

**Minutes of the 3rd Meeting of
Building Management, Environmental Hygiene & Works Committee (2020-2021)
Central and Western District Council**

Date : 14 May 2020
Time : 6:45 pm
Venue : Conference Room
14/F, Harbour Building
38 Pier Road, Central, Hong Kong

Present:

Chairlady

Ms NG Hoi-yan, Bonnie*

Vice-chairman

Mr WONG Weng-chi*

Members

Ms CHENG Lai-king*

Mr YEUNG Sui-yin, Victor*

Mr KAM Nai-wai, MH*

Miss CHEUNG Kai-yin*

Mr NG Siu-hong*

Ms WONG Kin-ching, Cherry*

Mr YIP Kam-lung, Sam*

Mr HO Chi-wang*

Mr LEUNG Fong-wai, Fergus*

Mr PANG Ka-ho*

Miss YAM Ka-yi, Camille*

Mr YOUNG Chit-on, Jeremy (Beginning of the meeting – 6:59 pm)

Remarks: * Members who attended the whole meeting

() Time of attendance of Members

Guests

Item 5(i)

Ms LI Yat-fung, Kathy	Food and Environmental Hygiene Department	District Environmental Hygiene Superintendent (Central/Western)
Mr CHONG Hon-ming	Food and Environmental Hygiene Department	Chief Health Inspector 3

Item 5(ii)

Mr NGAI Chi-choy	Buildings Department	Building Surveyor/Slope Safety 2
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Item 5(iii)

Mr FOK Yik-cheung, Tommy	Buildings Department	Structural Engineer/Site Monitoring (B)3
Mr CHIU Chi-chung	Environmental Protection Department	Senior Environmental Protection Officer (Regional South)1

Item 5(iv)

Mr KWOK Ho-yeung, Howard	Civil Engineering and Development Department	Engineer/5
Mr WONG Lok-sang	Highways Department	District Engineer/West
Ms CHAN Miu-ling	Leisure and Cultural Services Department	Deputy District Leisure Manager (Central and Western) 2
Mr CHIU Chi-chung	Environmental Protection Department	Senior Environmental Protection Officer (Regional South)1

Item 6

Ms LI Yat-fung, Kathy	Food and Environmental Hygiene Department	District Environmental Hygiene Superintendent (Central/Western)
Mr CHONG Hon-ming	Food and Environmental Hygiene Department	Chief Health Inspector 3
Miss LUK Wai-ting, Becky	Architectural Services Department	Property Services Manager/Project Management 11
Mr TING Kwok-wai	Architectural Services Department	Property Services Officer/Project Management 11/1
Ms SHIH Hsiao-hung, Ada	Architectural Services Department	Property Services Manager/Central-East
Mr LEE Siu-cheong	Electrical and Mechanical Services Department	Building Services Engineer/General Engineering Services/A1

Item 7

Mr LAU Wai-leung	Water Supplies Department	Senior Engineer/Hong Kong 2
Mr LOK Yin-ming	Water Supplies Department	Engineer/Hong Kong (Distribution 2)

Item 8

Ms LI Yat-fung, Kathy	Food and Environmental Hygiene Department	District Environmental Hygiene Superintendent (Central/Western)
Mr CHONG Hon-ming	Food and Environmental Hygiene Department	Chief Health Inspector 3
Mr CHEUNG Chun-kee	Lands Department	Senior Estate Surveyor/West (District Lands Office, Hong Kong West and South)
Mr WONG Lok-sang	Highways Department	District Engineer/West
Mr MA Wai-kei	Architectural Services Department	Property Services Manager

Item 9

Ms LI Yat-fung, Kathy	Food and Environmental Hygiene Department	District Environmental Hygiene Superintendent (Central/Western)
Mr CHONG Hon-ming	Food and Environmental Hygiene Department	Chief Health Inspector 3

Item 10

Mr LO Kai-kwei, Richard	Highways Department	Senior District Engineer/HNW
Mr WONG Lok-sang	Highways Department	District Engineer/West
Mr CHIU Chi-chung	Environmental Protection Department	Senior Environmental Protection Officer (Regional South)1

Item 11

Ms CHAN Miu-ling	Leisure and Cultural Services Department	Deputy District Leisure Manager (Central and Western) 2
Ms YANG Ka-yee	Development Bureau	Assistant Secretary (Tree Management) 2

In Attendance

Mrs WONG HO Wing-sze, Susanne, JP	Central and Western District Office	District Officer (Central and Western)
Miss WONG Sze-ki, Carol	Central and Western District Office	Assistant District Officer (Central and Western)
Mr POON Yui-chau, William	Buildings Department	Senior Building Surveyor/A3
Mr WONG Lok-sang	Highways Department	District Engineer/West
Ms LI Yat-fung, Kathy	Food and Environmental Hygiene Department	District Environmental Hygiene Superintendent (Central/Western)
Mr CHONG Hon-ming	Food and Environmental Hygiene Department	Chief Health Inspector 3
Ms CHAN Miu-ling	Leisure and Cultural Services Department	Deputy District Leisure Manager (Central and Western) 2
Mr WONG Chi-leung	Civil Engineering and Development Department	Senior Engineer/7 (South)
Mr CHIU Chi-chung	Environmental Protection Department	Senior Environmental Protection Officer (Regional South)1
Mr CHEUNG Chun-kee	Lands Department	Senior Estate Surveyor/West (District Lands Office, Hong Kong West and South)
Mr LOK Yin-ming	Water Supplies Department	Engineer/Hong Kong (Distribution 2)
Ms YANG Ka-ye	Development Bureau	Assistant Secretary (Tree Management)2
Miss CHAN Po-lam	Agriculture, Fisheries and Conservation Department	Wetland and Fauna Conservation Officer (Special Duties 1)

Secretary

Ms CHENG Cheuk-yan, Charmaine	Central and Western District Office	Executive Officer (District Council) 3
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Absent with Apologies:

Mr HUI Chi-fung

Opening Remarks

The Chairlady welcomed Members and representatives of government departments to the 3rd Meeting of the Building Management, Environmental Hygiene & Works Committee (BEHWC) (2020-2021).

2. The Chairlady proposed to open the discussion of each item with Members speaking for one minute each for more effective discussion. She also asked the representatives to be short and concise in speaking and responding as far as possible.

Item 1 : Adoption of the Agenda

(6:45 pm to 6:46 pm)

3. The Chairlady indicated the deadline for the submission of government papers for the meeting was 21 April and the Secretariat had circulated on 27 April five papers on the refurbishment works of public toilets at five locations submitted by the Food and Environmental Hygiene Department (FEHD). Acceding to a Member's wish to discuss the papers at today's meeting, the Chairlady agreed to include them on today's agenda to be discussed jointly.

4. The Committee had no comment on the agenda. The agenda was adopted.

Item 2 : Confirmation of the Minutes of the 2nd BEHWC Meeting Held on 5 March 2020

(6:46 pm to 6:48 pm)

5. The Chairlady said some proposed amendments to the draft minutes of the 2nd meeting had been received from Mr KAM Nai-wai before the meeting and they had been tabled for Members' reference. The Chairlady understood that Members might need more time to read through the minutes of meeting, but as the minutes had to be confirmed by the Committee before being uploaded to the homepage of the District Council, she proposed extending the time for collecting Members' views on the draft minutes of the 2nd meeting. Members had to notify the Secretariat of any views on the draft minutes by 6:00 pm on 21 May. Should no Members raise any views by then, the Secretariat would arrange to upload the finalised minutes to the homepage of the District Council.

Item 3 : Action Checklist on Matters Arising from the Last Meeting (C&W BEHWC Paper No. 35/2020)

(6:48 pm)

6. The Chairlady invited Members to note the contents of the paper.

Item 4 : Chairlady's Report

(6:48 pm to 6:56 pm)

7. The Chairlady said the Hong Kong Police Force (HKPF) notified the Secretariat before the meeting that it would not be a permanent member of the BEHWC and would consider sending representatives to attend an individual meeting where its discussion of papers warranted.

8. Mr KAM Nai-wai disagreed with the reply of the “bad cops”. He considered the HKPF had to attend District Council meetings as a permanent representative and it was not up to it to decide if it would attend a meeting. He added that the HKPF was an important department responsible for tackling illegal parking, but it was absent from the meeting which would be discussing about construction sites. He considered it unacceptable to leave it to the HKPF to decide if it would attend the meetings. He proposed writing to the HKPF requesting its attendance at every meeting of the BEHWC.

9. Ms CHENG Lai-king said there had been five representatives from the HKPF at the last meeting of the BEHWC and asked if they decided not to attend the meeting themselves, or if it was an order from the Commissioner of Police (CP). She considered a letter should be sent to the CP to ask why police officers would not attend the meetings when the HKPF had permanent representatives to the Committee. She said she had no ill intention and just hoped to discuss community affairs with the HKPF.

10. Mr YEUNG Sui-yin wished to understand if the Secretariat had tried to invite and persuade the department to attend the meetings and asked for the correspondence for him to understand the reasons for the absence. He said he was not targeting the Secretariat for he knew it was under the direction and order of Mrs WONG HO Wing-size, District Officer (Central and Western). He remarked that as the Secretariat of the District Council was responsible for providing secretarial service to the District Council, the Committee had the right to know if the Secretariat had tried its best to invite the department and the reply of the HKPF. He hoped the correspondence could be made public.

11. Mr YIP Kam-lung said that very often discussions on environmental hygiene and works matters required the HKPF as the law enforcement unit to give briefings of the situations and to listen to the voice of Members as the community’s representatives. Its absence from the meetings was a disrespect to public opinions and the people. In addition, he said he had not asked the HKPF to produce warrant cards and he did not know why it dared not attend the meetings. He suggested the Chairlady inform the HKPF via the Secretariat that the Committee requested its presence, otherwise it was being disrespectful to the people of Hong Kong, and it should be “ashamed to be Hong Kongers” and “ashamed to be the Hong Kong Police Force”.

12. Mr KAM Nai-wai said he had asked the HKPF to wear warrant cards at meetings or he would file complaints. He noted that “bad cops” left a meeting of the Yau Tsim Mong District Council also because of the issue of warrant cards. In his view the HKPF had to attend meetings and wear warrant cards to meetings. He suggested writing to “777”, the Secretary for Security and CP to inform them the above were the requirements of the District Council.

13. The Chairlady said she had formally asked the HKPF as early as the previous meeting of the Traffic & Transport Committee to produce warrant cards before it could attend meetings of the BEHWC. She found it regrettable that the HKPF would not attend this meeting. She said the HKPF had written to her earlier asking her to reflect the views of the people and follow up on matters concerning people’s livelihood as a District Council member, but now it was being absent from the discussion of matters on people’s livelihood at this meeting. She asked the Secretariat to draft a

letter after the meeting to note that all discussions in this meeting concerned people’s livelihood and the HKPF’s absence meant there was no response from it to many such matters, and to require the HKPF to attend all meetings of the BEHWC and to wear warrant cards at the meetings.

14. The Chairlady indicated that the Secretariat had circulated the following information papers to Members to study earlier on:

No.	Title of Paper	Circulation Date
22/2020	Food and Environmental Hygiene Department Anti-mosquito Campaign 2020 (Phase II) in Central & Western District	27 April 2020
23/2020	Food and Environmental Hygiene Department Refurbishment Works for Rumsey Street Multi-storey Carpark Public Toilet	27 April 2020
24/2020	Food and Environmental Hygiene Department Refurbishment Works for Lok Ku Road Public Toilet	27 April 2020
25/2020	Food and Environmental Hygiene Department Refurbishment Works for Lan Kwai Fong Public Toilet	27 April 2020
26/2020	Food and Environmental Hygiene Department Facelifting Works for Hong Kong Park Indoor Game Hall Public Toilet	27 April 2020
27/2020	Building Management Coordination Committee in Central & Western District Half-yearly Progress Report (Sept 2019 to Feb 2020)	27 April 2020
28/2020	Food and Environmental Hygiene Department Refurbishment Works for Pound Lane Public Toilet and Bathhouse	27 April 2020
38/2020	Food and Environmental Hygiene Department Progress Report on Small Scale District Works in Central/Western District	12 May 2020

**Item 5(i) : Standing Item – Handling of Refuse Dumped Beside Litter Containers On Pavements
(C&W BEHWC Paper No. 36/2020)**

(6:56 pm to 7:17 pm)

15. Mr CHONG Hon-ming, Chief Health Inspector 3 of FEHD presented the Paper. He indicated that the department had issued 369 fixed penalty notices to offenders of illegal waste dumping in the district from February to March. Over the same period, it had initiated prosecution against three offenders of illegal waste dumping at the locations where Internet Protocol (“IP”) Cameras had been installed, issued a total of three default notices to a contractor for defaults and breach of contract and had received five complaints against waste dumped beside litter containers (LCs) and recycling bins (RBs).

16. The Chairlady invited Members to express their views and raise questions on the issue.

The main points made by Members were as follows:

- (a) Mr KAM Nai-wai noticed that in its inspections the department found the LC/RB beside a bus stop outside the park at Hollywood Road was more often found overflowed and had waste accumulated by it than those in other locations, but only one fixed penalty notice had been issued. He hoped the department would step up its patrol, refuse collection and prosecution at the location. He noticed that the situation at the junction of Possession Street and Queen's Road West had improved. But he saw every night on his way home that refuse accumulated near the RB at the junction of Lyttelton Road and Babington Path which was very unsatisfactory. Yet the department had only found accumulation of refuse on two occasions. He wished to understand how the department conducted its inspections and considered the situation at Bonham Strand was better than that at the junction of Lyttelton Road and Babington Path. Lastly, he hoped the department would step up its patrol, prosecution and clearance work.
- (b) The Chairlady indicated that Mr KAM Nai-wai and she had asked the department not to install any IP camera at the bus stop on Hollywood Road and Possession Street. She asked about the locations where IP cameras had now been installed.
- (c) Ms CHENG Lai-king learnt earlier that the IP camera installed on Robinson Road near Castle Steps received mixed comments. But she opined that the community was generally worried about IP cameras and the department had, to people's inconvenience, removed the RB for a time after the IP camera had been installed. Fortunately, the department had put the RB back for the people's convenience. She conveyed the community's worry whether the technology would safeguard privacy and asked if it was of the same brand as those used in Xinqiang. She was told that the pictures captured by the IP cameras had high resolution and asked if the department would hand over the images to the HKPF. She opined that if the HKPF had been present, it would be able to answer the question. She expressed that it was very dangerous if the images were handed over to the HKPF without the people being aware of it. She hoped the department would respond to the query.
- (d) Mr LEUNG Fong-wai considered that the department should give a clear response about the specifications of the IP cameras. He said the department had admitted in its earlier correspondence with him that some of the IP cameras were of the brand that was used in Xinqiang as Ms CHENG Lai-king mentioned. When it introduced the IP cameras to the public in the past, the department had claimed that the IP cameras might not be able to capture the faces of pedestrians clearly, which had led to the public lowering its guard against the violation of privacy by the IP cameras. But after he questioned repeatedly, he found out recently that the IP cameras could capture faces clearly under some conditions. He considered the department should explain why the contradictory responses and what measures it had taken to safeguard people's privacy.

