1. Mr Sidney LEE suggested that discussion on the MTR project be launched. | |
| 1. Mr CHAN Chit-kwai and the Vice-chairman opined that Mr HUI Chi-fung should leave the place of meeting. | |
| 1. Mr Sidney LEE suggested that the Chairman should continue the meeting without paying attention to the nuisance caused by Mr HUI Chi-fung. | |
| 1. The Chairman reiterated that the problem concerned had been handled according to the Standing Orders. He stated for the sixth time the reasons why he did not include the paper on “June 4th Incident” in the agenda and his standpoint in this matter, and warned Mr HUI Chi-fung not to violate the normal proceedings. | |
| 1. Mr HUI Chi-fung asked again why the item “June 4th Incident” was incompatible to the C&WDC functions and irrelevant to the welfare and well-being of residents in the C&W District. As he opined that his questions were not properly answered so far, he suspected that the Chairman had abused his power and oppressed Members in the minority. | |
| 1. As Mr HUI Chi-fung continued to cause nuisance to the meeting, the Chairman ordered him to immediately leave the place of meeting according to Article 15(2) of the Standing Orders.  (Remarks: The Chairman asked the staff of the Secretariat and security guards at scene to execute his order. As Mr HUI refused to leave by himself, the security guards assisted in moving him away from the place of meeting.) | |
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| **Standing Items** | | |
| **Item 2(i)︰Progress of the MTR West Island Line Project**  **-Progress of the construction works of the West Island Line**  **(C&WDC Paper No. 68/2014)**  (4:00 pm – 5:00 pm) | |
| 1. The Chairman welcomed representatives of the MTR Corporation Limited (MTRCL), Highways Department (HyD), TD and LCSD to the meeting. | |
| 1. Owing to the sudden, unauthorised entry to the restricted area of the meeting place by an audience of the C&WDC meeting, the Chairman ordered the member of the public to immediately leave the place of meeting according to Article 47(3) of the Standing Orders. | |
| 1. The Chairman declared the meeting suspended for five minutes. | |
| 1. Mr Michael LEUNG, Senior Liaison Engineer of the MTRCL, gave a Powerpoint presentation on the progress of the West Island Line (WIL) Project after resumption of meeting. Regarding the Sai Ying Pun (SYP) section, the electrical and mechanical (E&M) as well as architectural fit-out works of the SYP Station were underway. Phase II of tunnel works and installation works of freezing pipes for a passenger adit connecting the entrance at Ki Ling Lane (i.e. B3 Entrance) to the station, which was around 20 metres long, were in progress. Regarding the University of Hong Kong (HKU) section, construction works of the station entrances were substantially completed and E&M works such as installation of escalators were underway. The final stage of construction works of the Kennedy Town (“KT”) Station was in progress. In conclusion, about 93% of the overall works of the WIL had been completed and, as estimated according to the current progress, the WIL was expected to commence service in December 2014. | |
| 1. Mr Edmund WONG, Operations Manager-Island Line & Tseung Kwan O Line of the MTRCL, briefed Members on the preparatory arrangements prior to service commencement of the WIL. To get ready for the WIL service commissioning by the end of 2014, train running test without passengers between KT Station and Sheung Wan Station in non-traffic hours commenced in April 2014, and trial operation of train service including running trains on timetable would commence in October 2014. The majority of pre-operations station supervisory and maintenance staff were mobilised to the WIL and had started performing their duties. The MTRCL would have close collaboration with the government departments concerned to ensure that the system could be launched smoothly. | |
| 1. Mr Kenrick KO, Project Communications Manager - Engineering Project & Property of the MTRCL, said that the MTRCL had arranged for Members a visit to the work sites of the SYP Station entrances and KT Station on 27 June 2014, facilitating them to have better understanding of the works progress. He pointed out that implementation of all works were in full swing by the MTRCL which aimed to commence service in December 2014. He said that the MTRCL would announce the confirmed arrangement for commissioning of the WIL in October 2014, and the implementation of the back-up plan if required. | |
| 1. The Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | The Vice-chairman worried that the works of the SYP Station entrances at First Street and Second Street (i.e. B1 Entrance and B2Entrance respectively) might not be completed on time by late 2014. Therefore he requested the MTRCL to clearly report the works progress and countermeasures in case the completion of works at these entrances were delayed. He also enquired about the test run of trains, and requested the MTRCL to report the works progress to the C&WDC on a monthly basis. |
| (b) | Mr KAM Nai-wai requested the MTRCL to report in detail the progress of the back-up plan. |
| (c) | Ms CHENG Lai-king asked whether the back-up plan with trains not stopping at the SYP Station was approved by the government department cconcerned, was concerned about the passenger fare scheme of the WIL. |
| (d) | Mr CHAN Chit-kwai had reservation on the back-up plan with trains not stopping at the SYP Station. He understood that opening of the B3 Entrance might not be open as scheduled due to technical problem. As the works of all other entrances could be completed as planned and were available for use at the time the WIL commenced service, the SYP Station should be open with the other stations at the same time without using B3 Entrance temporarily. He requested the FSD to flexibly deal with the problem regarding means of escape thereof. As reported by some residents, some flat units of a block of the Belcher’s could be viewed by pedestrians walking along the footbridge connecting the Belcher’s and the HKU Centennial Campus. He requested the departments concerned to deal with the case for protection of privacy of residents. Besides, he was concerned about the management of the footbridge after its opening, and asked about the details of the high capacity lifts to be installed at the HKU Station. |
| (e) | Mr CHAN Choi-hi requested the MTRCL to provide a written report to explain the back-up plan, and asked the HyD how it monitored the works progress of the WIL. He refused to accept the MTRCL’s proposed announcement about the confirmed service arrangement of the WIL to the C&WDC only in October, and requested the MTRCL to make such announcement as early as in September 2014. |
| (f) | Mr Sidney LEE had suspicion about the works progress of the SYP Station entrances at the First Street and Second Street, and opined that the MTRCL had over-estimated the progress of the works. He asked when service commencement of the entire WIL would take place if the back-up plan had to be implemented due to delay in opening of the SYP Station. He suspected that the works of the station entrances at the First Street and Second Street were involved in the ventilating system of the whole SYP Station. For this reason, the SYP Station would not commence service if the works concerned were not completed as scheduled. He was also discontented with the MTRCL for its launch of excavation works at the junction of Second Street and Centre Street without giving prior notification and requested the MTRCL to give a detailed explanation about this. He recommended the MTRCL to provide passengers using the WIL for travelling to and from the SYP Station and Central Station with free feeder bus service in case service commencement of the SYP Station was delayed. |
| (g) | Miss LO Yee-hang opined that the MTRCL and HyD should announce as early as possible the arrangements regarding operation and compensation measures to passengers due to the belated service provision of the SYP Station. |
| (h) | Dr Malcolm LAM asked if the SYP Station was confirmed to be behind schedule for opening in October 2014, then whether the WIL would commence service earlier with trains not stopping at the SYP Station. |
| (i) | Mr CHEUNG Kwok-kwan requested the MTRCL to announce as early as possible the final arrangement of the WIL operation. He asked the MTRCL and government departments which one of the two back-up plans, namely, non-stopping of trains at the SYP Station and delayed commissioning of the whole WIL, was preferable. |
| (j) | Mr WONG Kin-shing asked if the enclosed pavement at the station entrance in Whitty Street could be re-open earlier because no more heavy construction site vehicles accessed to the said site then. He asked when the high capacity lifts installed at and the access in the unpaid zones of the HKU Station would be available for use by the public and students. He also enquired about the passenger fare scheme and total works cost of the WIL. Finally, he pointed out that the Western District would become a hub of transport in future after commissioning of the WIL, and therefore suggested that more “MTR Fare Savers” be installed in the district to attract more people to change to use the WIL. |
| (k) | Ms SIU Ka-yi requested the MTRCL to announce the fare scheme of the WIL at an early date. |
| (l) | The Chairman pointed out that commissioning of the WIL would have implications on the re-organisation of bus routes, and hoped that the MTRCL would provide the relevant information as soon as practicable to facilitate Members to study the overall traffic problem in the district and publish the latest information to the public. He requested the MTRCL to provide a written report on works progress of the WIL to the C&WDC on a monthly basis. He also agreed to the proposals of providing more “MTR Fare Savers” in the district and additional free feeder bus service for passengers of the WIL. |
| 1. Mr Michael LEUNG gave a consolidated response as follows: | |
| (a) | The MTRCL was confident in completing the works of most station entrances of the SYP Station within this year as estimated according to the current works progress. He pointed out that the installation works of high capacity lifts were underway and the overall construction works of the station entrances was expected to complete this August. He said that the opening of B3 Entrance would be postponed to the fourth quarter in 2015 to ensure safe implementation of the works, but it would not have negative implication on the opening of the SYP Station. The works progress of Sai Woo Lane Playground entrance was satisfactory and installation works of E&M facilities underway. |
| (b) | As A1 and A2 Entrances on Queen’s Road West and De Voeux Road West as well as B1 and B2 Entrances on First Street and Second Street were access designated for emergency evacuation of passengers, the operation of the SYP Station would be adversely affected in case of delay in opening B1 and B2 Entrances. |
| (c) | Regarding the progress of the excavation works at the junction of Second Street and Centre Street, the MTRCL had held discussion and conducted site visit with shop operators in the vicinity. It changed the arrangements of temporary traffic diversion and placing of works materials consequently which were accepted by operators. |
| (d) | The installation works of high capacity lifts of the HKU Station was progressing while the overall construction works was almost completed. In response to the proposal of opening the unpaid zones of the station earlier, he pointed out that the installation works of E&M facilities were being implemented and testing of such facilities would be carried out afterwards. As the unpaid zones were parts of the works site, it was unlikely to open them prior to commissioning of the station. |
| (e) | The footbridge connecting the Belcher’s and HKU Centennial Campus, together with the lifts and escalators installed thereat, would be managed by the Government. He pointed out that as the footbridge, which was a covered one with plants embedded, and the Belcher’s were far from each another, it was believed that there would not be much visual implication. |
| (f) | The works of Whitty Street entrance of the KT Station was expected to complete by the end of the third quarter in 2014, and the pavement would be re-open then. The final date of opening would be announced in due course. |
| (g) | There were altogether 20 high capacity lifts installed at the stations along the WIL, and each of them could accommodate 24 to 28 passengers at one time at a maximum speed of 3 to 5 metres per second. |
| (h) | It was agreed that briefings on the works progress would be provided regularly before the next C&WDC meeting to be held in October so that Members and the public would have timely knowledge of the overall works progress. |
| 1. Mr Kenrick KO of the MTRCL added that even if the back-up plan with non-stopping of trains at the SYP Station was to be implemented, this station would still commence service in the first quarter of 2015. He explained that whether announcement of the final operational arrangements could be made by the MTRCL earlier actually depended on the works progress. The passenger fare structure of the WIL would be formulated according to the existing MTR fare adjustment mechanism, and the MTRCL would announce the scheme as soon as possible prior to commissioning of the WIL. He said that the MTRCL was preparing for the necessary measures and arrangements if the back-up plan was to be used, and there was no cost overrun for the construction of the WIL. He stressed that the MTRCL still aimed at commencing service of the three MTR stations under the WIL at the same time in December 2014. As Members’ concern over this matter was fully understood, the MTRCL would consider reporting the works progress to the C&WDC regularly. | |
| 1. Mr LI Sze-ming, Senior Engineer/WIL1 of the HyD, said that the HyD had stepped up the monitoring through conducting site visit on a weekly basis and interviewing representatives of the MTRCL at scene for better understanding of the works progress. The schedule of construction works of B1 and B2 Entrances of the SYP Station was very tight because many items were yet to complete including E&M works and installation of lifts, etc. Therefore it was necessary for the HyD to continue monitoring the progress of works closely before it could confirm if the MTRCL could complete the entrances concerned as planned. The HyD at present would concentrate on monitoring, and would consider reporting the works performed to the C&WDC regularly. | |
| 1. Mr Edmund WONG of the MTRCL added that the safety test of trains and track system had been completed and that of signals were in progress. Besides, trial operation of train service according to the actual timetable of service provision would commence in October 2014 | |
| 1. The Chairman thanked the representatives of the MTRCL and government departments for attending the meeting. | |
