

Town Planning Board agrees on eligible transitional housing for temporary use

The Town Planning Board announced today (November 26) that it has agreed for transitional housing co-ordinated by a task force under the Transport and Housing Bureau in permanent buildings, including wholesale-converted industrial buildings in the "Commercial", "Comprehensive Development Area" and "Other Specified Uses" annotated "Business" and "Residential" zones in the urban and new town areas, that can be regarded as for temporary use, which is always permitted under the Outline Zoning Plan (OZP) if it is for a period of five years or less.

The Board is satisfied that the temporary nature of transitional housing can be established given that (i) the objective of transitional housing is to provide interim accommodation to alleviate the hardship of families on the public rental housing waiting list and the inadequately housed. The need will subsequently be phased out when more suitable permanent housing is in place; (ii) the task force in monitoring the provision of transitional housing in accordance with the housing policy will ensure that it will not become a permanent use; (iii) a fixed term of five years or less can be specified in the special waiver to be granted by Lands Department; and (iv) assessment of any subsequent application for extension of this agreement under the planning regime will be based on consideration at the time of application and each term of the transitional housing use proposed for the permanent building in question should be of five years or less. The use would still need to comply with other relevant legislation and regulations.

Transitional housing not co-ordinated by the task force and other temporary uses in the permanent buildings should continue to be considered as permanent uses unless the Board is satisfied with their temporary nature. Such proposal could be submitted to the Board under the planning application system in accordance with the provisions of the relevant OZP.

As stipulated in the Notes of the OZPs in the urban and new town areas, temporary uses (expected to be five years or less) of any land or building are always permitted as long as they comply with other relevant legislation, the conditions of the lease and any other government requirements, and there is no need for these to conform to the zoned use or the Notes of the OZPs (the "five-year rule"). The Board endorsed in 1990 that the "five-year rule" should not be applicable to temporary uses in permanent buildings unless the temporary nature of the use could be established to the satisfaction of the Board.

For the avoidance of doubt, the Board's permission is still required for transitional housing for not more than three years in the rural areas unless the use is permitted in the Notes of the relevant zone, following the provisions as set out in the Notes of the OZPs for the rural areas.

Town Planning Board Guidelines No. 29A revised

The Town Planning Board (TPB) today (November 26) promulgated a set of revised Guidelines (TPB PG-No. 29B) on submission and publication of representations, comments on representation and further representations (FRs) under the Town Planning Ordinance which will take effect in 2019.

The revised Guidelines aim to enable the TPB to process representations, comments and FRs in a more effective and efficient manner while ensuring the rights of the public to submit representations, comments and FRs and to attend the hearing.

Under the revised Guidelines, a representer, commenter or further representer, or his or her authorised representative (including a representative of an organisation or concern group), is required to provide his or her full name as shown in a Hong Kong identity card (HKID card)/passport and HKID card/passport number (first four alphanumeric characters only) for verification purposes. The authorised representative will also need to provide the original authorisation letter signed by the representer, commenter or further representer. The new requirement is to enhance the propriety of the plan-making process under the Ordinance. It will not affect the rights of any person to make representations, comments or FRs under the Ordinance.

To facilitate future communication in writing, the revised Guidelines require the representer, commenter or further representer, or his or her authorised representative, to provide a correspondence or email address for receipt of documents issued by the TPB in relation to the processing of the representation, comment or FR and hearing arrangement. If no correspondence or email address is provided, they would need to check the information regarding the hearing arrangement, relevant papers, etc on the TPB website, and contact the Secretariat of the TPB to make arrangements for their attendance at the hearing.

The requirements set out in the revised Guidelines will be applicable to all representations, comments and FRs in respect of plans exhibited for public inspection under the Ordinance starting in 2019.

The revised Guidelines are now available at the Secretariat of the TPB at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the TPB's website (www.info.gov.hk/tpb). Corresponding revisions are also made to the Guidance Notes on Attending the Meeting for Consideration of Representations, Comments and FRs under the Ordinance. Details will be provided at the specific webpage on "Plan Making: How to Participate" in the TPB's website (www.info.gov.hk/tpb/en/plan_making/participate.html) for public information.