17. Ms LI Yat-fung, District Environmental Hygiene Superintendent (Central & Western) of FEHD, responded that the department would step up its patrols of the locations mentioned by Members and take notice of the frequency of the collection of refuse. As for the installation of IP cameras, she said Ms CHENG Lai-king had asked her to dismantle the IP camera on Robinson Road near Castle Steps earlier, so the plan was to install the IP camera on Staunton Street instead. The department would inform the Member once it had confirmed the removal date. She went on to indicate that the department frequently reviewed the handling of the locations with environmental hygiene problems and alleviated such problems caused by illegal dumping at midnight and small hours. The FEHD had implemented the installation of IP camera scheme since June 2018 and through the information collected from the images, it would initiate prosecution against the registered owners of vehicles dumping refuse, and analyse the pattern and time of the irregularities to plan for more effective enforcement actions and enhance deterrence for improvement to environmental hygiene. The IP camera system of the FEHD was only used to monitor illegal dumping at blackspots. The system did not have face identification function and the information collected through the images was to identify the licence plate numbers of the vehicles dumping refuse for prosecution against the registered vehicle owners. In addition, staff of the department could identify the pattern and time of the irregularities to plan for more effective enforcement actions. As for the privacy that Members were concerned about, she expressed that the department had been installing the IP cameras in accordance with the Personal Data (Privacy) Ordinance

18. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr LEUNG Fong-wai indicated his understanding of the intention of the department for installing the IP cameras and his observation of improvement to the hygiene in some locations after the installation. But he considered with the current social situation, people did not feel comfortable with the installation of monitoring cameras by government departments. To address their worries, he suggested to follow the practice with regard to speed cameras where staff would extract recordings on site regularly instead of having a permanent connection to a network. In addition, he suggested that the department should remove the IP cameras promptly once hygiene at the locations had been improved. He said some Members had asked the department to provide some recordings of the IP camera to see about the resolution at the briefing to the District Council earlier, but such information was still pending. He hoped the department would follow up on it.
- (b) Mr YEUNG Sui-yin objected against the installation of the IP cameras as he regarded the violation of privacy was a more serious matter than the illegal dumping of waste. He would rather prosecution against offenders of illegal waste dumping could not be instituted than violate human rights. He opined that the Hong Kong Government and the HKPF were enjoying unconstrained power and there was an inordinately lack of transparency. He said the District Council had discussed about the installation of the IP cameras before and the department's reason for the installation had been to prosecute offenders of illegal waste dumping. He had voiced his objection then and there had been many opposition signature campaigns. He opined that with the

Government being unrestrained at all and to choose the lesser evil, it was more important to safeguard human rights and freedom.

- (c) The Vice-chairman suggested that the department should arrange a time for Members to visit its office to view the recording of the IP cameras. He believed that it could allay Members' worries if faces would not be captured as the department had claimed.
- (d) Mr KAM Nai-wai suggested that if Members wished to give their opinions about the IP cameras, they could formally submit a paper for discussion. He had been against the installation scheme resolutely from the beginning. He said if no other Member would submit a paper, he would do so to oppose the violation of privacy by the Government's installation of the IP cameras. He asked if the Government could be trusted now even if it provided the recordings. He enquired if the department would increase dedicated staff to step up combat against hygiene blackspots like the "Elite Team" and then switch to other locations after improvement had been achieved. He expressed that he would be disappointed if the department could not tackle the blackspots effectively.
- (e) Ms WONG Kin-ching suggested that the department should show recordings of the IP cameras at the District Council and that the worries of the public would be addressed when they knew about the resolution of the recordings through open meeting. In addition, she asked if it had planned at the installation of the IP cameras when it would review to continue with the installation or dismantle the cameras.
- (f) Miss YAM Ka-yi noticed that the department had begun the installation of the IP cameras since August 2019, but only three prosecutions had been initiated with the help of the IP cameras from February to March 2020. Furthermore, as she considered the installation would not help to improve the situation, she suggested scrapping it altogether. But she hoped the department would provide the recordings to prove that faces could not be captured clearly.
- (g) Mr YEUNG Sui-yin opined that even if the department showed recordings of the IP cameras at the District Council, it would still be unable to allay people's worries as there was no guarantee that the department would not upgrade the system to enhance recording function or disclose the recordings to other departments in the future. There was no way to monitor how long the department would keep the recordings either. From his experience in handling criminal cases, it was difficult to rely on images of video camera for convictions because of the poor quality. Hence he considered it was relatively difficult to achieve the purpose of the department and that it would open the door to violation of human rights which was a more serious matter. Furthermore, he questioned if illegal dumping of waste or criminal damage more serious. He queried why no IP cameras had not been installed to tackle such problem when about one thousand of his banners had been damaged. He thought it was irrational. He expressed that all IP cameras should be dismantled promptly to safeguard people's human rights.

19. In responding to Members' concern for the IP cameras, Ms LI Yat-fung, District Environmental Hygiene Superintendent of FEHD, pointed out the department had explained the background and installation information of the IP cameras in Paper No. 62/2019 submitted to the FEHWC of the last C&WDC term and in the letter to the Secretariat of BEHWC on 16 March 2020. As for the low prosecution number through the IP cameras claimed by Members, she indicated that the three prosecution cases initiated by the department from February to March were based on licence plate information captured by the IP cameras. She emphasised that another main purpose of the IP cameras was for the analysis of the pattern of the irregularities for planning enforcement actions. From August 2019 to March 2020, the department had issued a total of 18 fixed penalty notices at the blackspots installed with IP cameras.

Item 5(ii) : Standing Item – Leaking Drains at Sands Street
(C&W BEHWC Paper No. 34/2020)

(7:17 pm to 7:19 pm)

20. Mr NGAI Chi-choy, Building Surveyor/Slope Safety 2 of the Buildings Department (BD), presented the Paper. He said for Phase 2B works, which included repairs to some of the drains and manholes at the alley of No. 17 to 43 of Sands Street, the department had arranged to commence works in May and it was expected to be completed in two months' time in mid-July. Meanwhile, the department continued to study and plan for the remaining works.

Item 5(iii) : Standing Item –Monitoring of Redevelopment Sites in the Central and Western District
(C&W BEHWC Paper No. 37/2020)

(7:19 pm to 7:41 pm)

21. The Chairlady advised that the Secretariat had invited the departments concerned to attend the meeting beforehand, but the HKPF, Transport Department (TD) and Labour Department (LD) indicated that they did not have any staff available, hence the Secretariat would record the views of Members for forwarding to the absent departments.

22. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr KAM Nai-wai asked why the report had not noted down the inspection dates of the departments, especially the BD which, he quoted from the Paper, had inspected the nine sites that Members were concerned about for 30 times from January to April 2020, which meant less than once a month to each site on average. As he had requested the BD to conduct more frequent site inspections at last meeting, he asked if it was ignoring Member's request. To his question why the BD had not designated a higher rank officer to attend this meeting, the representative of the department responded that it was not up to him. He also asked which sites had applied for temporary traffic arrangements and, displaying a picture, he asked if the site at No. 15 Western Street had applied for temporary traffic arrangements. He said the site frequently occupied the traffic lanes on Western Street and Third Street. The picture

was taken by him at 4:30 pm on Saturday. At the time the road was busy and a traffic accident had just happened nearby, but the traffic lanes were occupied by the site. Quoting the HKPF's reply that it had not found anything had happened, he hoped it would give an explanation. He suggested sending a written request to the LD and the HKPF requiring them to attend the next meeting of the BEHWC to explain if off-site winching machines were under their purviews, for the BD claimed they were not under its. He asked the Environmental Protection Department (EPD) about noise for he had received complaints from the community about the noisy site at No.117 Jervois Street and the China Merchants Group (CMG) site (No. 152 Connaught Road Central). He hoped the CMG site would be included in future reports.

- (b) Mr YIP Kam-lung said a start-up mall at Shek Tong Tsui had commenced renovation since June 2019. Nearby residents had complained to him about the noise of the site. He said the works area had not been boarded up at first, allowing loose rocks and sand to fly out of it. He understood the site had applied to the BD and blocked off a pavement to build a cover. But the noise emitting from the site was a terrible nuisance. He did not know if any application had been made to the EPD for a permit. The person in charge of the mall renovation works indicated to him that a permit had been obtained, but he could not verify if it was so. As there were also complaints from the residents, he enquired if the EPD had conducted any site inspections. Furthermore, he noticed that traffic cones from the site had been used to block off two traffic lanes on Queen's Road West, one of which was a site of Hong Kong Electric Company (HEC), but a bit further back the lane was used to park vehicles. Since he was not sure if the site had obtained approval for temporary traffic arrangements, he hoped the department would provide the information and instruct the site to obtain the necessary permits first before commencing the works and not to carry out works after hours. He had received complaints from nearby residents that they were woken up by noises from the site at 9 on Saturday morning. He asked the EPD if it was legal for sites to start work at 9 on Saturday mornings and what kind of monitoring it had over the site works. He indicated that works had continued for years at the HEC site at Queen's Road West, and he asked if the department would conduct monitoring to prevent the blocking of access and other environmental problems.
- (c) The Chairlady said she had received complaints about the canvas enclosing a demolition site at Yin Ling Mansion at No. 127 Caine Road not having been properly secured and so it would be blown aside when it was windy, emitting huge noise. She had gone for a site visit and found the site had not displayed any information of a contact person. She hoped to include the site in the report.
- (d) Ms CHENG Lai-king opined that the site at No. 127 Caine Road did not have any safety measure and nearby residents were frightened when passing-by. She hoped the departments would conduct site inspections. In addition, she said a site at No. 62 Robinson Road started work and emitted noise before 8:00 am. She understood

that work could be carried out in sites from 7:00 am to 7:00 pm. However, as many residents were staying home to work or because of class suspension, she asked if the EPD and BD could advise the site to arrange noisy works after 9:00 am as far as possible.

23. Mr FOK Yik-cheung, Structural Engineer/Site Monitoring (B) 3 of BD, responded that the BD regulated buildings and associated works on private land under the powers conferred by the Buildings Ordinance (Cap. 123). Work involving winching and transporting materials on pavements or traffic lanes outside sites might only be proceeded after application for temporary traffic arrangements to the HKPF or TD had been granted. Otherwise, such winching and parking constituted illegal activities which would be liable to prosecution by the HKPF. Nevertheless, if staff of the BD discovered during site inspection of illegal occupation of pavement or traffic lanes by site vehicles or objects, they would require the contractor to rectify the irregularities promptly to safeguard the safety of pedestrians and road users and would refer the case to the relevant departments for follow-up actions where necessary. Concerning the issue of more frequent site inspections raised by Mr KAM Nai-wai, as indicated in the reply letter to Mr KAM Nai-wai on 6 April, under the principle of proper use of resources, the department would continue to concentrate on monitoring the safety and quality of works on private development sites, and had no plan to increase the frequency of site inspections for matters outside the purview of the department. As for Mr KAM Nai-wai's query about when the temporary traffic arrangements had been granted, he suggested the question should be answered by the HKPF and TD since they were responsible for granting approvals and implementing temporary traffic arrangements. He continued to point out that as the department had indicated at last meeting it was responsible for monitoring winching work on private land and if such work was being carried out on government streets, then it was the responsibility of the LD and not BD. In responding to Mr YIP Kam-lung's query about the start-up mall site, he said the site had been boarded up according to records and the department had conducted a site inspection for this purpose and considered the requirements had been met generally. He added that the HEC site was located on government land and not private land, hence it was not under the purview of the BD. As for the canvas of the site at No. 127 Caine Road mentioned by Member, he would check the records after the meeting and give a reply to Members.

24. The Chairlady indicated that the canvas of the site at No.127 Caine Road had since been properly secured, but she hoped to include that site in the report. She also asked if the BD required sites to display contact person information for emergency contact by the residents.

25. Mr FOK Yik-cheung of BD responded that Site Monitoring Sections (SMSs) would conduct site inspections once the department had received works commencement papers (WCPs). But so far his SMS had not received any WCPs with regard to the site at No. 127 Caine Road. Different sections of the department had different responsibilities, and if a site commenced with works without any WCP, another section would be responsible for follow-up actions. He would find out the situation with the relevant section after the meeting and give a reply to Members.

26. Mr CHIU Chi-chung, Senior Environmental Protection Officer (Reginal South)1 of EPD, responded that a permit was not required for general construction works from 7:00 am to 7:00 pm from Mondays to Saturdays, but a construction noise permit was required for percussive piling under

the Noise Control Ordinance (NCO). He indicated that the general noise emitted from site from 7:00 am to 9:00 am during weekdays that Members were concerned about was not regulated by any legislation. But on receipt of complaints the department would discuss with the person in charge at the site about pushing back noisy work as far as possible and the site would cooperate in general. As for the site at No. 152 Connaught Road Central, complaints that the department had received included trembling which the BD would follow up on while the EPD would follow up on that concerning noise.

27. The Chairlady indicated that the Committee would write to the LD and the HKPF after the meeting to clarify if off-site winching machines were under their purviews. In addition, she hoped the HKPF would provide figures of the Central and Western District, not of the whole Hong Kong Island. It had not provided breakdowns of such figures in the past, but as this had become a standing item of the Committee, the HKPF should provide the figures of its inspections of the sites in Central and Western District accordingly.

28. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr Yip Kam-lung indicated that when he used a loudhailer at his street booth, policemen would arrive to “take care” of him and inform him he could be required to lower the volume under legislation or he would be charged of disturbing the residents. He asked the EPD if there was such legislation and how it would handle the matter if nearby residents considered works at daytime was a nuisance.
- (b) Mr KAM Nai-wai suggested writing to the HKPF requiring it to patrol daily the sites mentioned on the Paper, the No.127 Caine Road and the start-up mall sites to inspect if there were any irregularities as he considered the situation at the above sites were serious. He also suggested writing to the Director of Buildings requesting him to arrange inspection of the above sites at least once every week. He asked how could the BD have nothing to do with off-site matters for it could give warnings to authorised persons for off-site irregularities. He opined that the BD was always shirking its responsibilities and claimed it could not prosecute the persons concerned. He said if the site was prosecuted by the HKPF by summons for off-site irregularities every day, how it was impossible for the BD to prosecute the authorised persons. He asked the BD and the HKPF to list the dates and results of its inspections of the sites on the Paper and the sites mentioned by Members at this meeting in their next report.
- (c) Miss CHEUNG Kai-yin wished to reflect the situation of a Hong Kong University (HKU) site at Kwai Heung Street, Sai Ying Pun. She said she had talked to staff of the site earlier, but she continued to receive complaints. Residents of a tenement building nearby had sought help from the department and HKU for cracks in the common area and the flats caused by site works. But follow-up actions were yet to be taken. She hoped the department would make enquiries promptly. She added that residents of Island Crest at Second Street had told her that there was noise from

a site at nights and there seemed to be no sites other than that.

29. Mr CHIU Chi-chung of EPD responded that the department generally found contractors reasonable and cooperative in dealing with complaints of construction noise emitted during weekdays. Despite legislative constraints, the department would try its best to tackle the matters. He continued to point out that noise from public places and streets was regulated by another section of NCO. Since there was no set pattern for noise, it mainly relied on the HKPF for enforcement in light of the actual circumstances and based on the principles of reasonableness, which had been the way adopted before the establishment of the EPD.

30. Mr FOK Yik-cheung of BD responded that the department so far had not received any reports about cracks appearing in the buildings on Kwai Heung Street and would welcome information from Member for the department to follow up after the meeting.

Item 5(iv) : Standing Item –Monitoring of the Ground Decontamination Works at the Site of Ex-Kennedy Town Incineration Plant/Abattoir and Adjoining Area

(7:41 pm to 7:59 pm)

31. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Ms WONG Kin-ching wished to understand the purpose and standards for the review of the design of the decontamination works by the department and said the Civil Engineering and Development Department (CEDD) gave her a reply in April 2020 which said: The department understood the importance of Cadogan Street Temporary Garden to the residents hence it would require the newly appointed consultant to review all decontamination options in light of the updated land use planning with avoiding affecting the Garden as far as possible as an important consideration, and would consult the Central and Western District Council in due course once a preliminary result was available. She asked if it was the department's purpose to remove Cadogan Street Temporary Garden from the decontamination area and hoped the CEDD would explain what the circumstances were under which the Garden would not need any decontamination. Pointing out that an expert on decontamination had indicated there was no such need, she wished to understand the basis for the CEDD's decision on decontamination and hoped the department would give notice of its decontamination area as soon as possible. In addition, she asked, as the department had said decontamination works depended on land use and consequently it needed to consult other departments, if an inter-departmental committee could be set up, with representatives from the CEDD and its newly appointed consultant, the Leisure and Cultural Services Department (LCSD), the Architectural Services Department (ArchSD) and District Council to discuss and manage the works together, and to obtain first-hand news about the decontamination area, land use and the implementation of the decontamination works.
- (b) Mr YIP Kam-lung indicated that the District Works and Facilities Management

Committee discussed last week about the District Council's allocation of \$8 million for the construction of an 8 metre wide seafront promenade outside the ex-Kennedy Town incineration plant. It was beautifully designed, but the department said decontamination works had to be carried out. As far as he knew, the land use of the site was designated as open space, which meant high-rise buildings would not be developed. He asked why decontamination had to be carried out or should such not be needed. He opined that the department should provide a paper to explain its design and expressed dissatisfaction with such a lapse.