| **Item 2(ii): Conserving Central**  **(C&W DC Paper No. 69/2014)**  (5:00 pm – 5:30 pm) | |
| 1. The Chairman welcomed representatives of the Urban Renewal Authority (URA) to the meeting. | |
| 1. Mr Michael MA, Director (Planning and Design) of the URA, reported that: | |
| (a) | The Authorised Person appointed by the URA had negotiated with the Buildings Department (BD) regarding the general building plan for revitalising the market building under the Central Oasis project which was being processed by the BD. The URA was also negotiating the government departments concerned such as Lands Department (LD) about land grant. |
| (b) | Preparation for gazetting the road closure required under the Development Scheme H18 at Peel Street/Graham Street (Project H18) by the URA and LD was underway. The URA also held discussion with the Central and Western District Office (C&WDO) on the future management of the multi-functional hall in Site A. To maintain the vitality of the current market place, the URA would organise a promotional activity called “Graham Market Place” in September 2014 and the opening ceremony was scheduled on 4 September 2014. All Members were invited to attend the ceremony. |
| (c) | Regarding the tenancy agreement of the cloth traders currently operating in the Western Market, the URA was preparing to apply to the Lands Department (LandsD) by for extending the “continued occupation” for two more years. In response to Members’ request made during the last C&WDC meeting for enhanced communication between the URA and cloth traders, an interview between both parties was held in late June, and such kind of interview would be arranged by the URA regularly in future for better understanding of the operational problems encountered by shop operators. |
| 1. The Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Ms CHENG Lai-king asked how long the period of notice given to tenants in the shopping arcade would be prior to commencement of the revitalisation works of the Central Oasis. |
| (b) | The Vice-chairman suggested that a new standing item “Report on the projects under the URA in the C&W District” be added in the agenda. |
| 1. Mr Michael MA of the URA responded that the revitalisation works of the Central Oasis project could be commenced only after the land was formally granted to the URA by the LandsD. It was understood that the Government would give the shop operators a three-month notice for removal. | |
| 1. Members agreed to the proposal of adding “Report on the projects under the URA in the C&W District” as a new standing item in the agenda for discussion. | |
| 1. The Chairman thanked the representatives of the URA for attending the meeting. | |
| 1. The Chairman then welcomed the representatives of the Development Bureau (DEVB) to the meeting. | |
| 1. Mr Ricky WONG, Chief Assistant Secretary (Works) 2 of the DEVB reported on the latest progress of all the projects regarding Conserving Central: | |
| (a) | Revitalisation works of the Central Police Station (CPS) Compound was underway. Restoration of historic relics, construction of two new buildings, improvement works to infrastructure of and roads surrounding the CPS Compound were being undertaken. Besides, the Hong Kong Jockey Club was making arrangements for its operation in future. Gazetting of the footbridge connecting the CPS Compound and Central to Mid-Levels Escalator System (Escalator System) was completed, and the Administration was processing the objections received. |
| (b) | The PMQ had attracted 720 000 visitors from its opening in April 2014 to the end of June 2014. |
| (c) | The proposed development at Hong Kong Sheng Kung Hui (HKSKH)’s Compound was under revision by the HKSKH, which would brief the C&WDC again when a more specific, revised proposal was available. |
| (d) | The Department of Justice (DoJ) and departments concerned had launched the preparation of the refurbishment works for Former French Mission Building. When the details were available, The DoJ would brief the C&WDC on the arrangement and works required. |
| (e) | The renovation works for the Main and East Wings of the Former Central Government Offices (CGO) Complex commenced in July 2013 and was espected to be completed in the first quarter of 2015. Follow-up actions on other related projects were being taken proactively by the departments concerned. |
| (f) | The development of the Murray Building to a hotel was successfully tendered out in November 2013. |
| 1. Mr Larry CHU, Assistant Secretary (Harbour) 1 of the DEVB, reported that the Administration planned to develop Sites 1 and 2 of the New Central Harbourfront into a distinct civic node with mixed use precinct. However, the proposed development could be materialised progressively only after the completion of the Central-Wan Chai Bypass. | |
| 1. The Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | The Vice-chairman pointed out that the pavement along Aberdeen Street was very narrow. As visitors entering the PMQ in Aberdeen Street were forced to walk on the carriageway for a short distance, dangerous scenes were not uncommon there. He suggested that additional signage be installed near the Central Oasis, encouraging the public to go to Staunton Street along the Escalator System and then walked westward to PMQ’s entrance in the same street. |
| (b) | Mr KAM Nai-wai was concerned about the would-be pedestrian-vehicle conflict occurring at the junction of Aberdeen Street and Hollywood Road after opening of the PMQ. He worried that such situation would worsen in future when activities were held in the PMQ and CPS Compound simultaneously. He requested the DEVB and TD to conduct a detailed assessment of traffic impact and pedestrian flow there. |
| (c) | Mr CHAN Chit-kwai supported the construction of a footbridge connecting the CPS Compound and Escalator System to reduce the impact on traffic due to opening of the CPS Compound. He also asked whether the proposed revitalisation the HKSKH’s Compound included a private hospital development to serve the grass-roots. |
| (d) | Mr MAN Chi-wah suggested that the space inside the PMQ be used as the waiting zone for participants of activities to be held there lest they should gather in Aberdeen Street or Stanley Street. He also supported the construction of a footbridge connecting the CPS Compound and Escalator System. |
| (e) | Mr Joseph CHAN urged the DEVB and developer to conduct a detailed traffic impact assessment for the redevelopment of the Murray Building to a hotel, formulate appropriate countermeasures to potential problems and consult the C&WDC about them. He reiterated that the traffic load of the main roads such as Garden Road, Cotton Tree Drive and Queen’s Road Central, etc. would be aggravated after opening of the hotel in future because the peak periods of commuter flow of hotel dwellers and local residents might be similar. He urged the Administration to face up the problem. |
| (f) | Ms SIU Ka-yi was concerned about the management of pedestrian flow arising from the PMQ. She pointed out that the management of the CPS Compound should learn from the experience of the PMQ to avoid undesirable impact on the traffic nearby caused by a large number of visitors. She supported the construction of a footbridge connecting the CPS Compound and Escalator System. |
| (g) | Mr CHAN Choi-hi stated that Members were more than happy to explain the importance of the proposed footbridge connecting the CPS Compound and Escalator System for improving traffic in the district to opposers against such proposal. Besides, he suggested that the management of PMQ should conduct a traffic impact assessment based on the latest figures of pedestrian flow, and consider adopting other measures to control pedestrian flow such as online booking of visits. |
| (h) | The Chairman agreed to the proposed construction of a footbridge connecting the CPS Compound and Escalator System, and hoped that the DEVB could reach a consensus with the opposers. |
| 1. The response of Mr Ricky WONG was summarised as follows: | |
| (a) | Regarding control of pedestrian flow, the Administration would discuss with the management of the PMQ, advising them to consider using the space inside the PMQ as the waiting zone for participants and providing additional entrances when activities were to be held in future. |
| (b) | The Administration would endeavour to persuade the opposers to withdraw their objection against the proposed construction of a footbridge connecting the CPS Compound and Escalator System. |
| (c) | Regarding the redevelopment project of the Murray Building, the developer had submitted the traffic impact assessment to the government for satisfying the requirement of the master layout plan and land lease. The departments concerned were processing the relevant master layout plan and traffic impact assessment. |
| 1. Ms CHENG Lai-king asked whether the black perimeter fence surrounding the buildings of the Former CGO Complex would be demolished. Mr Ricky WONG responded that the unnecessary perimeter fence within the work site of East and Main Wings would be removed but action to be taken about the perimeter fence of West Wing was pending and would be finalised only after the completion of the heritage impact assessment. | |
| 1. Miss Queenie Lee, Assistant Secretary (Heritage Conservation) 3 of the DEVB, said that details regarding the proposed private hospital at the site of the HKSKH’s Compound including design, charges and operation mode, etc. were under revision. The HKSKH would consult the C&WDC again after the revisions were confirmed. | |
| 1. The Chairman thanked the representatives of the DEVB for attending the meeting. | |
| **Item 3: Chairman’s report**  (5:30 pm) | |
| 1. The Chairman said that 6 Members including the Chairman, Vice-chairman, Mr CHAN Chit-kwai, Ms CHENG Lai-king, Mr Sidney LEE and Dr Malcolm LAM attended a focus group meeting on review of the remuneration package for District Council Members held by the Home Affairs Department (HAD) on 4 July 2014. They gave comments to the HAD to facilitate its review of the remuneration package for District Council Members of the next term. | |
| 1. Besides, the second meeting of the “Ad-hoc Working Group on Review of Standing Orders of the C&WDC” would be held on 25 September 2014 (Thursday) subsequent to the meeting of the FC. The Secretariat would inform all Members of the meeting by mail in due course. He invited Members to attend the meeting for discussion on and clarification of the interpretation to certain provisions of the Standing Orders. | |
| **Item 4: Meeting the Director of Fire Services**  (5:30 pm – 6:35 pm) | |
| 1. The Chairman welcomed the Director of Fire Services to the meeting. | |
| 1. Mr LAI Man-hin, Director of Fire Services, gave a Powerpoint presentation on the main duties and basic structure of the Fire Services Department (FSD) as well as its performance in all the main emergency services provided. | |
| (a) | The three main duties of the FSD were: (1) fire-fighting and rescue including the provision of fire-fighting and rescue services at sea and in the “Hong Kong International Airport”; (2) fire prevention including enforcement for compliance to “Fire Services Ordinance” (FSO), “Dangerous Goods Ordinance” (Cap. 295), the two ordinances about fire safety and relevant ordinances; and (3) emergency ambulance service. |
| (b) | Regarding the basic structure, the FSD was organised into seven Commands, namely, three operational Fire Commands, two Commands specialising in fire safety, an Ambulance Command and Fire Services Headquarters Command. Each Command was headed by an Assistant Director equivalent to Chief Fire Officer rank. Fire-fighting and rescue services were provided by the three operational Fire Commands. There were currently 81 fire stations (including two fire stations in the airport) and 38 ambulance stations in Hong Kong. The FSD had an establishment of more than 10 000 officers including uniformed personnel providing fire and ambulance services as well as civilian and technical members. |
| (c) | Regarding services provided by the FSD, the total number of fire calls received in 2013 (i.e. 36 773) was decreased by 865 as compared to that in 2012 (i.e. 37 638). There are 11 cases of No. 3 alarm fire or above, which was less than the total number of 13 cases in 2012. The number of special service call received in 2013 (i.e. 30 191) was increased by 924 as compared to that in 2012 (i.e. 31,115). The total number of service provision under the Rapid Response Vehicle Scheme was 42 047 times, which was a substantial decrease by 4 925 times as compared to that in 2012 (i.e. 46 972). Various kinds of fire safety inspections were conducted for over 290 000 times in 2013, having increased by 13 294 times as compared to that over 270,000 times in 2012. The major inspection items were fire service installations and equipment in buildings, means of escape, ventilating system, handling of dangerous goods and fire safety of licensed premises, etc. The FSD received 719 146 ambulance service calls in total in 2013, decreasing by 8 154 cases as compared to the total number of 727 300 calls in 2012. |
| (d) | Regarding the performance pledge, 92.5% of the total building fire calls were met within graded response time. For example, fire calls were targeted to be met within graded response time of 6 minutes for built-up areas. Emergency calls for ambulance service was targeted to be met within the target response time of 12 minutes. In 2013, the actual ratio of fire calls met within graded response time of 6 minutes for built-up areas was 93.6%, which was 1.1% above the target (i.e. 92.5%). The actual ratio of answering emergency calls for ambulance service within 12 minutes was 94.4%, which was also higher than the target by 1.9%. On the whole, the performances of various emergency services were slightly above the targets set out in the “Performance Pledge” of the FSD. |
| (e) | The total number of fire calls in the C&W District in 2013 was 2 942, having a decrease of 1 case only as compared to that in 2012 (i.e. 2 943). Among them, the number of No. 1 alarm fire calls was decreased by 4, whereas that of No. 2 alarm fire calls by 12. The ratio of building fire calls meeting the targeted response time was 92.27%, which was below the target by 0.23%. In the same year, there were 1 393 special service calls received, which was a decrease of 15 calls (about 1%) as compared to the total number of 1 408 calls received in 2012. The number of operations responding to these two kinds of calls was 4 335. The number of services provided under the Rapid Response Vehicle Scheme was 1 508 times, which was a decrease of 63 times (around 4%) as compared to that of 1 571 times in 2012. In 2013, 27 552 emergency service calls were received, decreasing by 139 calls (around 0.5%) as compared to the total number of 27 691 calls in 2012. The performance of meeting the graded response time for emergency service calls was 92.2%. In the first five months in 2014, 1 171 fire calls were received in the C&W District. The number of fire calls received was decreased by 124 (around 9.6%) when compared to that in the same period of last year (i.e. 1 295). There were 707 special service calls answered in 2013, which was increased by 41 (about 6.2%) when compared to that in the corresponding period of last year (i.e. 666). The number of emergency ambulance call attended by first responders was 822, which was increased by 168 (about 25.7%) when compared to that in the corresponding period of last year (i.e. 654). There were 12 140 emergency ambulance calls in 2013, which was increased by 962 (about 8.6%) when compared to that in the corresponding period of last year (i.e. 11 178). |