Any enquiries on the above may be addressed to the Secretariat of the TPB at the above address or by email (tpbpd@pland.gov.hk), or to the Planning Enquiry Counters of the Planning Department (hotline: 2231 5000; email: enquire@pland.gov.hk) at 17/F, North Point Government Offices, and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin.

Company fined for illegal club operation

A company was fined \$7,500 at the Eastern Magistrates' Courts today (November 26) for contravening the Clubs (Safety of Premises) Ordinance.

The courts heard that in June last year, officers from the Office of the Licensing Authority (OLA) of the Home Affairs Department conducted an inspection at a club on Wyndham Street in Central which had been operating with a certificate of compliance (CoC).

OLA officers posed as customers and patronised the club for food without being asked to show their membership status or being invited to join the club as members. Also, the club's staff failed to show a copy of the certificate of fire service installation and equipment, and the registered drawing upon the OLA officers' request. Conditions 10, 17 and 19 of the CoC were breached.

The company, being the CoC holder of the club, was charged with contravening section 21(2) of the Ordinance.

A spokesman for the department reminded all CoC holders to comply with the conditions as stipulated therein. Enforcement action will continue to be taken against illegal club operations.

Illegal worker jailed

A Pakistani illegal worker holding a recognisance form was jailed at Shatin Magistrates' Courts on November 23.

Immigration Department (ImmD) investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in September. Enforcement officers arrested a male Pakistani worker, aged 31, who was conveying goods in Kowloon Bay. Upon identity checking, he produced for inspection a recognisance form issued by the ImmD, which prohibits him from taking employment. Further investigation revealed that he was a non-

refoulement claimant. An employer suspected of employing the illegal worker was arrested and the investigation is ongoing.

The illegal worker was charged at Shatin Magistrates' Courts on November 23 with taking employment after landing in Hong Kong unlawfully and remaining in Hong Kong without the authority of the Director of Immigration or while being a person in respect of whom a removal order or deportation order was in force. After the trial, he was sentenced to 22 months' and two weeks' imprisonment.

The ImmD spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied in such cases.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase, and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.

Test results on microbiological quality of poon choi all satisfactory

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (November 26) announced the test results of a recently completed seasonal food surveillance project on the microbiological quality of poon choi. Thirty samples were collected and all passed the tests.

A CFS spokesman said, "As poon choi is popular for gatherings during winter and there were previous cases of bacterial food poisoning associated with poon choi, the CFS has continued to conduct a seasonal food surveillance project this year to assess the microbiological quality of poon choi. A total of 30 poon choi samples were collected from different retailers (including online retailers) for testing of common food poisoning organisms including *Bacillus cereus*, *Clostridium perfringens*, *Salmonella*, coagulase-positive staphylococci organisms and *Vibrio parahaemolyticus*."

Despite the satisfactory results of all samples tested, the spokesman reminded people to be careful when purchasing and enjoying this seasonal delicacy. He advised consumers to order poon choi from licensed and reliable shops, avoid prolonged storage of poon choi at room temperature to reduce the risk of bacteria growth, reheat poon choi thoroughly before consumption, consume cooked or reheated poon choi as soon as possible or keep the food at temperatures above 60 degrees Celsius, and stop consuming the food if it tastes or smells abnormal.

"The public should also maintain a balanced diet and avoid eating too much food with high levels of energy, sugar, salt or fat," the spokesman said.

He also appealed to the food trade not to entertain orders beyond handling capacity. Traders are reminded to check the quality of food and ingredients when they are delivered to them. In addition, to reduce the risk of food poisoning, they should avoid preparing food too far in advance and take note of the temperature in storing, transporting and preparing food.

"All food and food ingredients should be stored at safe temperatures while perishable items should be stored at 4 degrees C or below. The cooling time of cooked food should be reduced as far as possible, for example, by dividing food into smaller portions or placing it in shallow containers. When transporting hot poon choi, it should be kept at above 60 degrees C, and for chilled poon choi, it should be kept at 4 degrees C or below," the spokesman said.

"Traders should also provide clear advice on the proper methods of storing and reheating of poon choi to consumers so as to further reduce the

risk of food poisoning due to improper handling," he added.

The CFS will continue its surveillance of poon choi available in the market to ensure food safety and protect the health of the public.