32. Mr KWOK Ho-yeung, Engineer/5 of CEDD, responded that the Government would review the ground decontamination works at the site of ex-Kennedy Town incineration plant/abattoir and adjoining area and the consultant work had commenced in May this year. Since the standards of the decontamination works had to meet the future land use, the consultant company would, in light of the decision on the related draft outline zoning plan of the Town Planning Board (TPB) in August 2017, review how much sludge would need to be treated and the relocation of temporary community facilities within the work site for drawing up an appropriate scheme for the decontamination works. He continued to say that the consultant company would also study the effect of the decontamination works on the nearby environment, such as the air quality and noise level, so as to propose appropriate mitigation measures to ensure the works meet the relevant environmental standards. In responding to Ms WONG Kin-ching's enquiry about the standards of decontamination works, he advised that when the department drew up a scheme for decontamination works, it would decide on the standards in accordance with Guidance Manual for Use of Risk-Based Remediation Goals for Contaminated Land Management ("Guidance Manual") and the future land use. Generally, the standards for residential land use were higher than those for public parks. In response to the decision to rezone some originally designated residential land to open space by the TPB in August 2017, the department would consult the EPD on the decontamination standards to explore if there was room to reduce the volume of sludge needed to be treated. One of the important considerations of the department in drawing up the scheme for the works was to minimise as far as possible the impact on the public and the community, including the Cadogan Street Temporary Garden. He continued to indicate that the CEDD was mainly responsible for the decontamination works and it would consult the relevant departments on the future land use of the site for the study of the decontamination works. As for the detailed designs of the facilities on the site, they were not under the purview of the CEDD and he advised Members to seek the information from the relevant departments. As for Mr YIP Kam-lung's view on the seafront promenade, he said the department would keep in close contact with the Central and Western District Office (C&WDO) to review different schemes for the works to minimise the impact of the decontamination works on the temporary seafront site.

33. The Secretary indicated that the current BEHWC had endorsed the inclusion of the issue as a standing discussion item at its last meeting and the Committee had not discussed in-depth then about asking departments to submit discussion papers or the discussion areas to be covered on the issue. Should Members wish to have information on the issue from departments in future, she suggested Members to raise such requests at the meeting for the Secretariat to forward the same.

34. The Chairlady invited Members to express their views and raise questions on the issue.

The main points made by Members were as follows:

- (a) Mr YIP Kam-lung pointed out the seafront promenade developed by the District Council at a cost of \$8 million could be closed or even demolished for the decontamination works, but the land use of the site was now designated as open space on the outline zoning plan. He asked if decontamination works was needed for open space and what were the decontamination standards for it. He hoped the department would submit information of the impact of the decontamination works on the areas including the Cadogan Street Temporary Garden and the seafront promenade and the schedule of the works, otherwise the \$8 million public fund allocated by the District Council could be wasted. He said even it did not require to close the seafront promenade, the nearby on-going decontamination works would still look unsightly. He considered decontamination would not be required for open space and hoped the department would give an accounting for it.
- (b) Ms WONG Kin-ching asked when the consultant company of the CEDD would complete its assessment of the area to be covered and the scheme of the decontamination works for consultation with the District Council and notification to the residents in the district. She hoped the department would provide the relevant progress updates and information to the BEHWC in the future, such as if the land use would be amended and there be plans for an underground carpark as well as the land use of a “Government, Institution or Community” (G/IC) site nearby. She was also concerned with the temporary seafront promenade site and wished to know if there would be conflicts of timing and use with the works. She was not clear if it was appropriate to open the temporary seafront site for short term for she had no idea when the decontamination works would commence or if it would be necessary to close the seafront.

35. Mr KWOK Ho-yeung of CEDD responded that the department drew up the decontamination standards in accordance with the Guidance Manual of the EPD and the land use. He said the department understood the seafront promenade was temporary and local residents wished for the use of a seafront land. Hence when reviewing the project the department would assess the impact of the decontamination works on the temporary seafront land, including if it was appropriate to continue to open the temporary land during the works.

36. Mr YIP Kam-lung enquired the department what the standards of the decontamination were and considered the land did not require decontamination as its land use was “O(1)”. He pointed out that as high-rise buildings would not be developed there, the \$8 million facility should not be closed for it. He hoped the department would give an accounting of it at next meeting.

37. Mr KWOK Ho-yeung of CEDD responded that the seafront land was an open space according to the draft outline zoning plan. The department would find out its future land use from the relevant department for drawing up the necessary decontamination standards in accordance with the Guidance Manual of the EPD.

38. Mr YIP Kam-lung hoped the department would submit papers at next meeting.

39. The Chairlady hoped the department would provide such information as the consultancy report, decontamination method, progress and schedules, any amended land planning and its future planning and how to tie in with the seafront promenade at the next meeting of the BEHWC. She asked Members to email the Secretariat within one day after the meeting of any other information they wished from the department for forwarding the request.

**Item 6 : FEHD - Refurbishment Works for Rumsey Street Multi-storey Carpark Public Toilet
(C&W BEHWC Paper No. 23/2020)
FEHD – Refurbishment Works for Lok Ku Road Public Toilet
(C&W BEHWC Paper No. 24/2020)
FEHD – Refurbishment Works for Lan Kwai Fung Public Toilet
(C&W BEHWC Paper No. 25/2020)
FEHD – Facelifting Works for Hong Kong Park Indoor Game Hall Public Toilet
(C&W BEHWC Paper No. 26/2020)
FEHD – Refurbishment Works for Pound Lane Public Toilet and Bathhouse
(C&W BEHWC Paper No. 28/2020)**

(7:59 pm to 8:29 pm)

40. Mr CHONG Hon-ming, Chief Health Inspector 3 of FEHD, presented the Papers. He said the refurbishment works for the public toilets at Lok Ku Road, Lan Kwai Fong and Rumsey Street Multi-storey Carpark was expected to be carried out from the fourth quarter of 2020 to the third quarter of 2021, those for the public toilet and bathhouse at Pound Lane to be carried out from the first quarter of 2021 to the first quarter of 2022, while those for the public toilet at Hong Kong Park Indoor Game Hall had already been commenced and were expected to complete on 23 August.

41. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr KAM Nai-wai indicated that he had criticised the department before for its criteria for selecting the public toilets in the district for refurbishment works and asked the department why the District Council had not been consulted on the matter. He said that he only learnt that the public toilet at In Ku Lane would be demolished in three years' time after refurbishment works had been commenced. He did not understand why the department had arranged such refurbishment works in a redevelopment area. In addition, he asked if the department knew that the Government had plan to demolish Rumsey Street Multi-storey Carpark, to which he was opposed. He said he had never been to the public toilet and had no idea the situation there, but he wished to know the reasons for the department to select that public toilet for refurbishment and if it had found out from the relevant department when Rumsey Street Multi-storey Carpark would be demolished. Displaying a picture of the public toilet at Bonham Strand, Sheung Wan, he said that public toilet was the subject of frequent complaints about its odour and destruction, with many urinals damaged. But instead of redeveloping that public toilet the department decided to refurbish the

one located at the soon-to-be demolished Rumsey Street Multi-storey Carpark. He asked why the department had not selected that public toilet. Lastly, he said the disabled could not use the public toilet at Lok Ku Road and hoped the department would install a lifting platform on the stairs or an escalator outside the public toilet in the refurbishment for those in need to access the public toilet from Lok Ku Street and to go to Lower Lascar Row. He added that many residents in the neighbourhood had complained that wheel-chair users could not use that public toilet.

- (b) Mr NG Siu-hong asked about the department's criteria for the selection of public toilets for refurbishment, indicating that the District Council had never been consulted. He also asked why refurbishment had not been arranged for the public toilets at Robinson Road and Caine Road. In addition, he asked if public toilets had negative pressure system, what their ventilation systems and fans were, and what kind of floor tiles had been chosen by the department. He noticed that there was no plan to fit a baby changing facility in the male toilet at Lan Kwai Fong and opined that such facility should be provided in both male and female toilets.
- (c) Mr YIP Kam-lung considered that the department should find out if Rumsey Street Multi-storey Carpark would be demolished and expressed his firm opposition to its demolition as there were inadequate car parking spaces in the Central and Western District. He also considered the department should have first consulted the District Council about selecting which public toilets for refurbishment. He reflected that the condition of the public toilet in Shek Tong Tsui Municipal Services Building was poor with severe odour problem and said some cleaners claimed storage space provided for their use in the public toilets was generally inadequate. He considered the department should monitor regular cleaning work and assisted the cleaners in their cleaning work, otherwise the public toilets would become dirty again quickly no matter how frequent they were cleaned. He said it seemed from the Papers submitted by the department that no storage space or resting place had been provided for the cleaners and asked if the department would make improvement accordingly.
- (d) Mr LEUNG Fong-wai was concerned with the condition of the public toilet at Lan Kwai Fong, pointing out that there were many bars around and many people would use the public toilet or even throw up there. Moreover, as many who went to the public toilet would not be quite sober, he was worried that the refurbishment would not be of much help in solving the hygiene problem of that public toilet. He said odour was a constant problem in the public toilet at Lan Kwai Fong and the floor was always wet and slippery, but there did not appear to be any hardware improvement measures targeting the two problems in the Paper. He hoped the FEHD would pay attention to the hygiene condition during the refurbishment of Lan Kwai Fong public toilet as some, on finding the public toilet under repairs when they went there to answer the call of nature or not in quite a sober state, might not be clear-headed enough or have the stamina to go to the public toilet at Ice House Street. Hence the hygiene condition outside the public toilet at Lan Kwai Fong or nearby could be expected to be less than desirable.

- (e) Ms CHENG Lai-king asked why the FEHD and not the LCSD was responsible for the refurbishment works of the public toilet at Hong Kong Park Indoor Game Hall. She hoped the department would, in arranging the time for the refurbishment works of the public toilets at Lok Ku Road and Pound Lane, ensure they would not be carried out at the same time to the inconvenience of the elderly people. In addition, she asked when the public toilet at Pound Lane was last repaired. She asked if it would mean the Government would not be selling the land when the department was to spend \$4 million to refurbish the public toilet at Rumsey Street Multi-storey Carpark. She hoped, if the department would refurbish the public toilet at Rumsey Street Multi-storey Carpark, that the Government would not sell the land or make a waste of that public toilet.
- (f) The Chairlady said she had used the female toilet at Pound Lane before and there was an existing platform by the sink for changing baby diapers, but it was not clearly marked. As the department's planned new baby changing counter was quite far away from the sink and some residents had asked if the counter could be placed nearer to the sink, she asked if the department could make minor adjustment accordingly.

42. Ms Li Yat-fung, District Environmental Hygiene Superintendent of FEHD, responded that the main considerations of the department for refurbishing a public toilet included the outdated design, the lack of previous comprehensive refurbishment, poor internal maintenance, high level of usage and location at popular tourist spot. In responding to Mr KAM Nai-wai's concern for the public toilet at Wing Lok Street, she indicated that the Member had been contacted before for his view of the urinals. The department would follow up on the matter with the ArchSD to study the problem and the maintenance, and would consider to include that public toilet in the list of public toilets for refurbishment works. As for Mr LEUNG Fong-wai's concern for the public toilet at Lan Kwai Fong, she indicated that as it had a high level of usage, especially during weekends and holidays, the department had arranged especially round the clock toilet attendant service for Fridays, Saturdays and Sundays. In responding to Mr YIP Kam-lung's views on the public toilet at Shek Tong Tsui Municipal Services Building and storage space for the cleaners, she indicated the department hoped to provide storage space for the cleaners in every public toilet. As for the questions of Mr NG Siu-hong on the male toilet at Lan Kwai Fong and Mr Kam Nai-wai on the public toilet at Lok Ku Road, she said she would leave them for the colleague of the ArchSD to explain the design of the works. In addition, she said the department so far had not received any information of the actual demolition date of the Rumsey Street Multi-storey Carpark and that the site of the public toilet at Hong Kong Park Indoor Game Hall had originally been assigned to the management of the FEHD. As for Member's wish for the public toilets at Lok Ku Road and Pound Lane not to be closed at the same time, the department would study a feasible plan with the ArchSD.

43. Miss LUK Wai-ting, Property Services Manager/Project Management 11 of ArchSD, indicated that the ArchSD provided works agent service for the FEHD in the above refurbishment works. Concerning Member's suggestion of adding a lifting platform outside the public toilet at Lok Ku Road, she expressed that as far as she understood the location was not under the purview of the FEHD, hence the arrangement had to be considered by the relevant department. Technically it could be done, but the right in land had to be tackled first. She continued to say that according to

the current refurbishment plan, both the female toilet and accessible toilet in the public toilet at Lan Kwai Fong would be provided with baby changing counters, but so far not in the male toilet. Should Member wish to add such facility to the male toilet and the FEHD was in agreement with the suggestion, the department considered there was space to provide the addition design-wise. As for Mr YIP Kam-lung's concern for storage space for the cleaners, she advised that the refurbishment works of the public toilets submitted to the meeting all included attendant rooms for the use of the toilet attendants and they met the size requirement of at least three square metres provided in the existing guidelines of the FEHD. She understood that the drawings provided by the FEHD to the Committee did not show the relevant locations and she could inform Members of the actual locations if required.

44. Mr YIP Kam-lung asked, as toilet attendants took their meals and rest accompanied by toilet smell currently, if it was possible to provide space for the use of them completely separated from public toilets. He hoped the department would ensure it had good ventilation free from the smell of the toilets.

45. Miss LUK Wai-ting of ArchSD advised that all the attendant rooms provided in the refurbishment works of the public toilets submitted to the meeting were separate rooms with doors and independent fresh air and ventilation systems and hoped they would improve their work environment. As for the Chairlady's view on the public toilet at Pound Lane, the location of the baby changing counter as planned now would provide parents with more privacy and a rubbish bin was to be especially installed by it for the convenience of disposing rubbish. There was space to place the counter closer to the sink design-wise. The department could discuss amendments to the design with the FEHD where necessary.

46. The Chairlady expressed it depended on which design would provide more convenience, and all designs, such as the addition of a sink by the counter or adjustment to the location of the sink, would do so long as they would be convenient for users to wash their hands.

47. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr KAM Nai-wai indicated that the FEHD had not responded to how it selected the public toilets for the refurbishment works and why the District Council had not been consulted. He asked the department how much it had earmarked for the refurbishment works and how it had decided on the number and priority of public toilets to undergo refurbishment works. Furthermore, he asked if the public toilet at Wing Lok Street could be included in the current public toilet refurbishment works plan and, if not, he hoped to replace the public toilet at Wing Lok Street with that at Rumsey Street Multi-storey Carpark. He considered a lifting platform had to be installed for the public toilet at Lok Ku Road and said if the location was outside the boundary of the site under the purview of the FEHD, it could make application with the relevant department. He said there had been many complaints about how the disabled was unable to use it and opined that if the refurbished public toilet remained inaccessible for the use of the disabled, it would be just the same as before. He

considered the department had to use whatever means it could to make it possible for the disabled to use that public toilet. If the department could not solve the problem of boundary, it could report the matter to the District Council. He hoped the FEHD and ArchSD would invite Members of the areas or other interested Members to follow up on the details of the designs of the public toilets.

- (b) Mr LEUNG Fong-wai asked if the department would provide other facilities to the public toilet at Lan Kwai Fong to improve its hygiene condition. He also asked if the FEHD would arrange staff to take care of the hygiene condition outside the works site during the refurbishment of the public toilet.

48. Ms Li Yat-fung of FEHD responded that the department had been drawing up the list of public toilets for refurbishment works in light of the actual conditions of the public toilets, including the state of maintenance and repairs and the level of usage, and submitted papers to the BEHWC before the commencement of the works. She indicated that during the refurbishment works, the department would inform Members of the areas of the temporary arrangements such as the provision of temporary toilets or adjustments to the designs.