| 1. Mr LAI gave a filmlet presentation to Members on the efforts made by the FSD for enhancement of its service quality and the related achievements. | |
| 1. The Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Mr WONG Kin-shing pointed out that the FSD was too slow to grant approval to works plans submitted by owners or owners’ corporations (OCs) for compliance to the fire safety directions (“FS Directions”) issued by the FSD to buildings made under the Fire Safety (Buildings) Ordinance (Cap. 572) (“FS(B) Ordinance”), causing increased works costs of owners. He hoped that the Administration could deploy additional manpower to expedite the processing of these applications. |
| (b) | Mr CHEUNG Kwok-kwan raised two points regarding FS Directions. Firstly, many OCs were not familiar with matters relating to implementation of works. He suggested that the Administration should process applications at its discretion, and considered deploying officers to attend workshops organised by OCs to help owners have better understanding of FS Directions. Secondly, the Administration should expedite the deployment of officers for checking the compliance of the completed works to FS Directions. |
| (c) | Ms SIU Ka-yi raised three points. Firstly, as many members of OCs were not professionals of works, they might need the Administration’s assistance for carrying out works to satisfy the requirement stated in FS Directions such as vetting of works items and quotations proposed by contractors to ensure compliance to fire safety requirements. Secondly, the Administration should grant approval to and return the works plans amended according to the FSD’s advice and submitted by OCs as soon as possible to speed up commencement of works. Thirdly, visit to fire station was a programme welcomed by the public. She hoped that the Administration could permit more visitors for each visit to fire station. |
| (d) | Mr Joseph CHAN raised three proposals. Firstly, the workload of clerical officers of the FSD increased drastically in recent years without additional resources deployed to cope with the situation. As a result, the frontline officers were suffering from great pressure due to excessive workload. He recommended the Administration to provide additional resources to maintain the service quality and morale of its staff. Secondly, the Peak had been attracting a large number of visitors during holidays, worsening traffic congestion in the district. He suggested that the Administration should conduct a traffic impact assessment on the traffic congestion occurred on the trunk roads in the district such as Garden Road, Magazine Gap Road and Peak Road, as well as liaise with the Police and TD on this matter for joint formulation of countermeasures to cope with emergency. Thirdly, the proposed redevelopment in Lugard Road had to be studied carefully because the road was too narrow to allow fire engines provided with standardised equipment to pass through. Even worse, the nearest fire hydrant outlet was about 800 to 900 metres away from the proposed hotel development in Lugard Road, making it extremely difficult to provide emergency services for the possible large-scale accidents occurred in the hotel development in future and safeguard the safety of the staff and customers of the hotel. He suggested that the FSD should explain the fire safety problem of the proposed hotel development to the DEVB and Planning Department (PlanD), and urged the government departments concerned to grant approval to the proposal with prudence. |
| (e) | Mr MAN Chi-wah said that the focus of the publicity programme of the C&W District Fire Safety Committee this year was on enhancing the awareness of foreign domestic helpers in the district about fire safety and their capability to cope with fire just in case. He commended the FSD for its Fire Safety Ambassador Scheme, and recommended the FSD to designate officers to specialise on implementing this publicity programme because the current helpers of the department concerned assisted in the implementation of the scheme were frontline staff on voluntary basis. |
| (f) | Mr Sidney LEE opined that owners of old-type low-rise buildings without OCs in the district might have difficulties for compliance to FS Directions. He suggested that the FSD should review whether it was necessary to install fire equipment in all buildings with one same standard, and consider granting exemption to some buildings which had practical difficulty to meet the fire safety requirements. For example, enhancement of the alarm system and fire partitions might be permitted as substitutes for additional installation of water tanks in buildings really not suitable to do so. |
| (g) | Mr CHAN Choi-hi opined that it took much time for the Administration to process works plans, and requested the FSD and BD to review the approving procedures for enhancement of staff deployment and coordination. He asked about the progress of establishing a fire museum, and hoped that the Administration might study the ways to attract more females to join the FSD. |
| (h) | Mr CHAN Chit-kwai raised three questions. Firstly, the SYP Station of the WIL might not be completed as scheduled due to non-compliance to fire safety requirement for one of its entrances, and thus might delay commissioning of the station. He asked if the Administration could handle this case with flexibility so that the three stations of the WIL could be open at the same time as planned. Secondly, many owners worried about implementation of works for compliance to FS Directions. He asked whether the Administration could give them more time to progressively meet the requirements on buildings laid down by government departments such as mandatory inspection of buildings and windows. Thirdly, he asked the FSD about the situation regarding abuse of emergency services. |
| (i) | Ms CHENG Lai-king pointed out that it was extremely difficult to execute FS Directions in tenement buildings. The various difficulties included objection to installation of water tank by owners of the roofs, as well as raised and expensive works cost after the time-consuming process to obtain unanimous consensus on implementation of works, etc. She suggested that the FSD might consider implementing the projects on behalf of the owners and charged the owners afterwards. |
| (j) | Mr KAM Nai-wai opined that the unwillingness of owners to comply with FS Directions was the main obstacle to meet the fire safety requirements. He enquired the Administration of the number of buildings in the C&W District issued with FS Directions and that having completed the works required for compliance to FS Directions. He also opined that owners attempting to comply with FS Directions would encounter various difficulties such as excessively long waiting time for obtaining approval to works plans submitted, lack of consent from owners of roofs regarding additional installation of water tanks, as well as difficulty to collect fund for implementation of works, etc. He shared views with Ms CHENG Lai-king in that the government departments might implement the works first on behalf of the respective owners and charge them afterwards. |
| (k) | The Vice-chairman said that there were many old-type buildings in the C&W District unsuitable for additional installation of fire equipment with new standards. Moreover, service quality of works consultancy differed greatly and repair works costs were surprisingly expensive. All these contributed to the slow progress of compliance to FS Directions for many buildings. He suggested that the Administration should permit owners concerned to adopt other measures as substitutes for initiatives for compliance to fire safety requirement of the buildings. For example, installation of an enhanced fire hose system might be an alternative for construction of a water tank on the roof. Regarding annual fire safety inspection, he suggested that the Administration should provide OCs with relevant information faciltiating them to conduct reasonable analysis of contractors’ quotations for repair works by themselves. |
| (l) | Dr Malcolm LAM made a declaration of interest about his business of smoke detector production. He said that thick smoke was the actual killer of many victims in a fire. Therefore many countries in Europe and America implemented mandatory installation of smoke detectors in residential buildings through legislation. He suggested that the Government should follow the practice of these countries to enhance the safety of residents. |
| (m) | Miss LO Yee-hang stated that owners of some old-type buildings had different aspirations and responses about improving the fire safety of their buildings. Collection of consultancy and fire safety works fees from owners was already a very difficult task, and such situation was even worse in composite commercial/residential buildings. She cited for illustration one of the cases about default in payment handled by her which lasted for as long as seven years before settlement. During this period, the owners concerned had to repeatedly apply for postponement to comply with FS Directions. |
| (n) | Mr Jackie CHEUNG asked how the Administration would respond to emergency during the occurrence of the Movement if it really took place. He suggested that the Administration should deploy more fire/ambulance motors in the coming few months to meet the need. |
| 1. Mr LAI Man-hin, Director of Fire Services, gave a consolidated response as follows: | |
| (a) | The legislative intent of the FS(B) Ordinance was to safeguard households and visitors in old-type buildings through additional provision of fire safety equipment. Understanding that it was difficult to implement the scheme in old-type buildings, the FSD opined that formation of OCs might help its implementation in targeted buildings. It was working closely with the HAD to assist some targeted buildings in forming OCs. It was also working closely with the BD to inspect the progress of improvement in targeted buildings from time to time. |
| (b) | Additional installations of fire equipment in old-type buildings as required in FS Directions were requirements laid down by the FSD after conducting risk assessments, taking into account carefully the actual situation of buildings concerned. For example, the purpose of constructing additional water tank was to provide water supply for fire hydrant/hose reel system. In view of the structural and environmental restrictions or ownership problems, installation works in some buildings were delayed repeatedly. However, there were successful cases of water tank installation in which works were implemented at turning points of staircase or smaller tanks were provided to fit the specific environment of buildings. The FSD had been adopting a practical manner to deal with individual cases having regard to actual situation of different buildings. |
| (c) | It would be very difficult to adopt the suggestion of implementing works by government departments on behalf of owners and charging them afterwards. As the FSD only required owners to install additional fire equipment, owners of each building concerned might decide which proposal was to be adopted and at what price by themselves. It would cause much more problems in future if government departments took action for owners without obtaining their prior consent. The BD would demolish unauthorised building works (“UBWs”) having immediate danger and charge the owners concerned for the costs afterwards, which was a relatively direct and efficient arrangement to remove danger. Demolition of UBWs having immediate danger and installation of fire safety equipment were different by nature because there might be many solutions available for owners to choose for the latter one. Regarding installation of fire safety equipment, it had been the Government’s standpoint that the public should take initiative in proposing suitable and viable solutions for approval by the Administration. |
| (d) | The FSD agreed that there was insufficient staff to process works plans, and had been attempting actively to employ more experienced contract staff to expedite processing of plans submitted. The FSD also found that some contractors submitted plans to the FSD for approval without obtaining the consent of owners, and then made use of the approved plans for negotiation with owners for profit-making. Therefore the approving procedures had to be conducted carefully and prudently, and only applications having attached owners’ consent or undertaking would be processed. |
| (e) | The FSD would encourage its staff and provided additional manpower to help owners understand works implementation for compliance to the provisions of the FS(B) Ordinance, and would organise more workshops with the Hong Kong Housing Society for this purpose. |
| (f) | All fire installation and equipment in buildings had to undergo annual checking by registered fire equipment contractors. In case of irregularities detected, damages had to be repaired by registered fire equipment contractors. There was a mechanism facilitating the FSD to monitor the performance of fire equipment contractors. In case registered fire equipment contractors were proved to have furnished false information or demonstrated bad performance, the FSD would take disciplinary actions against them through a merit deduction system or, in serious cases, immediate cancellation of their qualification from being registered contractors. Members were welcomed to refer complaints received about fire equipment contractors to the FSD for follow-up actions. |
| (g) | Officers of the FSD should not comment on the contents of works tenders especially prices proposed due to potential conflict of interest. The Independent Commission Against Corruption also opined that the FSD should only concentrate on the technical aspect of the proposed works and ways to achieve compliance to the technical requirements regarding fire safety when processing applications. Regarding provision of professional advice, the FSD had contacted the association of registered fire equipment contractors, which was willing to launch an enquiry service for provision of independent and objective advice on fire safety works to the public. Exploration of specific arrangements was underway. |
| (h) | A booklet setting out guidelines on compliance to fire safety directions required under the FS(B) Ordinance was being prepared by the FSD. Some frequently asked questions and answers, together with some images of successful cases, would be contained therein. The FSD would distribute the booklets to each District Council (“DC”) after production to facilitate understanding of implementation of the scheme by all DC Members. Members’ comments on the booklet were also welcomed. |
| (i) | The FSD handled each application in a practical manner, and only permitted substituting solutions on individual cases at its discretion. The FSD would give owners sufficient time, usually one year since the issuance date of the FS Directions concerned, to complete the works required. If owners really had difficulties to comply with the requirements within one year, they needed to apply to the FSD for extension of completion date of works. |
| (j) | For development in any area, the PlanD would consult the FSD on matters regarding fire safety and emergency access when considered necessary. For alteration and redevelopment of old buildings, the FSD would require additional installation of fire equipment in the proposed development by owners or developers to reduce fire risk and destruction if emergency vehicular access was not available at the site. Regarding the hotel development on Lugard Road, the FSD had given its preliminary comments under its purview to the PlanD by suggesting that additional fire equipment should be installed in the development. It also advised the PlanD to carefully study arrangements proposed by the BD regarding emergency access about the project. The FSD would jointly conduct a risk assessment on the proposed development with the BD. |
| (k) | Regarding publicity of fire safety, the FSD was currently preparing promotional booklets in various languages commonly spoken in Hong Kong such as the Philippine language and Japanese to serve aliens residing in Hong Kong. As the FSD was facing the problem of staff shortage, it would launch promotional programmes for recruitment through various kinds of media. Recently, the FSD had developed applications for computers and mobile phones promoting fire safety through information and games provided. Users could learn more about fire safety and escape during fire through enjoying games. |
| (l) | The FSD understood the aspirations of the public arising out of the postponed commencement of operation of the SYP Station of the WIL. As all entrances of each station along the WIL were designed according to the original estimation of passenger capacity, so the postponed commissioning of any entrance in a station would have adverse effect on evacuation of passeners in case of emergency and thus might cause very serious consequence. Unless all entrances of SYP Station were available for use, the FSD would not recommend commissioning of the said station for protection of the public. |
| (m) | The FSD had studied the practice of other countries regarding mandatory installation of smoke detectors in residential buildings, and found that only some countries required residential centres for and residence of the elderly to install smoke detectors. The FSD had also conducted a risk assessment of residential buildings in the territory, and the findings indicated that the risk level was not high even if mandatory installation of smoke detectors was not implemented. It did not object to any voluntary purchase of portable smoke detectors by households for enhancement of fire safety at home. It would keep track of the global trend, and review the fire equipment required by old-type buildings from time to time. |
| (n) | Being a disciplinary force providing emergency services, the FSD had been conducting various kinds of risk assessments and formulating various kinds of contingency plans including provision of fire and ambulance services during large-scale activities. |
| 1. The Chairman thanked the guests for attending the meeting. | |
| **Item 5: Meeting the Director of Lands**  (6:35 pm – 7:15 pm) | |
| 1. The Chairman welcomed the Director of Lands to the meeting. | |
| 1. Ms Bernadette LINN, Director of Lands, gave a Powerpoint presentation on the services of the LandsD. | |
| (a) | The five main responsibilities of the LandsD were: (i) land grant matters including land sale, land disposal, lease modification and land exchange; (ii) land surveying and mapping; (iii) letting on short term tenancy basis; (iv) estate management including land control action and lease enforcement; as well as (v) land acquisition and demolition. |
| (b) | Regarding sale of government land, the number of land sale in the C&W District was relatively less significant. The recently approved redevelopment of Murray Building to a hotel was a land sale case receiving more concern by the public. |
| (c) | Regarding lease modification, most of the land leases in the C&W District were granted at an earlier stage with relatively less restrictions and thus less modification. As some buildings were governed by the terms of land lease granted earlier, so if premises in such buildings were to be used for catering industry purpose, the owners had to apply to the respective district lands offices for exemption of the lease terms prohibiting operation of an offensive trade prior to operation of business in order to avoid non-compliance to the terms of land lease. She called on those intending to operate food establishments to carefully study the terms of the respective leases first and, when necessary, apply to the LandsD for approval. |
| (d) | Regarding letting of government land, there were over 100 sites being rented out with short term tenancy in the C&W District including the two sites at the New Central Harbourfront used for installation of a Ferris wheel and for organisation of large-scale projects and activities. The Administration would usually let the sites of commercial value on short term tenancy basis through tendering. It would also let on short term tenancy basis sites of no commercial value or sites intended for use by non-profit-making organisations through direct rental if support by the bureau concerned was obtained. Some small sites irregular in shape might be rented for greening and other community purposes on short term tenancy basis. There were currently some 20 sites belonging to the latter category in the district, and the Administration would regularly provide a list setting out these government sites for the information of the District Officer (Central and Western). She called on Members to refer interested parties intending to use these sites to the Administration. If they were supported by the bureaux concerned, the Administration might let them the sites directly. |
| (e) | Regarding land control, the Administration aimed to prevent unlawful occupation of government land or construction of unauthorised structures on government land, and took enforcement actions according to the power conferred by the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (L(MP) Ordinance). The main responsibilities of the Administration in this district included crackdown on illegal structures and illegal shop front extensions to pavement. To tackle the current problem of lenient penalties imposed on convicted offenders, the DEVB proposed substantial legislative amendments for introduction of heavy penalties. The fine imposed on first offenders would be increased from $10,000 to $500,000 and that on repeated offenders revised to $1 million with the introduction of a daily fine system to reinforce the deterrent effect. She pointed out that it was practically difficult to identify owners of bamboo scaffolds disposed in streets and bicycles involved in curb parking. As a result, it was difficult to lodge successful prosecution against offenders according to the L(MP) Ordinance. It was necessary for the Administration to study if the measures currently in use were the most effective ones for land control management or were to be substituted by other forms of enforcement. The Environmental Bureau had formed an inter-bureau task force to study the problem of illegal placing of cargo compartments on roadsides (commonly known as “skips”). |
| (f) | Regarding compliance of land lease, the Administration aimed to urge owners to rectify irregularities identified soon after identification. If warning letters were found to be ineffective to bring rectification, such cases would be registered at the Land Registry, commonly known as “imposing an encumbrance”, or the Administration would exercise resumption of land or flat concerned according to the power vested by the “Government Rights (Re-entry and Vesting Remedies) Ordinance” (Cap. 126). Last year, the Administration received more than 40 complaints lodged on violation of land lease in the C&W District. Upon investigation, it was found that more than 30 of them were not involved in non-compliance, and most of the remaining 7 confirmed cases had been rectified. |
| (g) | Regarding Conserving Central, the role of the Administration in the revitalisation projects included government land allocation, sale of land (such as redevelopment of Murray Building to a hotel), and lease modification. |
| (h) | To sum up, the Administration would grant land for residential and commercial purposes soonest possible because there was a great demand for land in Hong Kong, and would expedite the procedures to grant approval to proposed lease modifications for faster redevelopment of old districts. Besides, the Administration would strengthen land management by raising penalties and so on. |
| 1. The Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Dr Malcolm LAM pointed out that the land lease of some private clubs stipulated that they had to open a number of facilities for public use at some time slots but many of them did not fulfill this requirement. He asked how the Administration would monitor the situation of non-compliance, what effective measures it might take to ensure compliance of land lease in this respect by clubs, and whether it would exercise land resumption for redevelopment against clubs breaching conditions of lease for a long time. |
| (b) | Regarding private land exchange and lease modification, Ms SIU Ka-yi said that many street shops on ground floor of buildings in the district were approved by the LandsD to become food establishemnts. As the Administration neither consulted the residents nearby and Members before granting approvals nor notified the OCs afterwards, they could not know such change of use earlier and give comments in time. She suggested that the Administration should improve the consultation mechanism by informing management offices, OCs, owners of buildings concerned and Members of the proposed change of land use upon thechanges at an earlier dateione increased from rent effectuponuponu receipt of applications. |
| (c) | Mr MAN Chi-wah raised two points. Firstly, unlawful occupation of roads would have more serious adverse effect on local residents because roads in the district were relatively narrower in general. He stressed that it was difficult for the Administration to take law enforcement action against illegally placed bicycles and wooden carts due to the period and pattern of placing. It was hoped that this point could be taken into account for legislative amendment, and expedite the process of amendment. Secondly, he hoped that the Administration would adopt more effective countermeasures against illegally placed skips because the current ones could not tackle the problem effectively. |
| (d) | Mr Sidney LEE opined that the public tended to report unlawful occupation of roads to the FEHD which preferred to handle the reported cases in accordance with the “Public Health and Municipal Services Ordinance” (Cap. 132) (PH&MS Ordinance). Otherwise, the offenders might have one day’s time to move their illegally placed articles away if the FEHD took actions according to the L(MP) Ordinance. However, if the FEHD opined that the articles involved in complaints did not cause street obstruction, or the roads concerned were still wide enough for pedestrians or vehicles to pass through despite the placing of articles in question, they would not take action according to the provisions of the PH&MS Ordinance. He cited the illegally placed skips as an example to illustrate the inadequacies in law, and asked whether the Administration would impose penalties on offenders and, if yes, what the penalties were. He also pointed out that unlawful occupation of government land by hoardings was an situation ever-deteriorating, and requested the Administration to pay special attention about this. |
| (e) | Mr CHAN Choi-hi requested the Administration to regularly provide Members with the list setting out more than 20 small pieces of land in the district for greening by circulation with updates. He understood that the Administration was currently considering the employment of the “Summary Offences Ordinance” (Cap. 228) (SO Ordinance) to tackle the problem of street obstruction, but reminded that the Administration should not be relaxed in combating serious obstruction cases (such as loading and unloading of goods for supermarkets) prior to legislative amendments. He also requested the Administration to provide the C&WDC with statistics on street obstruction by classification and on law enforcement actions taken. |
| (f) | Mr CHAN Chit-kwai pointed out that the then Hong Kong Government constructed a ramp along the slope between Ying Wa Girls’ School at No. 76 Robinson Road and Breezy Court at No. 2A Park Road at the request of the public for safety enhancement in those years. However, a section of the ramp was situated at a private lot the owners of which (i.e. owners of Breezy Court) did not agree to construct this road section, worrying that they would be responsible to repair and maintain the slope in future. He hoped that the Administration would look into the matter. |
| (g) | Ms CHENG Lai-king shared view with Mr CHAN Chit-kwai. She pointed out that the owners of Breezy Court vetoed the proposed construction of the small section of pavement during a general meeting of residents. The government claimed to respect private ownership of property and did not launch the widening works. As a result, pedestrians passing this road section would be extremely dangerous because they were very close to the vehicles there. Moreover, the land leases of many buildings in the C&W District were granted at an early stage. Operation of the catering business was restricted because it would violate the land lease prohibiting business related to offensive trade. Owners of such buildings intending to operate the catering business had to submit applications to respective District Lands Office for issuance of Offensive Trade Licence. She referred to an application for liquor-licensed premise on Castle Road recently approved by the Liquor Licensing Board (LLB). In this case, the applicant did not have a licence for operating food premise because the land lease stated that the venue of the liquor- licensed premise was planned for garage instead of food establishment use. The approved use was thus a breach of land lease. She opined that this was a non-compliance of land lease, and suggested that the Administration should inform the residents in buildings concerned and Members of the constituency concerned of any similar application in future, and should arrange for site visit when necessary. It was worrisome because the number of application for liquor-licensed premises in the Mid-levels was ever-increasing. |