49. In responding to Mr LEUNG's Fong-wai's concern for the public toilet at Lan Kwai Fong, Miss LUK Wai-ting of ArchSD advised that given the level of usage and the popular tourist location the refurbished public toilet at Lan Kwai Fong would have air-conditioning and a fan underneath the sink to keep the floor dry, which were common measures in the public toilet refurbishment works in recent years.

Item 7 : Concern over Salt Water Main Burst Incident at Eastern Street near Queen's Road West

Request for an Account from the Government on the Reasons for Frequent Occurrence of Water Main Bursts at Eastern Street and Not Replacing the Ageing Pipes When the Water Main Burst Last Year

(C&W BEHWC Paper No. 17/2020)

Follow up on the Water Main Burst Incident at Eastern Street and Request for Swift Replacement and Maintenance of Ageing Water Mains in the District

(C&W BEHWC Paper No. 18/2020)

(8:29 pm to 8:55 pm)

50. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Miss CHEUNG Kai-yin asked if the department had communicated with the merchants and residents in the neighbourhood affected by the water main burst incident and if any requests for compensation had been received.
- (b) Ms CHENG Lai-king believed that the location of the subject had the highest number of water main burst incidents. The water main kept bursting and kept undergoing repairs. She asked the department if it was because repairs had not been carried out

properly that led to the water main bursting so easily. She asked if there was a defect liability period. She considered the incident made it impossible for vehicles to go to the mid-level area by the direct route. She asked if the department was negligent in its monitoring work.

- (c) Mr KAM Nai-wai opined that the current administration seemed to be ineffectual. Noting that such was a yearly occurrence at Eastern Street he wondered if the Water Supplies Department (WSD) felt any shame and queried how its staff could still get paid. He said the department sometimes claimed the works had not been completed and sometimes claimed replacement had not been done. When the department had closed off the section of road for one to two weeks but failed to replace everything while the water main continued to burst, they were the kind of people who did not do what they were paid for. He opined that it was ridiculous that the problems had existed for a decade and the residents there suffered terribly. He queried why the government department should not bear any responsibilities. He also asked if any thorough inspection had been conducted at the road junction and if there were any other problems. He indicated that he would write to the Director of Water Supplies on the matter. He said that there were frequent water main bursts at the site and every time the road was closed off for several weeks.
- (d) Mr YIP Kam-lung opined that the problem of water main bursting was severe in the Central and Western District, especially the Western District and he had reported such incidents to the WSD many times this year alone. He said the problem of pipe ageing was severe and believed that some pipes had been in use since the 1960s or 1970s. He understood the department had a difficult management job, but there had been shortcomings and failure to draw up any plans for replacing the mains in Western District which was dissatisfactory in terms of management of both the mains and underground public utilities. He indicated that a water main burst occurred at Kwong Fung Lane, Queen's Road West from October to November 2019, causing damages even to the cables of the HEC, but repairs was still outstanding. He pointed out that when water mains fell in disrepair, other underground public utilities would be affected. He asked about the progress of the implementation of water intelligent network and the schedule for the replacement in Western District. He said the Director of Water Supplies had undertaken to implement the work during a meeting with him earlier, but he had no idea of the current progress. He hoped the department would undertake a major inspection of the mains in the Central and Western District to identify older, more vulnerable or complicated utilities network for arrangement accordingly. He proposed to have an inter-departmental study of the management of underground utilities, otherwise water main bursts would damage other facilities and everything would end up "burning together".
- (e) The Vice-chairman, noting that there were frequent water main bursts in the District, asked if the WSD would draw up some five- or ten-year plan.
- (f) The Chairlady pointed out that there had been 53 water main burst emergencies in

the period from early in the year to April, with six of such occurring in one day at the peak, and the water main burst could be because it had turned warm. She said the junction at Eastern Street had water main bursts from time to time with the recent one affecting the road section for a week. It seemed that the department was making partial repairs in response to each water main burst. But she considered other locations of the main or the connection of the old and new pipes could be the reasons for the bursts and asked the department about its examination and the schedule of the replacement.

51. Mr LAU Wai-leung, Senior Engineer/Hong Kong 2 of WSD, responded that merchants and residents affected by the water main incidents could apply for compensation from the department which would process applications received in accordance with the established procedure. The department so far had not received any requests for compensation from merchants or residents in respect of the water main incident at Eastern Street. He continued to point out that the 2018 water main incident caused by the leakage of a steel pipe of 600 mm in diameter occurred at a location close to that of the 4 March incident, but the pipes involved were of different sizes; the 10 October 2019 incident did not occur at the junction between Eastern Street and Queen's Road West, but that between Queen's Road West and Mui Fong Street, while the pipe involved, a salt water elbow of 150 mm in diameter, was also of a different size, since they were of different sizes and locations, they were two different pipes. The department understood that the road involved was narrow and busy and a water main incident would have a greater impact on the residents nearby, hence it would carry out repairs promptly whenever an incident occurred. He said the department had conducted an investigation of the water main incident and ascertained the incident had nothing to do with the quality of works, but was caused by leakage or bursting of corroded metal pipes. As for Members' concern of the water main bursts at the location, he indicated that when the department launched a programme of replacement and rehabilitation (R&R) of water mains in 2000, there were over 1 000 water main bursts and over 10 000 leakages every year in Hong Kong. After 15 years' R&R works, the number of water main bursts had reduced to less than 100 a year currently in Hong Kong, and even only 40 to 60 were recorded last year, while leakages had lowered to about 7 000 cases. [Supplementary information: In 2000, there were 215 water main bursts and 1 193 leakages in the Central and Western District. After the completion of the R&R works, the numbers of water mains bursts and leakages were down to three and 506, respectively in 2019.] The department would strive to reduce and prevent the occurrence of the incidents. Though from overseas experiences, it was hard to prevent the incidents as water mains kept ageing like human blood vessels, the department hoped to reduce the frequency as far as possible. The department launched the Implementation of Water Intelligent Network (WIN) earlier and a briefing had been given to District Councils. If individual Member was interested, he could refer the section concerned to contact the Member after the meeting. After the R&R works had been completed in 2015, a strategy of risk-based approach was now adopted whereby priority of works would be determined based on the service year, burst or leak records, the pipe material and location at busy road of the water mains. Because of the relative difficulty in diverting traffic in the Central and Western District where the roads and pavements were narrower generally, the department experienced greater difficulty in laying new pipes. Nevertheless, the department had been trying its best. In addition, the department planned to replace an older pipe at the junction of Eastern Street and Queen's Road West, which had been included in the risk-based regular improvement works contract. The works

was expected to carry out in the third quarter of 2020 and hopefully to be completed promptly by the first quarter of 2021. But since the department had encountered certain problems in arranging road closure for the works, it would continue to liaise with the relevant departments to arrange the works promptly.

52. The Chairlady invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Ms CHENG Lai-king opined that the location was a hotspot of water main bursts and suggested to include it on the agenda of the District Management Committee for long-term follow-up action.
- (b) Miss CHEUNG Kai-yin said she had asked about compensation with regard to the March water main burst at Eastern Street earlier, and a staff of the department claimed at the time that no compensation would be made as it was a natural incident, not man-made mistake. She asked the department under what circumstances that merchants or residents could claim compensation from it for damages caused by water main bursts. She asked if the District Council would be informed of the list of risk-based regular improvement works of the department and, if yes, she hoped the list would be made available to each Member for information of the priority of maintenance works of the water mains in the district.

53. Mr LAU Wai-leung of WSD responded that on receipt of claims for compensation, the department would process them in accordance with the established departmental procedure and informed the claimants of the results as soon as possible. The risk-based improvement works in the district was being carried out under regular Contract No. 3/WSD/17. The department would maintain communications with Members of the areas concerned of the works details and traffic arrangements, for example, the department had contacted Mr KAM Nai-wai regularly on it. The department planned to offer a new risk-based improvement works regular contract towards the end of 2020 for implementation early next year. Once the department had finalised the works plan, it would discuss the works details and traffic arrangements with Members of the areas concerned.

54. Mr YIP Kam-lung asked about the progress of the WIN and if the department planned to have a clearer picture of the water main situation in Western District and would conduct a comprehensive review of the service years and distribution of the water mains. In addition, he asked if it would review the underground public utilities with other departments to avoid water main bursts or damages to other utilities during road opening works.

55. Mr LAU Wai-leung of WSD responded that the department was making installations at monitoring sites under WIN to collect data of water distribution network for system analyses to assess the conditions of the pipes and the needs for improvement works. He would ask the colleague concerned to contact Mr YIP kam-lung after the meeting. In drawing up the list of risk-based regular improvement works, the department would consider a basket of factors, including the pipe materials, service year, burst record, impact of burst on traffic, water supplies and slopes, location at busy road, impact of burst on important facilities such as hospital and clinic. During

maintenance, the department would also examine the condition and severity of corrosion of the lined pipe for inclusion in the consideration of the maintenance priority. The department would also continue to maintain monitoring and when pipe was found to have increased risk, it would also be included in the list. If the department discovered the condition of a pipe was unsatisfactory, it would simply include the pipe in the list and arrange works promptly.

56. After discussion and voting, the following motion proposed by Ms NG Hoi-yan and seconded by Mr KAM Nai-wai was adopted:

“The Building Management, Environmental Hygiene and Works Committee requests for swift replacement of ageing water mains in the Central and Western District to maintain the supply of fresh and salt water.”

(12 affirmative votes by: Ms NG Hoi-yan, Mr WONG Weng-chi, Ms CHENG Lai-king, Mr YEUNG Sui-yin, Miss CHEUNG Kai-yin, Mr NG Siu-hong, Ms WONG Kin-ching, Mr YIP Kam-lung, Mr HO Chi-wang, Mr LEUNG Fong-wai, Mr PANG Ka-ho and Miss YAM Ka-yi)

(0 dissenting vote)

(0 abstention vote)

**Item 8 : Strong Request for Prompt Improvement to the Design of Lyttelton Road Refuse Collection Point (RCP) and Early Reconstruction of the RCP
(C&W BEHWC Paper No. 29/2020)**

(8:55 pm to 9:10 pm)

57. The Chairlady invited Members to express their views and raise questions on the issue. Miss YAM Ka-yi noted that the problem of the Lyttelton Road RCP had long existed and, if left unresolved, the problem of wild pigs would persist. Some residents not realising it was only a temporary RCP would leave their refuse within the RCP but not in the litter containers and were served with summons consequently. She opined that the department had to improve the situation as soon as possible. She indicated that there were many facilities like pipes around, involving different departments. She had a site inspection with the FEHD and ArchSD earlier and was informed that they were undertaking the related work. But she asked if the issue could be included as a standing item for the BEHWC to follow up for she wished to continue to follow up on the inter-departmental work.

58. Miss YAM Ka-yi continued to say that the departments went for the site inspection with her right after they had received the Paper and she understood that they had been undertaking the related work, hence she had no questions about the departments' work. She only wished to continue to follow up on the progress of the matter.

59. Mr MA Wai-kei, Property Services Manager of ArchSD, advised that the department had conducted the site inspection with FEHD and Miss YAM Ka-yi earlier and maintained close contact

with the FEHD afterwards to confirm the operational needs for a study of improvement to the current designs, including considering the provision of bigger space for litter containers devised against wild pigs scavenging. He added that the site had a lot of constraints, for example there were trees, underground pipes and retaining walls, hence time was required for a study of the feasibility of the works. Since the site was under the management of LCSD, should improvement works be technically feasible the department would fully cooperate with the FEHD in its application for additional land for proceeding with the application for funds.

60. Ms Li Yat-fung of FEHD responded that the department would continue to keep in view the situation of the RCP and had written to the owners' corporations (OCs) and property management of the buildings nearby, suggesting to them to use the refuse depot nearby in disposing large refuse. As for the design of the RCP, it could only proceed depending on the feasibility study results of the ArchSD. In the meantime, the department would step up cleaning.

61. Mr KAM Nai-wai opined that the works would certainly be feasible from the technical point, it was just a matter of how much fund would be allocated. He said that it would not be too much of a problem given the site was Government land. If it involved a slope, the CEDD should study rectification. He thought the problem had to be resolved thoroughly and promptly, including giving consideration to the provision of more parking spaces. He made a declaration that he lived there and passed by Lyttelton Road every day, during which he noticed many vehicles passing through before and after school. A parked refuse collection vehicle would affect traffic and it might need to stop longer if more refuse were to be held there. He believed there were not many suitable sites for RCPs, hence enlarging the current RCP should be able to solve the problem of refuse accumulation in the area. He hoped the department would tackle the matter speedily, but he believed it would still be outstanding by the end of the current term of the District Council given the usual efficiency of the departments which were kind of lazy and did not do the job they were paid for. He agreed to include the issue as a standing item for follow up on the way for improvement. He suggested that the FEHD and ArchSD should prepare a draft plan first before conducting a study and simple exploration for the review of its feasibility and good value. He hoped the departments would submit the draft plan at next meeting for Members' discussion and amendments where necessary. He believed that the works would take time, hence he hoped the department would station staff at the RCP. Claiming that illegal disposal of refuse there was a long standing problem, he hoped some staff would at least be there during busy hours to enforce control. He suggested to the department to set up a temporary air-conditioned station for the staff's use and long term monitoring work.

62. Mr MA Wai-kei of ArchSD advised that the department had given a preliminary reply to the suggestion of providing more parking spaces during the earlier site inspection. He said the current parking space for refuse collection vehicle on Lyttelton Road was between two trees on a slope, the space was very limited. If the slope was to be rectified to make room for additional vehicle parking spaces, the trees might have to be removed. Since the consensus was not to let existing trees affected by improvement works, the suggestion of providing additional parking spaces was not feasible.

63. Ms Li Yat-fung of FEHD responded that concerning Member's suggestion of stationing

staff the department would consider as far as possible if it was feasible to have staff there to maintain cleanliness during busy hours.

64. Miss YAM Ka-yi said as far as she knew there was no water supply and it would be inhumane to arrange staff on duty there the whole day long. Since the problem could not be solved in the short term, she hoped the department would arrange staff on duty during busy hours. She emphasised that she did not wish to have staff on duty there the whole day long and considered it inhumane.

65. After discussion and voting, the following motion proposed by Miss YAM Ka-yi and seconded by Miss CHEUNG Kai-yin was adopted:

“The Building Management, Environmental Hygiene and Works Committee of the Central and Western District Council strongly requests the departments concerned to expedite the design improvement works for Lyttelton Road Refuse Collection Point and report to the Committee regularly. Before resolving the problem, the departments concerned should adopt temporary measures and strengthen prosecution against people who dump refuse indiscriminately, so as to improve environmental hygiene of the location and reduce the chance of causing human-wild pig conflict.”

(12 affirmative votes by: Ms NG Hoi-yan, Mr WONG Weng-chi, Ms CHENG Lai-king, Mr KAM Nai-wai, Miss CHEUNG Kai-yin, Mr NG Siu-hong, Ms WONG Kin-ching, Mr YIP Kam-lung, Mr HO Chi-wang, Mr LEUNG Fong-wai, Mr PANG Ka-ho and Miss YAM Ka-yi)

(0 dissenting vote)

(0 abstention vote)

66. After discussion and voting, the following motion proposed by Miss YAM Ka-yi and seconded by Miss CHEUNG Kai-yin was adopted:

“The Building Management, Environmental Hygiene and Works Committee of the Central and Western District Council strongly requests the departments concerned to strengthen management of the trees in the vicinity of refuse collection stations/points.”

(13 affirmative votes by: Ms NG Hoi-yan, Mr WONG Weng-chi, Ms CHENG Lai-king, Mr YEUNG Sui-yin, Mr KAM Nai-wai, Miss CHEUNG Kai-yin, Mr NG Siu-hong, Ms WONG Kin-ching, Mr YIP Kam-lung, Mr HO Chi-wang, Mr LEUNG Fong-wai, Mr PANG Ka-ho and Miss YAM Ka-yi)

(0 dissenting vote)

(0 abstention vote)

67. The Chairlady said the Committee already had four standing items for discussion and if this issue was to be included as a standing item, it had to be given a title. The Committee passed the inclusion of “Improvement Works for Lyttelton Road Refuse Collection Point” as a standing item of the BEHWC.