| (h) | Mr Joseph CHAN raised four points. Firstly, staff responsible for district minor works or improvement works was required to first confirm the land ownership with the LandsD for implementation of works prior to launching of projects by applicants. As the demand for this kind of enquiry service was on the increase, he suggested that the Administration should make appropriate deployment of resources to cater for the need of the district. Secondly, regarding tree management, the Administration should give prior notification of trimming or removal of trees without immediate danger to Members and submit a report afterwards. He requested the Administration to instruct the contractors to avoid trimming trees excessively. Regarding sites approved for redevelopment, the Administration should inform residents and local community of the details about tree replanting programme such as the number of trees to be planted, enabling all stakeholders to jointly monitor the works progress. Thirdly, unlawful occupation of public area by skips was very serious at the Mid-Levels and the Peak. He urged the Administration to strengthen the monitoring and instruct contractors to properly dispose of the waste in order to reduce the nuisance and potential hazards caused to residents by skips. Fourthly, the proposed redevelopment to a hotel on Lugard Road was monitored by a number of government departments including the PlanD, LandsD and BD, etc., and many areas of concern including traffic, transportation, environment and fire safety were pending solutions. As one of the requirements of the Town Planning Board (TPB) for granting approval was obtaining support by the LandsD, he hoped that the Administration would liaise with the departments concerned for better understanding of the worry of the public, and carefully process the applications by taking all factors into account. |
| (i) | Mr Jackie CHEUNG said that the HAD, being the responsible department for licensing of guesthouses was lenient to grant approval to applicants who only needed to fulfil requirements regarding specifications and renovation of the BO and fire safety provisions for licensing. Inconvenience caused by such guesthouses to residents nearby was not their concern. He pointed out that as some land leases prohibited uses of premises within such residential buildings for commercial purpose, conversion to guesthouses was a breach of land lease. She asked whether the Administration would take law enforcement action against it. |
| 1. Ms Bernadette LINN gave a consolidated response as follows: | |
| (a) | The District Lands Officer/HKW & S would take necessary follow-up actions on individual cases. |
| (b) | In response to Dr Malcolm LAM’s views on land lease of private recreation grounds, she pointed out that the Home Affairs Bureau (HAB) had formulated more stringent requirements about opening the facilities of private recreation grounds for public use. It would notify their operators about the new requirements as additional conditions for renewal of licence of private recreation grounds. The HAB would also step up its control over them such as regular submission of progress reports. There were over 50 private recreation grounds in Hong Kong currently, and the HAB was conducting a policy review of the private recreation grounds. The areas under review included whether concessionary grant of Government land and current mode of operating private recreation grounds would be continued, as well as how the monitoring of these premises could be strengthened, etc. The LandsD also participated in the review. |
| (c) | As mentioned by Ms SIU Ka-yi and Ms CHENG Lai-king, some premises in old buildings approved for operation of offensive trade were suspected breach of land lease prohibiting such uses. She said that the Administration would consider applications for technical amendments of land leases or applications for approval to business operation as permitted in the respective land leases. In case of application for technical amendments, there would be no public consultation conducted in general. In case of application for business operation, the local District Officer would be contacted first to determine if public consultation was needed. She undertook to explore ways for improvements to information dissemination and public consultation. |
| (d) | Regarding unlawful occupation of government land by bicycles and wooden carts, etc., it might not be the most effective way to take action against these illegal acts by means of the provisions in L(MP) Ordinance. In some cases, law enforcement action taken against unlawful occupation of government land (e.g. unlawful placing of skips) might be more effective with other legislations. Unlawful placing of skips on government land was cited as an example for illustration. According to the current division of labour among government departments, the Police would immediately remove unlawfully placed articles having adverse implication according to SO Ordinance. For non-emergency cases, they would be referred by the respective District Lands Officer to take follow-up actions. |
| (e) | Apart from making use of the Government hotline number “1823” to complain about occupation of streets by hoardings of work sites, the public could also lodge their complaints to the BD directly. |
| (f) | In response to Mr CHAN Choi-hi’s request, she undertook to liaise with the District Officer (Central & Western) to provide the information on more than 20 small pieces of land in the district for greening to the C&WDC by circulation on a quarterly basis. |
| (g) | Statistical figures on street obstruction by classification and law enforcement actions taken against such offence would be provided after the meeting as requested by Members. |
| (h) | The District Lands Officer/HKW & S would take follow-up actions on the ramp between Robinson Road and Park Road. |
| (i) | In response to Members’ views regarding confirmation of land ownership by the LandsD prior to commencement of works, she said that the Administration would provide the most efficient enquiry service about this with appropriate mobilisation of resources to meet the need of users as far as possible. |
| (j) | The Administration would instruct the contractors not to trim trees excessively. With public safety being the major concern, trees having an immediate danger had to be trimmed or removed immediately. Under such circumstances, it would be difficult to give prior notification practically. For trimming of trees of public concern or big trees, the Administration would decide at its discretion if public consultation was required. |
| (k) | Regarding licensing of guesthouses, the Administration would definitely take enforcement action against cases of breaching lease term. As the land lease of some residential buildings actually permitted the premises therein for “non-industrial use”, commercial uses including guesthouses and restaurants were thus permitted. The Administration would take enforcement actions on confirmed breaching cases of land lease without hesitation. |
| 1. The Chairman thanked the guests for attending the meeting. | |
| **Item 6: Confirmation of the minutes of the Fourteenth C&WDC meeting held on 29 May 2014**  **(7:15 pm – 7:20 pm)** | |
| 1. The Chairman said that the Secretariat had e-mailed and posted the draft minutes of the fourteenth meeting to Members on 8 July 2014, and had e-mailed and tabled the proposed amendments put forward by Mr Joseph CHAN for Members’ perusal. | |
| 1. Members had no comments on the draft of the amended minutes and the Chairman declared that the minutes were confirmed. | |
| |  |  | | --- | --- | | **Item 7:** | **Action checklist on matters arising from the last meeting**  **(C&W DC Paper No. 70/2014)** |   **(7:20 pm)** | |
| 1. The Chairman asked Members to refer to the checklist for the progress of follow-up of different items. | |
| **Discussion items** | | |
| **Item 8: Review of the Hotel and Guesthouse Accommodation Ordinance**  **(C&W DC Paper No. 63/2014)**  (7:20 pm – 8 pm) | |
| 1. The Chairman welcomed the representatives of the HAD to the meeting. | |
| 1. Mr Franco KWOK, Acting Deputy Director (2) / Assistant Director (4) of the HAD, gave a Powerpoint presentation on the Consultation Document on Review of the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (Ordinance) in July 2014 as follows: | |
| (a) | To strengthen the capability to combat against unlicensed guesthouses and optimise the licensing regime, the HAD conducted a review of the Ordinance according to the its implementation and experience of the relevant law enforcement action in recent years; |
| (b) | Regarding law enforcement, the Office of Licensing Authority (OLA) conducted about 10 000 times of operation in 2013 to crack down on unlicensed guesthouses. The number of operation was three times of that in 2011, and the figures regarding prosecution and sentencing also increased by two to three times. As operating an unlicensed guesthouse was a criminal offence, so law enforcement officers had to secure sufficient admissible evidence which could prove “beyond reasonable doubt” that the defender had committed an offence and institute the defender successfully. Owing to the various difficulties encountered in prosecution, there were only some 100 successful cases to convict the defenders out of almost 10 000 times of enforcement actions taken. To tackle this problem, the main objectives of the proposals set out in the consultation document were: (1) to facilitate law enforcement officers to secure sufficient admissible evidence for prosecution easier; and (2) enhance the deterrent effect of the Ordinance against unlicensed operation of guesthouse. |
| (c) | To facilitate better law enforcement, amendments were proposed to the Ordinance including addition of “deeming provisions” to the effect that advertisement, price list, a guesthouse layout and setting and so on as collected by a law enforcement officer could be used as circumstantial evidence. The premise in question should be deemed as a suspected unlicensed guesthouse, and the owners, tenants or occupants as operators of such guesthouse. Besides, it was proposed to empower the law enforcement officers to apply to the Magistrate’s Court for warrants to enter into suspected unlicensed guesthouses for inspection and enforcement actions. |
| (d) | Regarding enhancement of deterrent effect, it was proposed to increase the maximum fines for operating unlicensed guesthouses from $200,000 to $500,000 and imprisonment from 2 years to 3 years; as well as amend the Ordinance to empower the OLA to apply to the Court, upon the second conviction of an unlicensed guesthouse, for issuance of a Closure Order against that premise for six months. |
| (e) | To enhance the protection of visitors’ safety, it was proposed to add new licensing conditions. For example, an applicant for guesthouse licence should be a “fit and proper” person having no ciminal record of an offence against any provision of the Ordinance. A licensee had to procure third-party liability insurance for one’s guesthouse. A 24-hour manned reception counter should be provided by a licensee inside one’s guesthouse for provision of assistance to occupants in case of emergency. It was also proposed to issue “hotel licence” to purpose-built hotels and “guesthouse licence” to other types of short-term sleeping accommodation located in residential buildings. |
| (f) | According to the existing Ordinance, the OLA might refuse to approve an application for guesthouse licence only on the grounds that the guesthouse failed to comply with the safety requirements set out in the BO and the Fire Service Ordinance (Cap. 95), or that its operation was not under the continuous and personal supervision of the applicant. The HAD suggested that the OLA might refuse to approve an application for guesthouse licence if a DMC contained “explicit restrictive provisions” prohibiting operation of guesthouse or commercial business inside the premise or stipulating that only “private residential purpose” was allowed. Before the proposed legislative amendments were passed in the Legislative Council (LegCo), the owners might still apply to the Lands Tribunal for injunction according to the DMC provisions when necessary. After injunction was obtained by the owners concerned according to the DMC provisions, the OLA would refuse to grant renewal or approval of guesthouse licence to applicants in accordance with the judgment. Besides, the OLA would immediately suspend the processing of applications for such renewal or approval even if the owners or OC concerned had officially filed a case to the court of law on grounds of breaching the DMC. |
| (g) | The HAD recommended to make legislative amendments to the Ordinance so that the Licensing Authority could take into account views of residents of the building concerned during the licensing process, and three possible options were proposed: (Option I) Conducting local consultation through District Officers (DOs); (Option II) Setting up an independent panel comprising unofficial members to provide local views collected and advice to the Licensing Authority for consideration; as well as (Option III) Setting up a new statutory body similar to the LLB responsible to consider applications and issue licences. There were pros and cons for the three options. Options I and II would involve in less changes to the existing licensing regime and could be implemented faster. Option III was of better transparency but would require legislation and reformation of the existing system and, as a result, might take longer time for implementation and for granting approvals to applications in future. |
| 1. The Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Ms SIU Ka-yi suggested that Members of the area concerned, residents in the vicinity, OCs and management companies should be consulted in case of applications for guesthouse licence in future, and the consultation period should exceed one month. |
| (b) | Ms CHENG Lai-king asked whether operation of guesthouse in a residential building was unlawful . She opined that the composition of an independent panel to consider local views should be dealt with carefully lest it should become a “rubber stamp” in future. |