68. Mr KAM Nai-wai agreed to the inclusion of the issue as a standing item but he noted the ArchSD’s reply that the provision of additional parking spaces might involve removing the trees. He hoped the department would provide the relevant study and plan for Members to understand if there were any other possible sites.

**Item 9 : Follow Up on the Problem of Shop Front Extensions in Sai Ying Pun District
(C&W BEHWC Paper No. 30/2020)
Street Obstruction and Poor Hygiene Caused by the Vegetable Stalls on Queen’s Road West Request the FEHD to Enhance Cleaning and Tackle the Problem
(C&W BEHWC Paper No. 33/2020)**

(9:10 pm to 9:44 pm)

69. This item was be chaired by the Vice-chairman.

70. The Vice-chairman invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr YIP Kam-lung, observing in the reply of the FEHD that the number of prosecution with regard to Shek Tong Tsui was far less than that concerning Sai Ying Pun, asked if the standards of enforcement were different in the two areas. In addition, he considered the problem of street obstruction caused by the vegetable stalls on Queen’s Road West had been persisting for three to four years. When a new vegetable stall opened for business last year, the problem worsened. He asked how the department would step up enforcement to improve the situation.
- (b) Mr HO Chi-wang pointed out that there were three vegetable stalls opposite the Shek Tong Tsui Market and asked whether the prosecution number of the department concerned all of them or just one. In addition, he said the vegetable stall closest to Whitty Street frequently placed foam boxes on the road. When a resident reflected the matter to some staff of the department, the resident was told that the foam boxes had resale value and to clear them away would mean theft. He asked if the vegetable stall was always exploiting legal loopholes, for example, they shouted to attract buyers without using a loudhailer to avoid breaching the NCO and they put articles of the vegetable stall on projecting elevated frame.
- (c) Miss CHEUNG Kai-yin noted the department had issued a total of 327 fixed penalty notices in the Sai Ying Pun area in the past two years, which meant on average about one notice every two days. She considered it was quite a lot. Despite so, they seemed to have little deterrent effect. When enforcement action could not stop street obstruction by the vegetable stalls while complaints grew, she asked what other

measures could be taken to alleviate the situation. She said “Yat Sun Vegetable Stall” (日新菜檔) had many branches all over Hong Kong and believed the group had its own legal counsel. Members of other District Councils had tried to reason with the local branches of the vegetable stall but were threatened with gestures of attack or sworn at. She asked if the FEHD would communicate with the stall to improve the situation.

- (d) Mr PANG Ka-ho said he had also received complaints from residents against street obstruction by vegetable stalls near Shek Tong Tsui Market at Queen’s Road West. He said he had been following up on the situation around Sai Wan with colleagues of the FEHD and was grateful to them for their cooperation. He claimed a vegetable stall at North Street, Sai Wan and two at Belcher's Street near “Sun Kei Chai” (新界仔) and Hoi Tao Building, respectively, were also blackspots of street obstruction. The situation had improved after he had reflected to the department, nevertheless they persisted. He said he did not wish to be discussing it at every meeting and tried to solve the problem with communication. But since it so happened there was a discussion paper, he reflected his views as well. He reiterated that though the problem of street obstruction persisted there had been improvement. Lastly, he pointed out that though there might have been improvement to street obstruction, the alley behind the “Home Farm Vegetable Stall” (家農菜檔) on North Street still had sundry stuff lying around and the condition of the alley behind “Sun Kei Chai” (新界仔) near Markfield Building was even worse with many foam boxes and discarded vegetables accumulating there. He believed the FEHD mainly patrolled the area during the peak hours around one to two o’clock. He asked if the department would conduct site inspection after businesses were closed to check if the vegetable stalls had cleared away the discarded refuse.
- (e) Ms CHENG Lai-king noted that the 327 fixed penalty notices issued by the department in the Sai Ying Pun area in the past two years was on the high side and believed the vegetable stalls treated the penalty notices as part of the rent. She opined that the department should think over how to tackle the occupation of public area for the trading of private commercial products. She asked if it could follow the approach against restaurants which had to suspend business for a period of time when prosecution against one had reached a certain number. She also suggested to the representatives of the department to consult their senior management on approaches to tackle street obstruction by stalls.
- (f) Mr KAM Nai-wai made a declaration that he bought his vegetables at those stalls. He opined that the department could initiate prosecution every day, it all depended on the determination of the FEHD and that it should not be enforced by the FEHD alone. He said every area had such problem, as at No 38 Queen’s Road West, and Nos. 378 and 348 Queen’s Road Central, Sheung Wan. He suggested adding the blackspots mentioned by Members in the list of the standing item on LCs, listing the number of patrols, prosecutions and cleaning. He considered it was filthy with the shops putting the foam boxes all over the place and dropping vegetables on the

ground. He believed the work of the FEHD was obnoxious and its staff would be sworn at or threatened when they were there. But for the sake of law enforcement it could not be helped. He said the department might have to work with other departments where necessary, such as when they could not remove the articles immediately under the requirement of the law. He opined that the Lands Department, the HKPF, the C&WDO and the FEHD should conduct joint operations. He understood joint operations could not be conducted daily, hence the FEHD should dispatch teams to raid, clean and prosecute for deterrent effect and submit report at each meeting.

71. Ms Li Yat-fung, District Environmental Hygiene Superintendent of FEHD, responded that the bigger gap between the prosecution numbers of Sai Ying Pun and Shek Tong Tsui as provided in the Paper was because the number concerning Sai Ying Pun was accumulated over the past two years, and that for Shek Tong Tsui covered the past six months. As for Mr HO Chi-wang's view on the foam boxes, she knew that people did recycle them. It was hard for her to comment now given that she was not clear about the environment and situation at the time, but if the department noted anyone dumping foam boxes as refuse, they would institute prosecution against them. She would explain to frontline staff after the meeting. As for Miss CHEUNG Kai-yin's view, she advised that the department had been instituting prosecution against the vegetable stall and after the department had communicated with the person in charge, there was some improvement to the street obstruction problem, though there was still room for improvement. The department had met again with the person in charge on the day of the meeting, hoping to adopt a carrot and stick approach. In addition, in responding to Ms CHENG Lai-king's view, she pointed out that as vegetable stall was not required to apply for any licence from the FEHD, it could not use measures such as a marking scheme or suspension of licence to tackle the problem. As for the Sai Wan situation reflected by Mr PANG Kai-ho, she indicated that the department would follow up on it. She added that if a shop littered a place from its loading and unloading activities, it had the responsibility of cleaning up. If the department found the responsible people left without cleaning up, it could institute prosecution against them. In responding to Mr KAM Nai-wai's suggestion of a joint operation, she advised that the department had been conducting joint operations with the C&WDO and would keep on following up on the joint operations with the C&WDO in the future. As for Mr KAM Nai-wai's wish to include the issue as a standing item, she pointed out that quite a lot of information were already being required to be submitted and suggested for the department to liaise with individual concerned Members on the actions taken.

72. The Vice-chairman invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr YIP Kam-lung opined that the FEHD had to understand that some staff of the vegetable stall threatened against removing the foam boxes. He claimed the problem of accumulation of foam boxes at the vegetable stall opposite Shek Tong Tsui Market was severe and the publicity signboard he put up there was always obscured by those foam boxes. He asked if it was an affront to the FEHD when the foam boxes that could not be cleared away because of their resale value were stacked right opposite the FEHD market. He said those foam boxes were unsightly and

filthy and the vegetable stall had not cleaned up the places they had messed up as they should have. He said a representative of the stalls in Shek Tong Tsui Market had complained to him that the FEHD had not washed the streets and the filthy state of the streets would lead people to conclude so. When he went for an inspection with the department of the washing of local streets which had buildings with confirmed cases of infection in the fight against the epidemic in February he saw rats there. He considered it reflected the poor job the department had done and much improvement was required. Even if the six-month prosecution number of Shek Tong Tsui was to be multiplied as a two-year figure, it would still be far less than that of Sai Yin Pun. It reflected uneven enforcement efforts. The location being right outside the office of FEHD, he asked how the department could allow such effrontery by the vegetable stall outside its doors. He said he had advised the vegetable stall to put its stuff in its proper place but was ignored. He said the department should not connive at such act of the vegetable stall and invited the Superintendent for a site inspection with Mr HO Chi-weng and him some day.

- (b) Mr HO Chi-weng noted that the prosecution number of the area around Centre Street was nearly three times of the complaint number, but the prosecution rate around Shek Tong Tsui Market was just over 20%. He asked the reason for the difference and why prosecution actions could not be taken when complaints had been received. In addition, he found the department's response that the foam boxes could not be cleared away because they had resale value unreasonable. He said if the department would not clear away stuff with value placed on the streets by every shop, he would also put stuff of his office outside for that would mean more space to use. He considered the department had to give an explanation as when one lane of Queen's Road West had been closed off for HEC works, it would create dangerous situations for the shop to place their foam boxes on the road. He wondered who would be held responsible for any accident. He said if staff of the department saw but ignored such situation, it would be dangerous indeed.
- (c) Mr KAM Nai-wai wished to put on record of the expectation for the FEHD to patrol, prosecute and clear away the foam boxes daily, to wash the streets of the locations concerned at least three times a week, to take joint operations at least twice a month and to provide in a list as information of the standing item the numbers of patrol, prosecution, collection of the foam boxes and street washing undertaken in respect of the vegetable stall blackspots mentioned by Members. He said the snub by the vegetable stall against the FEHD outside its office that Member described was also suffered by the Superintendent from another vegetable stall outside her office. He asked if it had been slighted enough.
- (d) Miss CHEUNG Kai-yin noted the department claimed in its response that there was improvement to the situation and asked if the department made such assessment by, for example, the reduction in complaints received or the prosecution number or other factors. From her observation, the situation had not seen any improvement at all. Recently she even been told by residents that they had to go to the hospital as a result

of the vegetable stall putting its stuff way outside the stall or their operations like opening boxes in the middle of the road. She found the situation very serious. She queried if the department had received less complaints because residents had taken theirs to Members.

73. Ms Li Yat-fung of FEHD responded that she would arrange a colleague to liaise with the assistants of Mr YIP Kam-lung and Mr HO Chi-weng after the meeting and expressed her welcome for Members to join the patrols. In addition, she said the street washing of the locations would be stepped up. As for Miss CHEUNG Kai-yin's query, she said from her own observation there was some improvement to the locations because during her patrol soon after she was deployed to the District she had noted the shops were occupying more space on the road than now. She reiterated that it did not mean the current situation was satisfactory. The department would continue to step up street washing and enforcement to the locations.

74. The Vice-chairman asked if the department had other ways to tackle the situation.

75. Ms Li Yat-fung of FEHD responded that fruit stalls and vegetable stalls were different from restaurants in that they were not required to apply for any licence from the FEHD, hence the department could not use a marking scheme or order suspension of business like that for offending restaurants. Nevertheless, apart from instituting prosecutions and conducting joint operations with the C&WDO, it would adopt a carrot-and-stick approach to try persuasion with the vegetable stall owners. But she emphasised that the department would continue to take enforcement actions.

76. The Vice-chairman asked whether the department had contacted the owners of the whole vegetable stall group or just the person in charge of that particular vegetable stall and if the penalty for the notice was \$1,500.

77. Ms Li Yat-fung of FEHD responded that the department had communications with the person in charge of the vegetable stall but it was not appropriate for her to disclose the name of the person concerned.

78. The Vice-chairman indicated that Members suggested adding street obstruction blackspots by shops in the current list of standing item on hygiene blackspots and said Members' intention about the suggestion was clear.

79. After discussion and voting, the following motion proposed by Miss CHEUNG Kai-yin and seconded by Mr WONG Weng-chi was adopted:

“This Committee requests the department concerned to step up inspection and prosecution against repeat offenders of shop front extension in the district, so as to improve road crossing environment and hygiene condition of streets.”

(12 affirmative votes by: Ms NG Hoi-yan, Mr WONG Weng-chi, Ms CHENG Lai-king, Mr KAM Nai-wai, Miss CHEUNG Kai-yin, Mr NG Siu-hong, Ms WONG Kin-ching, Mr YIP Kam-lung, Mr HO Chi-wang, Mr

(0 dissenting vote)

(0 abstention vote)

80. Mr KAM Nai-wai asked if the Committee agreed with the daily, weekly and monthly work he required of the FEHD earlier and, if it was in agreement, he would request for the department to report the statistics of the work at each meeting.

81. The Vice-chairman asked if the FEHD could meet the request.

82. Mr KAM Nai-wai said he would like to put forward the request and if the FEHD could not meet it, the department had to give an explanation in the meeting.

83. Mr YIP Kam-lung quoted the department's written response that the location at Shek Tong Tsui was cleaned up daily, but he found out from the department earlier that it should be washing once a week instead. He asked if cleaning was carried out daily or weekly.

84. Ms Li Yat-fung of FEHD responded that the FEHD would sweep the locations daily and wash the street once a week.

85. Mr KAM Nai-wai said it was a matter of course that the street had to be swept daily.

86. Mr YIP Kam-lung said the condition of swept street was the same as unswept and considered the department should enhance street washing.

87. Ms Li Yat-fung of FEHD responded that the department would deploy current resources as far as possible. She said the department wish to maintain all places clean but Members had to understand that it was constrained by resources and that it had to take up extra street washing work in response to the epidemic. She asked for Members' understanding.

88. Miss WONG Sze-ki, Assistant District Officer (Central and Western), indicated that as joint operations would involve many departments, the department had to study if it was feasible to arrange two joint operations a month as requested by Members, but it would try to increase the number of joint operations as far as possible.

89. Mr KAM Nai-wai said all it took was for the "bad cops" not to go to shopping malls.

90. The Vice-chairman expressed that the Committee proposed to the FEHD to take up the work as requested by Mr KAM Nai-wai and that the department had to report the statistics of the work at the next meeting irrespective if the request was met. He continued to point out that the blackspots mentioned by Members were many and he believed the department might not be able to meet the request in full. But he asked it to assess the priority of the work and make a report at the next meeting.

**Item 10 : Request the Highways Department to Improve Supervision of Emergency Road Repair Works and Hold the Officer Responsible for Dereliction of Duty
(C&W BEHWC Paper No. 31/2020)**

(9:44 pm to 10:07 pm)

91. This item was chaired by the Vice-chairman.

92. The Vice-chairman invited Members to express their views and raise questions on the issue. Mr KAM Nai-wai asked if the Highways Department (HyD) had given any reply to his further questions forwarded via the Secretariat the day before the meeting, which included if an engineer of the HyD was required to be at the site to monitor the works. He said he had asked the HyD to have a staff at the site on the day and only an inspector of works was there but not any engineer. When he asked why no engineer had come, he was told that staff of the department worked from home during the epidemic. He could not understand how site works could be monitored from home. He showed a photo claiming that works had been carried out overnight at the site which had only been enclosed with a board. He asked the EPD if it was a noise reduction measure meeting the specifications.

93. Mr LO Kai-kwei, Senior District Engineer/HNW of HyD, responded that the written replies provided to the Secretariat earlier sought to present the progress of the emergency road works chronologically to enable Members to understand what had happened in a cohesive manner. The department noted Member's wish to have more detailed information and would provide such after the meeting. Since it was an emergency road works, after a request had been received from the Electrical and Mechanical Services Department (EMSD) for assistance in the laying of underground utilities around 10:00 am on 7 April, staff of the department and a contractor were already at the site around 10:45 am to discuss the emergency road works and the corresponding traffic arrangements. Since the laying of underground utilities involved works across three traffic lanes, the road had to be opened up in stages for laying the utilities. At first the works team estimated that the works would take three working days. To minimise the impact on road users, the contractor managed to complete all road works earlier than estimated by 3:00 am the next day for the EMSD to lay the cables and complete electrical and mechanical maintenance works for the traffic lights to resume operation. To carry out the emergency road works promptly to minimise impact on road users, the contractor of the department had not been able to give prior notice to affected residents and merchants of the arrangements of the works. The department had asked the contractor to improve and enhance communications in the future and, before carrying out an emergency road works, try as far as possible to notify affected residents and merchants of the nature and estimated time of the works, and inform Member of the area in due course. As for Member's concern for the monitoring work, he explained that the regional office of the department was comprised of different district sections for administration, and each district section was staffed with engineers, inspectors of works and supervisors, each had its own duties and responsibilities. The department had minor road works in different locations in the district and, depending on the circumstances, appropriate manpower would be deployed for monitoring as needed. The department understood the urgency of that road works, so a supervisor was deployed to monitor the work of the contractor from 7 to 8 April at all times when actual road works was being carried out. An inspector of works of the department also went for site inspection for part of the time in the morning and afternoon of 7 April,

and the afternoon of 8 April, while an engineer also went for a site inspection from about 3:00 pm to 6:00 pm on 8 April until staff of the EMSD had completed repairs to the traffic lights. During the time when actual road works was being carried out, the engineer and inspector of works of the department maintained contact with the supervisor at the site at all times through instant communication software and telephone to monitor the work and progress of the contractor.