| (c) | Mr KAM Nai-wai considered that enactment of the Ordinance would “rather be stringent than lenient”. In case a new statutory body similar to the LLB responsible for the licensing work was to be formed, it had to take into account the residents’ views seriously. |
| (d) | The Vice-Chairman stated that the OLA would consider an application for guesthouse licence only after the applicant had completed the decoration of and provided fire safety facilities in the flat concerned. If such application failed, the investor would be discontented for suffering from losses. He asked whether the Administration investors could inform investors of the results of application as soon as possible and improve the existing application procedures. |
| (e) | Mr Jackie CHEUNG said that an application for guesthouse licence in Grand Panorama was being processed within his constituency. The department concerned replied that approval would be granted if the specifications on safety stipulated in the BO and FSO were satisfied. However, he pointed out that such application should not be approved due to violation of the land lease which prohibited commercial operation in the building. He also opined that the extra burden on the fire safety facilities of a building imposed by a new guesthouse was not fully considered in the current approving procedures to grant guesthouse licence. He requested the Administration to suspend the processing of all applications for guesthouse licence before the current consultation was completed, and resume the approving procedures only after the proposed legislative amendments were made. |
| (f) | Mr CHEUNG Kwok-kwan supported the proposed inclusion of the DMC provisions as one of the considerations in the licensing process. Apart from licensing of guesthouses, he hoped that the DMC provisions would also be considered regarding other kinds of applications such as signboard installation |
| (g) | Mr Joseph CHAN said that granting licence to a hotel development would have adverse implications to residents, environment and traffic in the vicinity. The department concerned was recommended to consider not only the fire safety facilities installed in buildings but also the potential additional burden on provision of fire services and emergency services or traffic by a proposed hotel development, and should consult the FSD about such application. He cited the proposed hotel development in Lugard Road for illustration, pointing out that the FSD currently did not have appropriate fire engines to provide emergency services in case emergency took place at the hotel and might even endanger the residents nearby. In short, the proposed hotel development on Lugard Road would greatly and adversely affect the local residents, stakeholders and traffic in the area. Therefore he hoped that the department concerned would consult the local residents, stakeholders and Members of the area, and that the proposed legislative amendments and collection of residents’ views would be completed before granting approval to the hotel development on Lugard Road. |
| (h) | Mr CHAN Chit-kwai supported the proposed arrangement of refusing an application for guesthouse licence according to the DMC provisions, hoping that the LLB would follow this practice in licensing in future. |
| (i) | Mr Sidney LEE suggested that Members’ views be sent to the Administration after meeting. |
| (j) | The Chairman supported the review and recommended the Government to take stringent enforcement action against illegal operation of guesthouses and impose heavy penalties on offenders to safeguard the safety of lodgers and visitors. |
| 1. Mr Franco KWOK of the HAD responded as follows: | |
| (a) | In response to the enquiry about why operation of guesthouses in residential premises was approved, he explained that guesthouse was commercial by nature but still a use for accommodation. According to the BO, guesthouse belonged to “residential” use and could be operated in “residential” buildings only. As the department concerned fully understood that operation of guesthouses in multi-storey residential buildings would have adverse implications on the local residents, the consultation document was a response addressing to this public concern. |
| (b) | In response to the views on the FSO, he said that the OLA would not only require the compliance of the FSO provisions on safety but also the fire safety design and situation of the whole building concerned in order to ensure that the existing means of escape and fire equipment would not be overloaded due to the new guesthouse. |
| (c) | In response to the enquiry about why the DMC provisions were not considered for granting guesthouse licence in the past, he explained that when the Ordinance was enacted in 1991, the then government had given a full account of the situation to the then Legislative Council in that compliance of DMC was not a requirement of licensing. It was because DMC was a private contract and the Government could not and should not intervene with the contract terms entered into by private parties in the course of performing administrative functions. The Government had repeatedly and clearly reminded the applicants and licensees that their operation should not contravene the DMC provisions, but some operators of guesthouses did not follow the instruction. The department concerned opined that if the Licensing Authority was allowed to take the “explicit restrictive provisions” into account, it would facilitate enhanced building management and better neighbourhood. However, if the DMC provisions were obscure in this respect, the departments concerned would not make its own interpretation to them, and owners concerned should submit applications to the Judiciary for judgment. |
| (d) | In recent years, the HAD had significantly increased manpower to crack down on unlicensed guesthouses and hoped that the proposed legislative amendments could solve the enforcement problems caused by legislative restrictions and enhance the effectiveness of law enforcement. |
| (e) | He pointed out that, as an existing practice, staff of the department concerned would conduct a site visit to the premise under application within 26 working days upon receipt of an application for guesthouse licence, and would require the applicants to make improvements to the premise in accordance with the FSO and/or BO. It was clarified that the relevant procedures were not commenced only after the decoration by applicant was completed. Currently, when the OLA processed other kinds of licensing (e.g. mahjong parlour licence or amusement game centre licence), the consultation would also take place in the early stage. Upon the legislative amendment of the Ordinance in future, the new practice would be taken as reference for consultation exercise at district level. |
| 1. Mr Jackie CHEUNG asked whether the HAD could temporarily suspend the processing of licence applications prior to the expiry of the current consultation. This might help the investors avoid from suffering great losses for decoration in case their applications were refused due to violation of the DMC provisions after the legislative amendments were passed. | |
| 1. Mr Franco KWOK responded that it was inappropriate to predict the consultation results and take actions according to such assumption because the consultation was yet to finish. To maintain impartiality, processing for all applications would not be suspended. In response to the application for guesthouse licence in Grand Panorama, Mr KWOK disclosed that the applicant had withdrawn the application out of one’s own accord after the publishing of this consultation document. | |
| 1. The Chairman concluded that Members unanimously supported the proposed amendments, and would send the written comments to the HAD in due course. | |
| **Item 9: Signature Project Scheme in C&W District**  **(C&W DC Paper No. 71/2014)**  (8 pm – 8:40 pm) | |
| 1. The Chairman welcomed Miss Cheryl CHOW, District Officer (Central & Western) of the HAD and representatives of the Architectural Services Department (ArchSD) to the meeting. | |
| 1. Miss Cheryl CHOW, the District Officer (Central & Western), said that the C&WDO, since the rolling out of the Signature Project Scheme (SPS), had taken proactive follow-up actions and achieved good progress for implementation of the project. The C&WDC and C&WDO jointly organised a number of public consultation and publicity initiatives on the SPS project in the last year as follows: | |
| (a) | In collaboration with the HKU, the Administration set up booths and display panels in the “Western Wholesale Food Market (WWFM) Flea Market cum Carnival 2013” which was a signature event in the district, conducted questionnaire surveys, organised children painting competition, and distributed publicity leaflets and souvenirs, etc.; |
| (b) | Seven Focus Group sessions were organised in April and May 2014 attracting the participation of some 60 stakeholders in the C&W District; |
| (c) | Three sessions of Residents’ Forums were organised in June and July 2014 attracting about 70 participants; |
| (d) | Three questionnaire surveys were conducted in February 2013, December 2013 and July 2014 to obtain better understanding of the public’s views about the SPS project and its designs; |
| (e) | To produce publicity materials including leaflets, posters, exhibition panels; arrange for pillar decoration at footbridges in Central; display banners and distribute souvenirs for promoting the SPS project in the district extensively; |
| (f) | Representatives of the C&WDC and C&WDO reached consensus about the width of the proposed waterfront promenade with the Market Management Advisory Committee of the WWFM after discussion. Representatives of the market operators agreed to reserve a 6.5-metre-wide space at the carriageway along the seaside of the WWFM (the width of which ranged from 12 to 15 metres) for the development of a waterfront promenade under the SPS project in the district. This provision met the requirement for a promenade in that such development should not be less than 6 metres in width; and |
| (g) | The C&WDO briefed the Taskforce on Harbourfront Development on Hong Kong Island of the Harbourfront Commission about the SPS project in June 2013, and the Taskforce was in unanimous support of the proposal. |
| 1. Mr LI Ho-kin, Senior Project Co-ordination Manager of the ArchSD, said that the project team of the ArchSD had taken into account the views and comments given by the SPS Steering Committee under the C&WDC, and that contained in reports on community involvement and Focus Group activities as well as “Western Harbourfront Conceptual Master Plan” of the HKU when preparing the draft design of the SPS project. Owing to site and technical restrictions, some proposed facilities such as cycle track and pet garden would not be provided. Space was also reserved in the draft design for additional provision of facilities in the venue in future. Subject to the endorsement of the contents and conceptual design of the project by the C&WDC, the project team would prepare detailed drawings and works estimates of the project, as well as tender documents with a view to submitting the project proposal and funding application to the LegCo in mid-2015. | |
| 1. Mr Kevin SY of the ArchSD gave a Powerpoint presentation on the sketch and outline design as follows: | |
| (a) | Characteristics and history of the Western District were main themes of the concept design. Recycled wood would be employed for decoration of the ancillary facilities, and the design elements included containers and vertical greening; |
| (b) | Openness was the major design feature of the main entrance and ancillary facilities including light refreshment kiosk, toilets, baby care rooms, security room and related mechanical and electrical facilities would be provided; |
| (c) | The total length of the waterfront promenade was about 429 metres, providing a 4-metre-wide pavement and a 2.5-metre-wide green belt alongside with shelters cum seating and elderly fitness equipment. The perimeter fence at the seaside was 1.25 metres high; |
| (d) | The existing cranes in Pier No. 1 would be retained with additional lighting installed to produce special light effect at night. A children’s playground for children aged 2 to 5 would be developed in the centre of the venue; |
| (e) | The lawn originally proposed in Pier No. 2 was cancelled, and was replaced by an open space decorated with recycled wood, which was designated as a multi-purpose area or venue for holding large-sacle activities; |
| (f) | A children’s playground for children aged 5 to 12 would be constructed at the end of Pier No. 3, having feature seating characterised by pallets provided in the centre; |
| (g) | A fishing area would be provided in Pier No. 4; and |
| (h) | As the venue would be open to the public round the clock, lighting was very important. Lighting would tie in with the design of railings, seating and kerbs of staircases to produce special atmosphere. To ensure the safety of users in the children’s playgrounds, higher lamppoles would be employed to meet the specific lighting requirements and luminity. |
| 1. Miss May W Y WONG, Landscape Architect of the ArchSD, gave a Powerpoint presentation on the design concepts of greening and planting. She pointed out that priority would be accorded to local species during selection of plants for embedment. As the venue was windy at the seaside, plants selected should be highly wind-resistant and salinity-resistant. Other criteria to select plants included easy growing, size sufficient to provide shade to visitors and good indicator of seasonal changes. These new plants should be about 3 to 5 metres in height. | |
| 1. Miss Cheryl CHOW, District Officer (Central & Western), said that resources were reserved for the C&WDC to organise publicity activities under the project, and that the total cost of the project was estimated to be $99.3 million. Subject to the endorsement of the conceptual design by the C&WDC, the project team would prepare the relevant documents, aiming to submit the fund application to the LegCo in mid-2015. The Administration expected that the works would start by the end of 2015 and the site would be open for use by the public in early 2017. | |
| 1. The Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Mr MAN Chi-wah agreed to the proposed design of the project, and expressed his appreciation about the arrangements of Focus Group sessions and site visits, helping the stakeholders clearly understand the special features and restrictions of the site. |
| (b) | Mr Sidney LEE proposed to include “Vessels” as an element of design to highlight the special feature of the project, and to make use of district minor works fund for enhanced flexibility in utilisation of resources for the project. |
| (c) | Mr CHAN Choi-hi suggested that vessels should be anchored at one pier to demonstrate the original use of the site, fragrant plants embedded as well as more shelters with seating installed. He was also concerned about the design of the railings and safety facilities at the waterfront. |