94. Mr WONG Lok-sang, District Engineer/West of HyD, responded that since Mr KAM Nai-wai asked at their last telephone conversation at 1:15 pm on 8 April to meet with staff of the department at the site immediately, he arranged the inspector of works who could be there the soonest to meet with the Member at 2:00 pm. He himself also arrived at the site around 3:00 pm. As for Mr KAM Nai-wai's query about the noise of the nightworks, to minimise impact of the emergency road works on residents nearby as far as possible, the department had required the contractor to take appropriate noise mitigation measures, including completing the noisier road opening works before 11:00 pm as far as possible and using noise barrier. The rest of the works involving laying the underground utilities and repairing the traffic lanes generated relatively less noise and the contractor also hurried with the works to complete the emergency road works at the shortest possible time.

95. Mr CHIU Chi-chung, Senior Environmental Protection Officer (Regional South) 1 of EPD, responded that the machine in the photo shown by Member indeed generated more noise. The department had in the past urged the HyD to require contractors to avoid using that kind of machine around mid-night and to have noise reduction facilities when they did use it. How contractors implemented it would depend on the actual circumstances. The department would continue to discuss with the HyD about improvement.

96. Mr KAM Nai-wai asked if the correct noise absorption was being used as displayed in the photo, which showed the long term situation of the site, ie it was enclosed by two boards.

97. Mr CHIU Chi-chung of EPD responded that one of the articles looked like a noise barrier but it would not be able to shield Member from the noise at the location where the photo was taken.

98. The Vice-chairman asked if it met the relevant rules.

99. Mr CHIU Chi-chung of EPD responded that he trusted the HyD would discuss improvement with the contractor.

100. Mr KAM Nai-wai asked if it met the relevant rules and advised against playing with words like the Government. He asked if he was afraid to tell on the HyD and encouraged him not be afraid and just tell on as Members were there.

101. Mr CHIU Chi-chung of EPD responded that it being emergency works, a construction noise permit from the EPD was not required under the law. But the department still hoped to urge other departments and their contractors to use noise reduction facilities as far as possible. As for the noise facility in the photo, as he had said, it would not be able to shield Member from the noise at the location where the photo was taken.

102. Mr KAM Nai-wai asked the HyD if the relevant rule required an engineer to be at the site while emergency works was being carried out. He indicated that if there was no such requirement, he had nothing more to say but improvement had to be made; but if there was such a requirement, that meant a dereliction of duty. The engineer of the department only went to the site the next afternoon after he had given him a dressing down on telephone. When the inspector of works arrived at the site in the afternoon of the day, he told him that he worked from home part of the time during the epidemic. But now the department claimed someone had been at the site at all times to monitor the works. In addition, when he took the photo of the noise barrier, he was threatened by the contractor who questioned why he was taking the photo. He retorted, “are you a ‘bad cop’? Is it not allowed to take picture?” He opined that the supervisor had failed to be at the site to oversee when something happened. He also pointed out that the EPD had urged the department not to use such machine. He said even if it had to be used, there should be proper enclosure. He opined that the representative of the department being an engineer it was a department that did not do what it was paid for.

103. Mr WONG Lok-sang of HyD responded that for that emergency road works, the department’s supervisor had been at the site to monitor the work of the contractor. It was the department’s inspector of works who met with Mr KAM Nai-wai on 8 April. As for the engineer, he would be at the site to inspect the progress and confirm the quality of the monitoring work when appropriate.

104. The Vice-chairman asked if there were any rule that required the presence of an engineer.

105. Mr WONG Lok-sang of HyD responded that the department currently did not require an engineer to station at the site at all times for minor road works.

106. Mr KAM Nai-wai claimed the HyD was playing with words again. He clarified that he had not required an engineer to station at the site at all times, he only considered that an engineer should be at the site to inspect if the works met the specifications while works was being carried out, otherwise what was the use of an engineer licence. Since the department claimed the one who had met with him on that day was not the supervisor, but the inspector of works, he asked who had met with him. He said the department claimed that its staff had been at the site on 7 April, but he had not seen any staff of the department at the site on both 7 and 8 April, and the staff of the department had worked from home in the afternoon of 8 April. He said he had no idea what the department was doing. He said he did not wish to argue there or he would be accursed of insulting the department or calling the department “rubbish”. He asked the department to provide in writing a detailed list of the record of the work of its staff on 7 April, such as the name of the staff, the location and work undertaken, calls received. He would pursued the matter with the Ombudsman.

107. The Vice-chairman asked the HyD to provide information of the staff concerned such as their ranks.

108. Mr LO Kai-kwei of HyD responded that the department had maintained the relevant record and emphasised that the department had minor road works in different locations in the district and hence unlike the practice with major works, there was not a system for stationing staff at the site.

Depending on the circumstances the department would deploy appropriate manpower for monitoring work where necessary. Given the urgency of that road works, the department's supervisor had monitored the work of the contractor at all times when actual road works was being carried out in the hope of completing the works as soon as possible. He said the engineer of the department maintained contact with the supervisor at the site through instant communication software and telephone regularly during the works and understood that the progress of the works was satisfactory. The works was completed at 3:00 am the next day instead of taking three working days as had originally estimated, also the impact on road users had been reduced, hence the engineer had not stationed long at the site. The photo as shown by Mr Kam Nai-wai reflected the situation might not be satisfactory, the department would accordingly conduct a review with the contractor after the meeting. In addition, the department had asked the contractor to improve its communication effort and advised it to give notice to affected residents beforehand as far as possible. Furthermore, though a construction noise permit from the EPD was not required for emergency works, the department would review the matter with the contractor, whose performance was assessed under an established mechanism.

109. The Chairlady noted the HyD's remark in its written response that it had noticed some pedestrians were unable to adapt to the temporary road crossing arrangement. She expressed that actually many residents had no idea how to cross the road and it was on the request of her and Mr KAM Nai-wai that the department had deployed some staff to direct the pedestrians how to cross the road. She said the department should clarify that it had not noticed the situation and had been alerted to it by Members. In addition, the Chairlady asked when the HyD would provide a written response to the requests of Mr KAM Nai-wai given to it the day before.

110. Mr KAM Nai-wai wished to put on record that the situation was not as simple as that claimed by HyD – apart from failing to notify the residents and inadequate environmental measures, what was most important was how dangerous it was for residents to cross the road. He said his request for the department to have a supervisor or engineer at the site had been brushed aside. He claimed the department had no one at the site at all for if someone was there, they would have seen the residents had been unable to cross the road. He thought the department had not carried out its duty and was lying. He said the department needed not to respond here.

111. The Vice-chairman asked the HyD to provide information of the staff concerned such as their ranks as required by Member after the meeting.

112. Mr LO Kai-kwei of HyD indicated that the information would be provided after the meeting.

113. After discussion and voting, the following motion proposed by Mr KAM Nai-wai and seconded by Ms NG Hoi-yan was adopted:

“The Building Management, Environmental Hygiene and Works Committee of the Central and Western District Council strongly demands that the Highways Department must station an engineer at the site to supervise works implementation when conducting emergency road repairs, and immediately issue notices to the affected residents and Members of the District

Council to inform them about the details and progress of the works.”

(13 affirmative votes by: Ms NG Hoi-yan, Mr WONG Weng-chi, Ms CHENG Lai-king, Mr YEUNG Sui-yin, Mr KAM Nai-wai, Miss CHEUNG Kai-yin, Mr NG Siu-hong, Ms WONG Kin-ching, Mr YIP Kam-lung, Mr HO Chi-wang, Mr LEUNG Fong-wai, Mr PANG Ka-ho and Miss YAM Ka-yi)

(0 dissenting vote)

(0 abstention vote)

**Item 11 : Concern Over Tree Branch Failure in Hollywood Road Park and Strong Request for Comprehensive Inspection of the Health Condition of Trees in the Park
(C&W BEHWC Paper No. 32/2020)**

(10:07 pm to 10:47 pm)

114. This item was chaired by the Vice-chairman.

115. The Vice-chairman invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr Kam Nai-wai noticed the department said in its reply that it had completed inspection on 20 April and confirmed the trees were healthy and their conditions were normal and would not constitute a risk to public safety. He asked if the LCSD and Tree Management Office (TMO) would bear responsibility for the above reply. He pointed out that after the department had inspected all the trees in the Park on 24 March a tree failure happened in April. He asked if there was another tree failure after the completion of the inspection on 20 April, who would be held responsible. He asked to be supplied with the name of the representative for record purpose. He asked the department what kind of inspection had been conducted and how it was done. He said the tree failure happened when there was no typhoon, one could imagine what a perfunctory job the department had done, but it claimed no one was to be held responsible and that there had been no past evidence showing it had been caused by anything to do with the contractor. He hoped the department would explain about that.
- (b) Mr YIP Kam-lung said two reports submitted by the department both showed Tree Nos. CW5458 and CW5503 were unhealthy and there were signs showing the condition of CW5503 had been deteriorating since last year’s inspection. In the departmental report, the arborist also suggested removing that tree, but the department had not done so. He asked the department if it had recorded any mitigation measures taken for the preservation of the two trees and if it had conducted Form 2 assessment for them and, if yes, to provide the information to the Committee.

- (c) The Chairlady said she went for a site inspection immediately after receiving a report of the tree failure from a resident in the evening of 9 April, and that it was fortunate that it had happened at night with less pedestrians around, otherwise it was highly likely injuries and casualties would have been resulted as the collapsed branch was huge and it happened at a short cut that people usually took. She said the written response from the department had not given an explanation for the branch failure on that day. On 4 May she noticed a tree inspection was being carried out when she passed by the Park, and ropes had been used to climb up the tree. She asked if the department had used such arial method to inspect all the trees in the Park and which department was responsible for conducting such inspection.
- (d) Mr YIP Kam-lung asked if the tree which had branch failure was Tree No. CW5443 and, pointing out that the report had not noted the condition of that tree, he hoped the department would give an explanation.
- (e) Miss YAM Ka-yi indicated that there were also many trees in her area and she had enquired the responsible department of the conditions of the trees and was told they were all right so far. Now that she had learnt about the incident described in the Paper, she was anxious. If there were injuries, casualties or tree failure in the future, the department should give an account to the residents. Noting that a smaller branch was found to have fallen down several days ago, she hoped the department would face the problem squarely and said everyone had to bear responsibility if there was an accident. In addition, she suggested discussion be left to the working group on tree matter of the District Council.

116. Ms CHAN Miu-ling, Deputy District Leisure Manager (Central and Western) 2 of LCSD, responded that the tree involved in the incident was a Candlenut of No. CW5443. The department had asked the contractor to follow up immediately after the incident, including clearing the scene the next day, examining that tree and others in the Park on the same day and pruning the broken branches afterwards. Noticing that the weather of the day was normal when the branch collapsed, to find out the cause of the incident the department asked its tree team especially to test the tree for a report for comparison and reference. The result of the test, which included climbing up the tree and using a sonic tomograph to examine its internal structure, showed its wood ratio was over 80 to 90%. The test was mainly conducted from the trunk to the canopy which was the most important load-bearing part. In addition, when staff of the department climbed up the tree they also checked the branches and used a mallet to check its structure. The department confirmed the tree was healthy and its structure normal based on the results of the test. As for Member's query about the department's reply indicating that there was no evidence showing the incident had been caused by negligence or non-performance on the part of the contractor, she said the department had reviewed the report of the contractor and, as the branch concerned had been higher up on the tree, showed no obvious superficial defect before the incident, and the main cause of the branch failure being internal decay, it considered the contractor had performed its tree inspection duty. As for Mr YIP Kam-lung's enquiry of the conditions of the two trees, she said the department had conducted tests on the trees in June 2019 and March 2020, and the contractor had suggested removing the trees. She emphasised that the department would only consider removing the tree when there was no other

feasible way to sustain the healthy growth of a tree with potential hazard of collapsing and on the premise of balancing conservation and protecting public safety. The department noticed the two trees had been infected with fungi and their state of decay, and Tree No. CW5503 had defects in its base, trunk and branches. Suspecting that it was infected with Brown Root Rot (BRR) disease, the department had forwarded the information to the TMO for test. Though the tree was finally found not to have BRR disease, it had been invaded by fungi. In view of the situation, the department arranged the tree team to run a test and the application of fungicide in the hope that the situation would improve. Despite the department's efforts in adopting different measures to improve the growth of the tree in the past two years, its current condition was not satisfactory. Hence the department was considering submitting the information to the Tree Preservation Board for study of the necessity of removing the tree. In addition, concerning the Chairlady's enquiry of the result of the inspection by climbing on 4 May, it was the department's tree team that conducted the test on that day and since climbing up a tree for inspection took time, it might not be completed in one day. Appropriate pruning would also be done during inspection where necessary.

117. Ms YANG Ka-ye, Assistant Secretary (Tree Management) 2 of the Development Bureau (DEVB), responded that the LCSD had especially submitted the reports and investigation information to the Bureau for review for the case. She indicated that identifying potential risks and adopting mitigation measures to reduce the risks in a timely manner were paramount in tree risk assessment and management. She said it would seem some risks had not been found out during assessment if branches fell down within a short period of time afterwards. Hence the Bureau had reviewed the reports and investigation information of the trees for the past two years and found there was room for improvement on the part of the tree management department. The performance of the tree teams of LCSD in conducting tests had always been satisfactory, but it noted that the tree involved in the case had been under the management of a contractor since 2017 and forms completed by the contractor were less than satisfactory with omissions or shortcomings, for example, they failed to give a clear account of the follow-up work after the proposed removal of the tree. At the same time, the contractor was careful in carrying tree group tests, including noticing nine trees had problems such as cracks in their barks. But it failed to find out the trees involved had problems, and though the broken branch that fell down was rather thick, it was leafy as well. She opined that the LCSD could step up its oversight of the contractor, especially the quality of tree tests could be enhanced. In addition, the Bureau considered the department could carry out more in-depth investigation on the cause of death of the trees, for example, the Bureau would like to understand why the test prior to the fall of the branch had failed to detect that would happen. She said if a branch fell, more in-depth investigation should be conducted for it was the way to find out the cause, for example if there were any surface wounds that led to decay, the location and position of the wounds, and if it could be detected with the use of binoculars. The Bureau would ask the department to conduct detailed investigation and would provide assistance for the department to pay more attention at the next inspection to continue to minimise risks. In addition, she pointed out visual inspection from the ground had limitations indeed, but arial inspection might not be conducted for every tree through climbing or elevated platform. Hence the Bureau commissioned the Polytechnic University to develop an infrared thermal sensing camera which could detect the temperature differences of a tree with internal decay for preliminary reference. The Bureau had procured one of the equipment and was studying its operation and analysis for introducing the technology to departments to enhance their tree test efforts.