| (d) | Mr CHAN Chit-kwai was concerned about the accessibility to the site by the public and whether it was legal to engag in fishing by visitors within the site under the project. He also worried that the webbing design of perimeter fence could not prevent the public from making wet by big waves shoreward. |
| (e) | The Vice-chairman commended the performance of the project team, and proposed to include the characteristics of cargo handling piers as a design element such as the metallic frame of triangular barge or wooden cargo gangway for transportation of rice, etc. |
| (f) | Dr Malcolm LAM recommended the installation of telescopes and expandable telescopic skylight. |
| (g) | The Chairman suggested that vessels like police launches, fireboats, feature junks or mobile marine libraries might be arranged for anchoring at a pier during organisation of special events to highlight the site’s original use and become a publicity initiative. |
| 1. Mr George NGAN, District Leisure Manager (Central & Western) of the LCSD, said that, the “Pleasure Grounds Regulation” did not prohibit fishing at the seaside along waterfront promenades managed by the LCSD. However, such activities should not cause nuisance or danger to other users of the venue. Although taking dogs into the sitting-out areas under the management of the LCSD were usually not allowed, the Administration would flexibly and rigorously consider adopting complementary measures to meet the need subject to endorsement of the C&WDC for a pet garden development at the site. | |
| 1. The responses of Miss Cheryl CHOW, District Officer (Central & Western), were summarised as follows: | |
| (a) | The design team had incorporated the views given by Members and the public in the preliminary design as far as practicable, but some were reluctantly excluded due to limited resources. Nevertheless, the ArchSD had reserved space in the site for additional facilities to be provided by stages by the C&WDC through utilisation of other resources in future. |
| (b) | The Administration would continue to organise various kinds of community engagement activities to collect public views and promote the project site after its opening. |
| (c) | It would be operationally difficult to designate an area for pet garden development for the time being because there was only one entrance at the site in the current design. |
| 1. Mr Esmond AU, Senior Architect of the ArchSD, added that “Vessels” was already employed as a design element for the facilities to be provided in the children’s playgrounds. Besides, materials having better rust-resistant performance such as fibre glass might be used for constructing a 1.25-metre-high perimeter fence at the waterfront provided with life-saving equipment to ensure the safety of visitors. He also said that at least one telescope would be installed under the project. | |
| 1. The Chairman hoped that the project could be launched as soon as possible in order to realise the aspirations of the C&WDC for a continuous waterfront promenade in the C&W District. He reminded that as the waterfront promenade under the project would connect the one at Sun Yat Sen Memorial Park in future, it was necessary for the departments concerned to carefully study the way to achieve consistency in design between them such as permission to dog keepers to take their pets into the sites. He thanked the representatives of government departments for attending the meeting. | |
| **Item 10: Streetathon by RunOurCity in C&W District**  **(C&W DC Paper No. 72/2014)**  (8:40 pm – 9:12 pm) | |
| 1. The Vice-Chairman welcomed the representatives of the RunOurCity, FSD, LandsD, FEHD, TD and HKPF to the meeting. | |
| 1. Mr Andes LEUNG, Co-founder and COO of RunOurCity, gave a Powerpoint presentation on the streetathon. He said out that the activity would be held on 22 March 2015 to encourage the public to participate in and promote the culture of running. Preliminary discussion on the arrangement of road closure with departments concerned had been held, and a traffic impact assessment would be conducted in due course. He also said that the surplus of the activity, if any, would be donated to the “Youth Street-run Program” under the RunOurCity and charitable institutions in the C&W District. | |
| 1. The Vice-Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Mr Joseph CHAN supported the activity. He pointed out that the RunOurCity had successfully organised a 10-kilometre streetathon in Kowloon East last year, thus possessing the experience of organising large-scale event of running. He was also concerned about the arrangement of road closure to facilitate the event. |
| (b) | Mr CHAN Choi-hi asked whether the RunOurCity was a charitable institution of a public character which was exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112) (IRO) and whether the benefited organisations were also tax-exempt charities. He asked about the ratio of income to donation to the charities. He was also concerned about the administration expenses of organising streetathons and the surplus of the streetathon organised in Kowloon East last year. |
| (c) | Mr CHAN Chit-kwai hoped that the organiser could accord priority to athletes of the C&W District to participate in the event. He also enquired the organiser whether there was any commercial sponsorship for the event. |
| (d) | Mr MAN Chi-wah enquired if the organiser had booked the venue in the Central Harbourfront for the event. As the venue for running at Lung Wo Road was relatively short and participants had to run several rounds for completion, he worried that there might be confusion among the leading runners and those falling far behind. |
| (e) | Dr Malcolm LAM enquired what the major business of the RunOurCity being a social enterprise was. He also asked about the details of commercial sponsorship and whether payment by runners was required for participation. |
| (f) | Mr Thomas NG pointed out that Lung Wo Road and the roads at Central Harbourfront were relatively narrow, and was concerned about the arrangement of pedestrian flow control for the event. |
| (g) | The Vice-Chairman stated that the current route of the streetathon was determined after several times of negotiation. He supported the activity, and hoped that it might attract the public to use the Central Harbourfront for enjoyment. |
| 1. Mr Andes LEUNG of the RunOurCity gave a consolidated response as follows: | |
| (a) | The RunOurCity was a social enterprise which comprised two parts: (1) a tax-exempt charity under section 88 of the IRO; and (2) a limited company. The streetathon to be held in the C&W District would be organised by the tax-exempt charity under section 88 of the IRO. |
| (b) | The RunOurCity would hire an independent accountant to provide auditing service of the financial matters for all events. All commercial sponsorship and enrolment fee would be regarded as revenue. After deducting the expenditures of the event, the surplus, if any, would be donated to the Youth Street-run Program and charitable institutions in the district. All beneficiaries were tax-exempt charities under section 88 of the IRO. The surplus of the streetathon organised in Kowloon East last year was about $1 million with 50% of which being donation to the Youth Street-run Program and 50% of which being donations to three charitable institutions in Kwun Tong District. |
| (c) | The current event was a 5-kilometre streetathon, being an experiential game by nature. He said that various kinds of amusement programmes would be arranged along the course to encourage the participants to run slowly for enjoyment. He undertook to discuss the arrangement of pedestrian movement control in detail in the course of traffic impact assessment. |
| (d) | The objective of the Youth Street-run Program was to encourage the young people to participate in running as a sport and cultivate their confidence through training. |
| 1. Mr CHU Man-chiu, Station Commander Kwong Wan Fire Station of the FSD, pointed out that the main concerns of the Administration were the potential impact on public safety due to road closure arranged during the event, and the possible effect on operational efficiency of fire engines in case of emergency. He hoped that the staff at scene should be alert to the road closure arrangement and countermeasures adopted that day. | |
| 1. Mr LING Wing-cheong, Acting District Environmental Hygiene Superintendent (Central/Western) of the FEHD, said that it would, upon receipt of application, coordinate the departments concerned for granting approval to the application for Temporary Places of Public Entertainment Licence submitted by the organiser, and would provide enhanced cleaning services at areas along the course of the streetathon. | |
| 1. Ms CHAN Yee-Lai, Acting District Commander (Central District) of the HKPF, said that preliminary negotiation on route arrangement of the event had been held with the organiser and discussion on details regarding emergency vehicle access, pedestrian movement control, traffic and so on would be held in due course. | |
| 1. The Vice-Chairman concluded that the C&WDC supported the organisation of the streetathon in C&W District, and requested the organiser to inform the Secretariat of the progress in future. | |
| **Item 11: Concern over the proposed development of a student hall of the University of Hong Kong in Mui Fong Street, Sai Ying Pun**  **(C&W DC Paper No. 73/2014)**  (9:12 pm – 9:28 pm) | |
| 1. The Vice-Chairman welcomed the representatives of the HKU, Andrew Lee King Fun & Associates Architects Limited, TD and FEHD to the meeting. | |
| 1. Mr Louis YU, Senior Architect of Andrew Lee King Fun & Associates Architects Limited, briefed the background of the project as follows: | |
| (a) | The proposed student hostel development in Mui Fong Street comprised provision of 250 student hostel places and re-provisioning of the affected public toilets. The site was T-shaped, facing Mui Fong Street in the front and Kwai Heung Street in the rear. The exterior design included painting of external wall with neutral colour to tie in with the surrounding environment and vertical greening at external wall. As motor vehicles were not permitted to enter Mui Fong Street, so the loading/unloading area was currently situated in Kwai Heung Street. The hostel would provide rooms mainly for single occupants, and all inhabitants could use the public space provided in the lower floors. The entrance of the public toilets would be provided at Kwai Heung Street. |
| (b) | The public toilets to be reprovisioned in Mui Fong Street would meet the current requirements, providing four cubicles in the female toilet (including 2 cubicles with squatting type water closet and 2 cubicles with pedestal type water closet), two cubicles in the male toilet (including 1 cubicle with squatting type water closet and 1 cubicle with pedestal type water closet) and one cublicle connected with a barrier free access for both male and female wheelchair users. Upon completion, the toilets would be handed over to the FEHD for management. The public toilets would be demolished during implementation of the works, and therefore the HKU would provide temporary toilets in the vicinity of Mui Fong Street, the venue and arrangement of which would be decided by the Administration and the FEHD after negotiation. The FEHD would also be responsible for the management of these toilets. |
| (c) | During implementation of works, the contractors would adopt measures to reduce nuisance caused by noise, polluted air, dirty water and construction waste. Regarding traffic, the works vehicles would access to and from the construction site via Mui Fong Street to alleviate the negative impact on traffic in the vicinity. The works were expected to commence in the first quarter of 2015 and complete in the fourth quarter of 2017. |
| 1. Mr Patrick Tang, Director of Campus Life of the HKU, said that, having referred to the experience obtained from operating the student hostel at Lung Wah Street, regular communication with local residents would be facilitated through formation of liaison group and provision of dedicated hotline. Besides, the manager and tutors of the hostel would encourage student occupants to respect, integrate into and provide appropriate community services for the local community. Besides, the hostel would adopt appropriate lighting facilities and install curtains in all rooms to reduce light pollution | |
| 1. The Vice-Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Mr Sidney LEE said that he and the local residents expressed their support to the proposed student hostel development during the public forum held in May 2014. He also suggested that the temporary public toilets be provided in the sitting-out area to the west of Mui Fong Street. |
| (b) | Miss LO Yee-hang said that although the residents participating in the public forum held in Sai Ying Pun did not oppose to the proposed development, she worried that the students might cause nuisance to the residents after opening of the hostel. |
| (c) | Mr CHAN Chit-kwai declared that he was the hostel manager of the Faculty of Medicine of the HKU. He opined that it was necessary to implement the proposed hostel development for use by students. Worrying about the possible nuisance caused to residents by students in future, he supported the proposed formation of a liaison group as a solution. |
| (d) | The Chairman supported the implementation of the project. He suggested that the proposed liaison group should enhance the communication with local residents, and was concerned about the problems of light and noise pollution arising out of the operation of the hostel. |
| (e) | Ms CHENG Lai-king was concerned about the safety problems caused by transportation of works materials such as potential hazard to pedestrian safety during reversion of goods vehicles, and expressed support to the project. |
| (f) | The Vice-Chairman agreed that the project would bring benefits to the community, and expected that the HKU would adopt measures to reduce nuisance to the local community caused by the works and hostel operation for upholding harmony between students and residents nearby. |
| 1. Mr Patrick Tang, Director of Campus Life of the HKU, said that the community liaison groups would continue its operation even after completion of works to facilitate discussion on hostel management and community services to be provided by student occupants. | |
| 1. Mr LING Wing-cheong, Acting District Environmental Hygiene Superintendent (Central/Western) of the FEHD, said that the FEHD and government departments concerned would discuss with the HKU on the proposed provision of temporary public toilets in the sitting-out area to the west of Mui Fong Street. | |
| 1. The Vice-Chairman thanked the guests to the meeting. | |