118. The Vice-chairman invited Members to express their views and raise questions on the issue. The main points made by Members were as follows:

- (a) Mr YIP Kam-lung thanked the department for its response. He noticed that Form 1 reports in the past two years all showed the condition of the Candlenut as fair and the sonic tomograph inspection indicated a wood ratio of around 90%, which meant the tree should be rather healthy. But from the photo taken on 24 March its canopy was somewhat sparse. He understood that there could be omissions in the inspection of tree groups and it was difficult to climb up to that location for inspection, but the trade was using drone to carry out aerial inspection. He asked if the department or contractor would use such technology to help. In addition, he asked if the department had conducted Form 2 inspection for Tree Nos. 5458 and 5503 because the department had not removed the trees as the contractor had suggested in the annual Form 1 inspection. Hence he would like to understand if the department had conducted the half-yearly Form 2 inspection to continue to monitor the conditions of the trees and, if not, should the arborist or contractor not be held accountable. As far as he knew the cost for inspecting a tree was inexpensive and he suggested the department and the Bureau in particular to review if the "lowest bid wins" approach should be replaced by a marking scheme which would be conducive to a more healthy development of the trade. He indicated that he had many questions to raise but he would leave them to the meeting of the Working Group on Greening. He opined that while the report reflected that Form 2 inspection should have been carried out for many problematic tree in reality they had not been done which was unsatisfactory. He hoped the department would study the issue seriously and handle carefully for he was afraid the tree would collapse.
- (b) Mr Kam Nai-wai wished to put on record that the two representatives of the LCSD and DEVB said the trees in Hollywood Road Park did not have problems which he hoped so. He did not understand why while the representative of DEVB claimed there was room for improvement for the LCSD in its documentation and inspection, the written response of the LCSD indicated that the inspections had been carried out by the contractor and verified by the tree team of the department. He asked what it had verified and why it had not discovered the trees in the forms submitted by the contractor had problems. Indicating that the representative of the DEVB also considered the LCSD had problems, he asked if the LCSD had outsourced its responsibility and how it had carried out supervision. He asked when a comprehensive inspection of the trees in the whole of the Central and Western District be carried out, including with the use of high technology and following with an account to the working group on tree matter of the District Council. Lastly, he indicated that a tree grew from a rock in the Hollywood Road Park and asked why it had not been included in the Register of Old and Valuable Trees to strengthen protection.
- (c) Ms CHENG Lai-king pointed out that the Central and Western District was especially attentive to tree matters for a tree failure in the Mid-level had led to the death of a

pregnant woman and hoped the department would pay attention.

- (d) Mr YEUNG Sui-yin opined that the department might outsourced its work but not its responsibility, and that the department still had to bear the responsibility when outsourced work had problems.

119. Ms CHAN Miu-ling of LCSD responded that the department would generally use Form 2 to assess a tree when it was found to have potential hazard of failure and mitigation measures could not be arranged. Since the contractor suggested removing the two trees that Mr YIP Kam-lung mentioned and the department had been following up on their removal, Form 2 assessment had not been carried out. As for Mr YIP Kam-lung's concern for the Candlenut, she pointed out that in inspecting the condition of health of a tree, comparison would generally be made with other trees of the same species in the vicinity, but there was only one Candlenut in the area. Nevertheless, according to the report of the contractor and the test of the tree team of the department, the tree was on the whole healthy. As for the Mr KAM Nai-wai's view, she said the department had outsourced tree inspection to the contractor and the contractor had to perform such basic duties as sending its staff to inspect and examine while the department would review the reports submitted by the contractor, including comparing them with the department's records of the trees from regular patrols to review if they tallied. In addition, the department would conduct random site inspection for comparison. Internally, there were also different levels of examinations. She also clarified that the tree team was not responsible for verification in respect of the case. The department had arranged the tree team to conduct detailed inspection in response to the incident to examine the work of the contractor and if its report submitted afterwards was substantiated. The inspection result of the tree team and the report of the contractor were more or less in accord. She continued to point out that the department understood that there was room for improvement in respect of the wording of the report submitted by the contractor, for example it had not noted clearly any proposed follow-up work after the removal of the trees. She also pointed out that the contractor had taken photos of each of the trees carefully which was not a necessary procedure for the inspection of tree group, reflecting the contractor was careful in some aspects of its work. In addition, in accordance with the requirements of the TMO and the department, inspection of all the trees in the district would be completed and the necessary mitigation measures carried out by 31 May before the onset of the typhoon season. The department had completed around 90% of the inspection of tree groups and was carrying out testing of individual trees and adopting appropriate mitigation measures where necessary. Furthermore, as for the Chinese Banyan that Mr KAM Nai-wai mentioned, though the department had not any record of its age, given its memorable significance to the residents it would actively consider to follow up with its nomination for inclusion in the Register of Old and Valuable Trees for the consideration of the TMO.

120. Ms YANG Ka-yee of DEVB responded that small unmanned aircrafts (SUAs) were being used for the inspection of the external walls of many buildings, and the Bureau would also use it in tree inspection and risk assessment arrangements. As trees had many branches images taken by SUAs might not be as clear as those of building external walls, but they could provide certain data for reference. The Bureau would arrange training sessions in the second half of the year for departments to learn how to use SUAs to help tree inspection. She said much work on trees was undertaken by LCSD's internal staff who, being experienced and knowledgeable generally, could

brief contractors and have discussion with them to enhance their quality. As for Member's view on the "lowest bid wins" approach, she said the Bureau had discussed with departments about contacts and, in order to enhance the quality of tree management, had suggested to them to accord more weight to expertise and consider not just the cost so as to appoint contractors with more experience and expertise as far as possible. She expressed that there were many valuable trees in the Central and Western District, hence the Bureau and department attached importance to tree maintenance in the district and the department would conduct risk assessment before the rainy and typhoon season. She said though the tree risk assessment work of the department had been affected by the epidemic earlier, it was progressing well. According to the guidelines of the Bureau, the department was required to conduct risk assessment for valuable trees twice a year, hence the department would follow up on the condition of trees continuously.

121. Mr YIP Kam-lung understood that under the Triage System so far Form 2 test was not required for the trees, but it was stipulated in the guidelines that when a tree did not belong to the six specified groups and had health problem, Form 2 test should also be conducted. He claimed the inspection of Tree No. 5458 in 2019 had shown its condition was poor, which he believed had satisfied the requirement for carrying out a Form 2 test, but the department had not done so for the past two years. He considered the arborist was derelict in his duty and who had to be held responsible if the tree failed. He opined that even though the department planned to remove the tree, it should still conduct Form 2 test on it, accordingly it had to arrange one immediately. As for the Candlenut, it was only 10 mm short of the requirement for a Form 2 test but the department had not carried out one. He considered the department should be even more careful. He noticed that Tree No. 5471 should be a mature tree and so a Form 2 test should be carried out on it. He hoped the department would supply the information for the discussion of the Working Group on Greening of the District Council.

122. Miss YAM Ka-yi said the incident reflected how ineffective the current system was and that it could not be allowed to happen again. Since Members did not have the relevant expertise, they had to rely on the department for tree maintenance. She hoped the department would review if the current system had any omissions.

123. Ms CHAN Miu-ling of LCSD responded that the department had arranged for appropriate mitigation measures after conducting Form 1 test for tree groups. She cited as example Tree No. CW5503 had been pruned to remove less healthy and hazardous branches, hence Form 2 assessment had not been arranged. In responding to Member's view on carrying out Form 2 test based on the size of a tree, she indicated that the department currently would carry out Form 2 assessment for a tree with main trunk over 750 mm DBH (Diameter at Breast Height), but it was ready to review the arrangement.

124. Mr YIP Kam-lung indicated that Tree No. CW5503 had a cavity and asked how the depth of the cavity could be recorded if a Form 2 assessment was not conducted. He was afraid it would fail and injure the public if it was not sawn off.

125. The Vice-chairman said discussion of the matter could be left to the Working Group on Greening.

126. In response Ms YANG Ka-yee of DEVB reiterated that the Bureau and the department would review tree inspection work for improvement.

127. After discussion and voting, the following motion proposed by Mr KAM Nai-wai and seconded by Ms NG Hoi-yan was adopted:

1. “The Building Management, Environmental Hygiene & Works Committee (BEHWC) of the Central and Western District Council (C&WDC) strongly requests the LCSD to thoroughly check the tree conditions in all the parks in the Central and Western District before the onset of typhoon season, including using aerial and tree climbing methods to conduct tree inspection, so as to ensure the safety of park users.”
2. “The BEHWC of the C&WDC strongly requests the Government to add the old tree beside the pavilion in Hollywood Road Park to the Register of Old and Valuable Trees, and to strengthen maintenance and inspection of the old tree.”

(13 affirmative votes by: Ms NG Hoi-yan, Mr WONG Weng-chi, Ms CHENG Lai-king, Mr YEUNG Sui-yin, Mr KAM Nai-wai, Miss CHEUNG Kai-yin, Mr NG Siu-hong, Ms WONG Kin-ching, Mr YIP Kam-lung, Mr HO Chi-wang, Mr LEUNG Fong-wai, Mr PANG Ka-ho and Miss YAM Ka-yi)

(0 dissenting vote)

(0 abstention vote)

Item 12 : Comments on Building Management, Environmental Hygiene and Works Made by the Elderly
(C&W BEHWC Written Question No. 1/2020)

(10:47 pm to 10:48 pm)

128. The Chairlady invited Members to note the contents of the written responses of the departments included in the Paper forwarded to them.

Item 13 : Any Other Business

(10:48 pm to 0:16 am the next day)

129. Ms WONG Kin-ching indicated that it was difficult for OCs in the district to hold annual general meetings (AGMs) because of the epidemic outbreak and asked if the District Office had any relevant guidelines. She indicated that some AGMs were attended by several dozens or up to a hundred of people, but with the C&WDO’s venues closed because of the epidemic, it was difficult to find alternative ones when they had to convene for re-elections and other contract discussions. She questioned how the OCs should proceed and asked if current OCs had the legal right to handle contracts.

130. Mr LEUNG Fong-wai wished to follow up on the matter of the HKPF as a permanent member of the BEHWC and its absence from the meeting. He put forward an impromptu motion that condemned the HKPF for its absence and required its attendance to all future meetings. He expressed his doubt whether the motion would make the HKPF change its minds and attend future meetings, but he believed that as an elected representative, he could not remain silent when government departments were derelict of duties and ignored public opinions. He believed the motion would convey a clear message to the HKPF and other departments absent from future meetings that the District Council was not a playground that they could come or go at will, and that the general public and public opinions which the District Council represented had to be respected.

131. Miss YAM Ka-yi stated that during the drafting of the District Councils Bill in 1998, the then Secretary for Constitutional and Mainland Affairs, Mr SUEN Ming Yeung Michael said that the heads Bureaux and departments should really improve their communications and cooperation with the District Councils, as well as to explain policies, report and consult, and respond to Members' queries with a proactive, sincere and open attitude. She indicated that that was not the first time the HKPF was absent from District Council meetings and believed the HKPF had to respect the legislative intention of the District Councils Ordinance (DCO) and communicate with Members.

132. Mr KAM Nai-wai indicated that the public were unable to apply for various licenses and permits or even to hold OC meetings because of the epidemic and asked the District Office to draw up guidelines on how building management matters such as contractual and re-election issues should be handled under the current legislation in the midst of the epidemic. He also asked the Building Management Liaison Team (BMLT) of the District Office to compile Q&As as soon as possible. He was also in total agreement with the impromptu motion, stating that although the "bad cops" would not cooperate, the District Council as an elected council, should assert their position. He suggested adding a condition requiring warrant cards to be worn but said that he was only expressing an opinion and not proposing any amendments.

133. In response to Ms WONG Kin-ching's enquiry, Miss WONG Sze-ki, Assistant District Officer (Central and Western), indicated that she would ask the BMLT to contact Ms WONG Kin-ching after the meeting to explore how assistance could be provided to the OCs. She would forward Mr KAM Nai-wai's suggestions on Q&As to the Home Affairs Department (HAD) for consideration.

134. The Chairlady said that she received the impromptu motion proposed by Mr LEUNG Fong-wai and seconded by Mr YIP Kam-lung as follows:

"Strongly condemning the Hong Kong Police Force (HKPF) representatives, who should be permanent representatives at the meeting, for not attending the meeting of the Building Management, Environmental Hygiene & Works Committee of the Central and Western District Council, ignoring people's livelihood and refusing to respond to the public. The HKPF provides public services, so it ought to attend the meeting and receive the views raised by representatives of public opinion.

The Committee requests that the HKPF must attend meetings to respond to public views and demands.”

135. The Chairlady indicated that the impromptu motion would be discussed in the meeting as more than one-third of Members were in approval, and no amendments were proposed by Members.

136. After discussion and voting, the following impromptu motion proposed by Mr LEUNG Fong-wai and seconded by Mr YIP Kam-lung was adopted:

“Strongly condemning the Hong Kong Police Force (HKPF) representatives, who should be permanent representatives at the meeting, for not attending the meeting of the Building Management, Environmental Hygiene & Works Committee of the Central and Western District Council, ignoring people’s livelihood and refusing to respond to the public. The HKPF provides public services, so it ought to attend the meeting and receive the views raised by representatives of public opinion.

The Committee requests that the HKPF must attend meetings to respond to public views and demands.”

(13 affirmative votes by: Ms NG Hoi-yan, Mr WONG Weng-chi, Ms CHENG Lai-king, Mr YEUNG Sui-yin, Mr KAM Nai-wai, Miss CHEUNG Kai-yin, Mr NG Siu-hong, Ms WONG Kin-ching, Mr YIP Kam-lung, Mr HO Chi-wang, Mr LEUNG Fong-wai, Mr PANG Ka-ho and Miss YAM Ka-yi)

(0 dissenting vote)

(0 abstention vote)

137. Mr YEUNG Sui-yin questioned why the HKPF was absent from the meeting, if the C&WDO tried its best to invite the HKPF to attend, and what its answer was. He hoped the written record would be provided for Members’ reference.

138. The Secretary responded that the HKPF notified the Secretariat after the last BEHWC meeting that it would not serve as a permanent member of the BEHWC and would only attend meetings on a need basis. As this meeting of the BEHWC had endorsed writing to the HKPF requesting its continued attendance to BEHWC meetings, she suggested asking the HHKPF to give the reasons for its decision as well.

139. Mr YEUNG Sui-yin requested the Secretariat to provide the correspondence with the HKPF asking its attendance and its reply. He saw no reason why those letters could not be disclosed.

140. Mr LEUNG Fong-wai asked the Secretariat to attach a copy of the impromptu motion to the correspondence asking the HKPF to explain its absence from meetings, so to convey the District

Council's clear stance.

141. Mr KAM Nai-wai indicated that it was within the District Council's authority to decide which departments to be present at District Council meetings, and it was the duty of the District Officer to execute such resolutions. He questioned if the District Officer was "in league" with the HKPF or had urged the HKPF to come to meetings, and what actions she had taken as she should have. He asked if the District Officer had already predetermined that the HKPF could come and go as it pleased when discussing territory-wide issues. He pointed out that the Chief Secretary for Administration (CSA), "777" or "Rubbish Bureau Secretary for Playground" had, at past Summits on District Administration, boasted how departments respected District Councils. He suggested to write to the CSA and "Secretary for Playground" etc. to ask them if they were committed to what they had previously said, or if it was really a "free to come and go" playground.

142. Ms CHENG Lai-king thanked Miss YAM Ka-yi for finding the 1998 records. According to what was said then, the role of the HKPF in the District Council could not be dissolved, and that unless the HKPF had been disbanded, it had to be present at District Council meetings. She also said the Police Public Relations Branch would not have to go to work that evening if they would not go to the meeting, because it would be a dereliction of duty for failing in their duties. She asked the Secretary to assist the Chairlady in drafting a letter and suggested to the Chairlady to enclose the impromptu motion and information quoted by Miss YAM Ka-yi.