| **Item 12: Concern over the building redevelopment programmes on the Peak and in Mid-Levels**  **(C&W DC Paper No. 74/2014)**  (9:28 pm – 9:40 pm) | |
| 1. The Vice-Chairman welcomed the representatives of the PlanD and TD to the meeting. | |
| 1. The Vice-Chairman invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Mr CHAN Chit-kwai asked whether the Administration would relax the Mid-Levels Moratorium (Moratorium) and restrictions on development, whether public consultation would be conducted regarding redevelopment programmes of buildings on the Peak and in Mid-Levels, and whether Members would be consulted in case relaxation to restrictions on development at Mid-Levels took place |
| (b) | Ms CHENG Lai-king asked how many redevelopment projects of buildings governed by the Moratorium in the district were implemented according to the requirements of the TPB since the June 18 Rainstorm in 1972. |
| (c) | Mr Joseph CHAN opined that the traffic and public facilities on the Peak and in Mid-Levels were already overloaded, and that the government departments did not have comprehensive assessment of the implication of redevelopment programmes on the capacity to cope with traffic movement in these areas. According to him, it was necessary to continue imposing restrictions on development in Mid-Levels, and the government departments should take into account the traffic, ancillary facilities and population density for granting approval to any proposed redevelopment programme. As the roads in Mid-Levels were relatively narrow together with specific environmental factors in Mid-Levels, redevelopment would cause environmental pollution and noise nuisance to local residents. Therefore he hoped that the departments could have careful deliberation of all these factors before granting approval. |
| 1. Mr Derek TSE, Senior Town Planner/HK 5 of the PlanD, responded to Members’ views comment as follows: | |
| (a) | As stated in the written reply of the DEVB, the Moratorium still remained in force stipulating, inter alia, the deferment of any further modification of a Government lease which would allow a greater intensity of development and the deferment of the sale of Government land, to restrict developments/redevelopments in the area. Assessment on various aspects of relaxing or lifting the Moratorium conducted by the Administration was underway without concrete proposals and timetable formulated at the current stage. |
| (b) | Apart from restrictions imposed by the Moratorium, any development proposal should, in so far as the planning aspect was concerned, comply with the relevant Outline Zoning Plan, including the plot ratio and building height restrictions, etc. |
| (c) | Regarding applications for development in which the Moratorium was involved in problems concerning land lease, the LandsD would handle these cases with the existing mechanism. |
| (d) | Regarding the number of buildings affected by the Moratorium, the PlanD was not in the position to reply due to irrelevance of the issue to its responsibilities. |
| 1. Miss Yvonne TSUI, Senior Transport Officer / Central & Western of the TD, responded that the TD would consider the impact on traffic of all proposed redevelopment projects. | |
| 1. The Vice-Chairman thanked the representatives of departments to the meeting, and undertook to relay the enquiries raised by Mr CHAN Chit-kwai and Mr Joseph CHAN to the DEVB and LandsD for their written reply. | |
| **Item 13: Impact of the “Occupy Central” movement or processions on Hong Kong and C&W District**  **(C&W DC Paper No. 75/2014)**  (9:40 pm – 10:07 pm) | |
| 1. The Vice-Chairman welcomed the representatives of the HKPF to the meeting. He invited Members to express their views. The main points of their comments were as follows: | |
| (a) | Dr Malcolm LAM declared his opposition to the “Occupy Central” movement (Movement) and commended the Police for taking resolute and swift action to clear the venue after the procession held on 1 July 2014, and asked how the Police could ensure that there would be sufficient manpower to handle the huge amount of demonstrators. |
| (b) | Mr CHAN Chit-kwai said that he objected to the Movement launched on 1 July 2014. He opined that this incident had nothing to do with civil disobedience, and asked about the food arrangement for the arrested demonstrators by the Police. |
| (c) | Ms CHENG Lai-king asked how many police officers were deployed to arrest the 511 demonstrators in the morning of 2 July 2014 and whether resources of other police districts were mobilised. She pointed out that the participants of procession had claimed that they would dismiss peacefully at 8:00 am on 2 July 2014 but the Police still contined its operation to clear the venue. Therefore she considered that the Police had become a tool of suppression. She also asked whether the Police had immediately undergone the normal procedures such as taking of statement to handle the arrested demonstrators after they were sent from Peddar Street to Wong Chuk Hang by coaches, and whether there was any illegal detention involved in the operation. |
| (d) | Mr Jackie CHEUNG opposed to the Movement and opined that it would adversely affect the livelihood of all the public especially the aspect of traffic. The traffic in the C&W District would be paralysed after the launch of the Movement within an hour. He worried that the increase in participants of the Movement would have serious adverse impact on the provision of emergency services. He hoped that the Police and the TD should have assessment of the negative impact on the Movement and work out countermeasures in advance. |
| (e) | Mr CHEUNG Kwok-kwan paid tribute to the Police for conducting protestor clearance operation with the minimum level of necessary force. He considered that it was unreasonable to blame the Police for arresting demonstrators. Although they claimed that they would dismiss peacefully, they had actually committed an offence. After escorting a large number of arrested persons to Wong Chuk Hang, it took time for the Police to undergo the normal formalities such as taking of statement, etc. Therefore he opined that the operation was not involved in any illegal detention. |
| (f) | Mr Joseph CHAN declared his opposition to the Movement. He opined that the public enjoyed the freedom of speech and freedom of assembly but opinion had to be expressed in a lawful and reasonable manner. The Movement aimed to paralyse the society as a means to achieve political aspirations, depriving the public of their rights and freedom as well as hindering the economic and commercial development in Hong Kong. |
| (g) | Mr MAN Chi-wah opposed to the Movement. He opined that if similar incidents occurred again with more intensified action adopted by demonstrators, the Police should consider using necessary force when required. |
| (h) | Mr Sidney LEE opined that the deeds of all Members should be consistent with their words without being demanding to other but lenient to themselves, and that the incident should be dealt with according to law. |
| (i) | The Chairman declared his opposition to the Movement. He opined that the public should express their opinion rationally and lawfully without hindering the development of the C&W District. He also opined that it was worth paying a compliment to the Police which exercised restraint in the operation. He asked what countermeasures the Police had formulated to ensure the safety of residents in the C&W District if the Movement expanded in scale. |
| (j) | The Vice-chairman wondered why the Police did not take immediate law enforcement action against the public meeting because it was held without prior application for permission. He also asked why the Police did not take action against the agitators who currently incited others to participate in illegal acts through the Internet. Regarding the protestor clearance operation taken on 2 July 2014, he asked what criteria were adopted by the Police to make legal claims against the demonstrators, any why different charges were used for prosecution against the arrested demonstrators. He opined that financial institutions and banks should formulate contingency measures and disseminate such decisions openly and completely so as to avoid the fluctuation of stock market adversely affecting the public and investors. |
| 1. Ms CHAN Yee-lai, Acting District Commander (Central District) of the HKPF, thanked those Members supporting the Police in respect of the protestor clearance operation taken on 2 July 2014. She gave a consolidated response as follows: | |
| (a) | The Police respected the freedom of the public in termst of expression, public meeting and speech, and had been assisting the community in organising public activities in a peaceful and reasonable manner, but stressed that participants of these activities had to abide by law without violating social order. The Police was absolutely confident in and capable of handling any kind of massive public activities. Through recapitulation of the experience obtained from the operations taken on 1 and 2 July 2014, the Police would have adequate preparation regarding appropriate deployment and arrangement of manpower to cope with future situations; |
| (b) | Regarding the food arrangement of the arrested persons, the Police would generally provide them with three meals a day according to their religious belief. As there were so many persons arrested on 2 July 2014, it took more time for the Police to prepare food for all of them. |
| (c) | Apart from having comprehensive human resources management strategies, the Police would also make flexible staff deployment by arranging officers of various units to assist in dealing with massive public activities. |
| (d) | As organisers of the public meeting held on the small hours of 2 July 2014 did not submit application to the Police according to law, persons attending the meeting on Chater Road and staying there were already participants of an unauthorised meeting. On that day, the Police had advised and warned the demonstrators to leave the place but the demonstrators took no notice of them and caused obstruction to the traffic. Therefore the Police had to clear the venue for restoration of public order and normal traffic and arrest the demonstrators according to law. The Police would not hold negotiation with the offenders about the time of clearance operation because it was the responsible department to solely determine when to take enforcement action. |
| (e) | Regarding the procedures of arresting demonstrators, the Police had first explained to the arrested persons about their rights, recorded their personal information, handled their personal properties and inputted all relevant information for storage in computer, etc. The Police then dichotomised the arrested persons according to the evidence possessed. The Police would take follow-up action and launch investigation of those belonging to the first category and had taken statements for them. The Police might not take follow-up action on those belonging to the second category and had served warning notices to them. Some of the arrested persons were arranged for an interview with lawyer upon request while some underwent the bailing procedures and so on as required. |
| (f) | Regarding the handling of large-scale situations arising out of the Movement, the Police was always well tranined and prepared to deal with large-scale public activities. Demonstrators were advised not to attempt to challenge the law because the Police would definitely take resolute law enforcement action against offenders. Organisers of any public meeting having more than 50 participants or any procession having more than 30 participants were required to notify the Police seven days in advance of such activity according to law. This requirement allowed the Police and organisers concerned to have time for negotiation about the arrangement of a proposed activity. If demonstrators of any such activity engaged in delinquent behavior such as causing obstruction to roads and traffic and so on, they would not only cause undesirable effects on public safety and public order but also on the livelihood of the community including provision of emergency services. |
| (g) | Regarding the enquiry why the Police did not take immediate law enforcement action on 2 July 2014, she responded that the Police actually conducted clearance according to a progressive strategic plan. Regarding the enquiry why different charges were used for prosecution against the arrested demonstrators, she explained that demonstrators served with a warning notice, which stated the charges for their arrest, might also be prosecuted in future. The Police would seek the legal advice of the DoJ, and therefore the arrested persons were subject to prosecution in future. |
| (h) | The number of police officers deployed in law enforcement that day was not supposed to disclose because it was a kind of classified information of operation. |
| 1. The Vice-Chairman thanked the representatives of departments and guests for attending the meeting. | |
| **Item 14: Members’ written reports**  (10:07 pm) | | |
| 1. The Chairman said that the District Fight Crime Committee (Central and Western District) had held its 1st meeting (2014-2015) on 23 May 2014 and would hold its 2nd meeting (2014-2015) on 25 July 2014. | | |
| 1. Members had nothing to add. | | |
| **Item 15: Work Reports of the Committees under C&WDC**  (10:07 pm) | | |
| 1. The Chairman asked Members to note the contents of the following papers: | | |
| (i) | District Facilities Management Committee  (C&W DC Paper No. 76/2014) | |
| (ii) | Finance Committee  (C&W DC Paper No. 77/2014) | |
| (iii) | Food, Environment, Hygiene and Works Committee  (C&W DC Paper No. 78/2014) | |
| (iv) | Traffic & Transport Committee  (C&W DC Paper No. 79/2014) | |
| **Item 16: Reports of the Working Groups under C&W DC (2014-15)**  (10:07 pm) | | |
| 1. The Chairman referred Members to the papers. The chairmen of the working groups had nothing to add. | | |
| **Item 17: Reports on the Meetings of the Area Committees of the Central and Western District**  **(C&W DC Paper No. 80/2014)**  (10:08 pm) | | |
| 1. The Chairman referred Members to the paper. | | |
| **Item 18: Any other business**  (10:08 pm) | | |
| 1. There being no other business. | | |
| **Item 19: Date of the next meeting**  (10:08 pm) | | |
| 1. The Chairman announced that the sixteenth meeting would be held on 16 October 2014. The paper submission deadline for government departments would be 23 September 2014, while the paper submission deadline for Members would be 29 September 2014. | | |
| 1. The Chairman declared the meeting closed and thanked the guests and Members for attending the meeting. The meeting was adjourned at 10:08 pm. | | |

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| The minutes were | confirmed on 16 October 2014 |
| Chairman: | Mr YIP Wing-shing |
| Secretary: | Ms WONG Ming-wai |

Central and Western District Council Secretariat

October 2014