143. Mr YEUNG Sui-yin agreed with Mr KAM Nai-wai and felt that the District Officer was "in cahoots" with the HKPF. He said that the District Officer met with him and Ms CHENG Lai-king prior to the Central and Western District Council meeting with Mr TANG Ping-keung, CP, and requested Members to ask all questions in one go and then the departments would answer afterwards. He disagreed with the suggestion then as he thought if questions were answered collectively, without exchange of communications, a lot of questions would be left unanswered, so he insisted that queries by each Member to be addressed separately. During the formal meeting, the District Officer made the same suggestion again. Despite Members' disagreement, the District Officer made the same request repeatedly, as if trying her best to protect the CP. Her immediate exit from the meeting when the District Council moved to condemn CP gave the impression that she was sheltering the HKPF instead of providing secretarial service to the District Council. Furthermore, he pointed out that the Constitutional & Security Affairs Committee (CSAC) had invited the HKPF to the meeting, for which he and Mr KAM Lai-wai had several papers on topics including non-politically sensitive ones, but of public welfare issues like police patrols. Yet the HKPF did not respond or attend the meeting, and neither did the District Office attend the meeting or explained their absence. The doors were closed to shut out Members and even the toilets were locked. He opined that Mrs WONG HO Wing-sze, the "so-called District Officer (Central and Western)" and CP were "in cahoots" with each other. He wanted the above matters to be put on record, and "the District Officer is not allowed to make any amendments or deletion in private", for it was recorded in the meeting minutes.

144. Mr KAM Nai-wai said that the Secretary had to take on extra workload because he would like his comments on the District Officer, "bad cops" and criticisms on all government departments to be recorded precisely and clearly. He said the District Officer did not need to respond

immediately, but later at an appropriate time, as to why in HAD's submission to the Legislative Council (LegCo) the indicators of key performance measures in respect of district administrations reflected that the numbers of District Council consultations on territory-wide issues were 542 in 2018, 402 in 2019 and 507 in 2020. He would like an explanation for the term territory-wide issues, for instance, if issues like District Council elections, "police brutality", abolition of area committees, political developments were territory-wide issues. He queried what the grounds were based on which the department wrote to the District Council claiming it had breached the DCO, what their relation and differences were with the territory-wide issues under the indicators of District Council consultations and what the reasons were for terminating the last CSAC meeting by locking the doors, claiming they were not allowed to discuss territory-wide issues. He asked what the reasons were. He requested the District Officer to respond in writing the information on page 524 of the submission by HAD to LegCo on LegCo accounts.

145. Mrs WONG HO Wing-sze, District Officer (Central and Western), responded that written information would be provided to answer the queries of Mr KAM Nai-wai after the meeting because the matter did not seem to be related to BEHWC's any other business. With respect to the HKPF's absence at the BEHWC meeting, the department had been in communication with the HKPF and it would continue to coordinate the participation of other departments on livelihood issues. She said the HKPF had participated in handling the construction sites issue, and she would continue to communicate with the HKPF regarding attending meetings. She said she could not disagree with Mr YEUNG Sui-yin's criticism and reiterated her disagreement on the "in cahoots" comments, she also stated that she had repeatedly explained the CSAC situation and she did not want to linger over the same issue because it was getting late.

146. Mr KAM Nai-wai asked for an explanation for the HKPF's absence from the meeting if they were not "in cahoots". He observed that other departments such as Agriculture, Fisheries and Conservation Department, were present from 2:30 pm to 11:00 pm, and though they had not said a word, they were still there. He expressed his gratitude to representatives from these departments and believed that was how a civil servant should serve the public. He asked if the "bad cops were the boss" and that they could come and go as they pleased, stressing that Hong Kong was a society that upheld the rule of law. He asked District Officer what she had said to the HKPF and whether she had telephoned the CP to ask him to the meeting; if she had "dared", and what actions the District Officer had taken.

147. Mrs WONG HO Wing-sze of C&WDO responded that the Committee's meeting invitation had been forwarded to the HKPF in accordance with the usual practice and the HKPF had given a reply. She noted Members' request for the HKPF attendance and expectation of assistance from the C&WDO and would followed up on the matters.

148. Mr YEUNG Sui-yin stated that the District Officer had always disagreed with them, and that she could disagree all she liked but she had yet to give an accounting. He opined that she was truly "in cahoots" with them. He said in the past when the HKPF did not reply or attend meetings, she would at least go through the motion of calling to notify him. However, the HKPF "stayed quiet" that day and suddenly the doors were locked. When over 10 of them went to look for her, she did not come out to face them but asked her subordinates to stall them instead. She was still

hiding in her office when they sought her out after the meeting, and not one word of accounting was given after over six hours. He indicated that she kept repeating she had no comments but disagreed, and “nonsenses” when he asked her for her rationale. He stated that this had to be recorded in the minutes of the meeting and would not permit Mrs WONG HO Wing-sze to “delete it privately on the sly”.

149. Mrs WONG HO Wing-sze of C&WDO stated that she did not want any disputes like this but if Mr YEUNG Sui-yin would carry on his diatribe against her, she had to respond and asked all Members for fair play. Firstly, the department had already explained the Government’s position regarding the CSAC matter in writing to Members, and she hoped that Mr YEUNG Sui-yin would let her finish her response first ...

150. Mr YEUNG Sui-yin retorted that when she had not been allowed to respond.

151. Mrs WONG HO Wing-sze of C&WDO continued to say that therefore ...

152. Mr YEUNG Sui-yin pointed out that she was speaking without consent by the Chairlady and asked her to follow protocol.

153. Mrs WONG HO Wing-sze of C&WDO said that the Chairlady had indicated by nodding.

154. Mr YEUNG Sui-yin asked if he was not even allowed to press the light button.

155. Mrs WONG HO Wing-sze of C&WDO asked the Chairlady if she could continue to speak.

156. The Chairlady agreed...

157. Mr YEUNG Sui-yin asked if she was “crazy”.

158. Mr YIP Kam-lung raised a point of order and asked Mrs WONG HO Wing-sze to respond first.

159. Mr YEUNG Sui-yin asked if Mrs WONG HO Wing-sze would even criticise him for pressing the light button.

160. Ms CHENG Lai-king suggested letting Mrs WONG HO Wing-sze respond first.

161. Mr YEUNG Sui-yin asked if she was “alright”.

162. The Chairlady requested Mrs WONG HO Wing-sze to continue to respond ...

163. Mr YEUNG Sui-yin raised a point of order and asked if he was allowed to press the light button.

164. The Chairlady indicated that he could press the light button, but ...

165. Mr YEUNG Sui-yin asked why he was reprimanded and criticised by Mrs WONG HO Wing-sze, when he had ever stopped her from speaking and if he was not allowed to press the light button.

166. Mrs WONG HO Wing-sze of C&WDO indicated that she did not reprimand Mr YEUNG Sui-yin, but merely asked the Chairlady if she could continue to speak ...

167. Mr YEUNG Sui-yin rebutted and said Mrs WONG HO Wing-sze was “reprimanding them in effect”.

168. Mr YIP Kam-lung raised a point of order.

169. The Chairlady indicated the matter was being handled, and said to let Mrs WONG HO Wing-sze to respond first and Mr YEUNG Sui-yin to speak afterwards.

170. Mrs WONG HO Wing-sze of C&WDO indicated that she had never avoided giving Members any explanations, but as the department had already offered Members an explanation in writing and due to the importance of the issue, Members were welcome to offer their opinions in writing for it would be clearer; alternatively, they could schedule for another time to handle the matter. She understood that the Full Council meeting had a paper on the matter, so the department could explain to Members at the Full Council meeting. She further explained that she was handling other official duties on the day of the CSAC meeting, and when the Members barged into the office without prior notice or consent of the department, both she and her staff had been frightened. She pointed out that she too would make an appointment before visiting Members’ offices. She explained that she was unable to meet with Members because what happened that day was a contingency, but she was happy to discuss and give an accounting to them. She asked for the Members’ understanding again that the contingency nature of the situation that day prevented her from responding immediately, and reiterated that HAD had contacted Members on the day, expressing its willingness to listen and discuss with Members on the CSAC matters.

171. Mr KAM Nai-wai raised a point of order, saying that he could continue to “battle” with the District Officer but did not wish to cause inconvenience to other departments’ representatives. He suggested they be allowed to leave if they had nothing further to report.

172. The Chairlady indicated that the agenda items that required the participation of government department representatives were concluded and the current item on any other business only involved C&WDO and Members. She thanked government representatives for waiting and attending the meeting and told them they were free to leave.

173. Mr YEUNG Sui-yin said it was regretful that Mrs WONG HO Wing-sze lied and misled Members. He pointed out that the letter she claimed to have given to Members notifying them that the venue of the meeting was unavailable was sent out at 9:15 pm the day before the meeting. He had been trying to follow up on the matter unsuccessfully for the past two weeks because the staff did not dare to respond. Then he received six emails all together at 9:15 pm and he believed they were deliberately arranged to be sent out at the last possible moment. There was no mention about

the venue of the meeting being unavailable for use, only reservations on five of the items on the agenda and that service was to be withheld. It made no mentions about anything being illegal, inappropriate, non-compliant or could not be discussed. He asked, apart from the five items in question, if there were any problems for the other seven items on the agenda. He questioned the grounds for suddenly shutting Members out from the meeting, that nothing was said about a meeting could not be held or the conference room not be used for the other seven items on the agenda. He thought the “sneaky and shameless” way she acted were unheard of in the history of Hong Kong and totally “despicable and underhanded”, he was surprised she “still have the guts to speak out”. He said that if she were so brave, she should have responded on that day and asked why she did not say anything then, that she was too scared to even come outside. He indicated that Members had arrived at 2:30 pm on the day and asked to meet with the District Officer for an accounting, but she was “holed up” inside her office. He asked when Members had gone to her office and pointed out that she told her staff to stay outside in the middle of conflict and refused to meet Members when her staff asked her about it. He stated that it was despicable that she refused to meet with them even after numerous requests, while everyone else were too afraid to speak out.

174. Mr YIP Kam-lung stated that everyone should be tired after meeting for over 10 hours, so he would keep it short but he would like to remind the District Officer that refusing to provide a venue of meeting were an unsatisfactory solution. He indicated that the District Officer had offered her opinions on terms of reference (TOR) in the CSAC meeting before, such as expressing her reservations on certain wording, so she should not have just closed the doors and did not even provide secretarial services. Furthermore, he pointed out that according to the standing orders of the meeting, a meeting should be called to discuss and amend the TOR if problems arose. He questioned how they could discuss the TOR amendments when they could not even meet. He considered that it was one thing to leave a meeting merely because the TOR were unsatisfactory, but another thing to withhold the venue of the meeting and secretarial services because that would be obstructing the normal operation of the District Council. Speaking subjectively, he believed the District Officer’s action was in contradiction with the Government’s request for the TOR to correspond with department policies. Even should problems arise, Members should still be able to convene and have the problems clarified and rectified in the meeting. He stated that it was for Members to decide whether amendments were required, any opinions should be communicated in the meeting for Members’ consideration, so he hoped the District Officer would let them convene.

175. Miss YAM Ka-yi requested the District Officer to clarify and amend her use of the term “barged into”, asking what she meant by “barged into the office” and who barged into the office, and reminded her to be precise with her wording. She pointed out that the time of the meeting had been scheduled, so the District Officer should not have suddenly arranged to carry out other official duties at the scheduled time on the night before the meeting. She further pointed out that although the District Officer had mentioned her reservations on the TOR and papers, as yet she had not clearly indicated where the problems were or in violation of which legislation. She questioned why the District Officer had not simply said so if she had other official duties that day, for Members had said they would leave if she indicated that she could not see them because of other official duties. She asked the District Officer to explain why she had not said anything on the day but waited until the day of the meeting and asked if she was deliberately wasting Members’ time. She considered the District Officer was obstructing the operation of the District Council.

176. Mr KAM Nai-wai stated that District Council meeting had not been called ad hoc and the TOR had been approved by the CSAC as early as January. He asked why Members had not been notified of problems until 9:15 pm the night before. He said “all it takes is a normal person” and that the over 10 elected Members were representing public opinion. He asked if it felt to be insulting and hoped she would “speak like a human being”. He opined that any problems should have been raised openly in advance and then discussed in a meeting; but when the District Council mentioned issues regarding the HKPF, the District Officer would use the most despicable means at all costs to prevent the District Council from meeting, and then smeared Members by accusing them of barging into the conference room, claiming she had been carrying out official duties, and trying to make Members looked like “thugs” by getting “a bunch of bad cops” to physically move them away. He asked the District Officer why she could not have come out of her office and discussed things with Members openly and asked her what she was afraid of, if she was worried that they would “beat her up”. He said that he would not beat anybody, and all elected Members present were “peaceful, rational and non-violent” . He asked the District Officer why she had to act in such a despicable way and hoped that she would explain how she could have treated a democratically elected-council in such manner. He indicated that if the District Officer did not want to discuss police issues, she could simply have said so in January during the discussion of the TOR, stating clearly that it was the “highest directive from the Communist Party”, but she did not dare to, and instead chose to use other disgusting underhanded and abominable methods. He said that “777” claimed they were useless and the “Rubbish Bureau Secretary” claimed the District Council was a playground to keep on belittling the District Council. Claiming the Government “wants to burn together” he questioned the purpose for causing such outcome. He indicated he did not intend to be confrontational, but was merely trying his best to perform the duties of an elected Member. He pointed out that he had never witnessed such situations in his over 20 years’ experience as a District Council Member and asked why it had come to this. He stated that “777” asked Members not to make things difficult for government officials, but it was in fact the government officials who made things difficult for Members, not him. He questioned who was really making trouble for whom when Members had not been notified that the Wednesday meeting was unlawful until Tuesday evening, and then the doors were locked the next day. He said that the District Officer locked the doors, did not let Members speak and claimed to be scared. Whereas he should be the one who was scared, scared of being “bashed in the head” by “bad cops”. He indicated that on the day before the meeting, Mr MOK of C&WDO tried very hard to invite over 10 government officials to a site inspection. Among them were three “bad cops” and he “couldn’t leave fast enough” for feared of being “bashed in the head” and indicated that he would not ask the “bad cops” to do site inspection again in future. He reiterated that if such “abominable” methods were continued to be used instead of responding to issues in a positive manner, he would protest to the very end, Hongkongers would not give up so easily. He stated that if that was how the Government treated its people and elected District Council, then the District Council would discuss issues like “June 4th”, “Bad cops” and the cancellation of the appointment of the District Council secretaries in the next meeting. After the District Council had cancelled the appointment of the secretaries, the job of drafting the minutes of meetings would fall on the District Officer, since the District Council would not be able to disqualify the District Officer, and she was so “incredible”. He said that she treated all the secretaries like they were her personal secretaries, but pointed out that secretaries were civil servants, paid with taxpayer’s money, so he could terminate the appointments of the secretaries, and if the District Officer did not like it, she could “get up and leave”. He said that he

wished to reason with the District Officer but she refused to be reasonable, and he was “acting with a clear conscience”. He believed even if “777” or the Communist Party gave the District Officer directives to act, she could have done so with more tact and questioned why she acted in such a way. He stated that as long as he was not allowed to discuss the problems of “police brutality” and “bad cops”, he would continue to fight for the right to discuss the issues at the District Council. He would continue to do so “every day, every month and every year” because Hongkongers would “fight to the end”. He asked the District Officer to tell her boss that there would be no escaping the fact and that she should be asking her boss, not Members, not to make things difficult for her. He indicated that the more he was prevented from discussing the issues of “police brutality”, the more he would strive to discuss them, and if the District Officer did not like it, then she could “walk out en masse”. He also stated that he could “burn the midnight oil” with the District Officer every night. He said that the District Council consisted of many young people, whereas he was one of the older members. He hoped the Government would understand why the people of Hong Kong chose to vote for the democrats on the 24 November election, that it was not because the democrats were particularly “smart”, but because the Government was so loathsome.

177. Ms CHENG Lai-king stated that on the day of the CSAC meeting, she called to arrange a meeting with the District Officer in good faith as she believed the over 10 Members would be helpless without the assistance of the C&WDO. She pointed out that the District Council and C&WDO had always maintained a partnership in the past, but she no longer knew what relationship they had now when the District Officer could just walk out without word all the time. She said that during an earlier meeting on 2/F, the secretary indicated that she would acknowledge the meetings as well as draft the minutes of meetings, but when discussion had reached any other business in last Thursday’s Cultural, Education, Healthcare, Leisure & Social Affairs Committee (CLSAC) meeting, the Assistant District Officer, along with all the staff from the Secretariat, including the secretary whose appointment was funded by District Council allocation, exited the meeting. She asked how the secretary for the CLSAC could then be able to draft the minutes of that session of the meeting, or if Members were supposed to draft the minutes themselves and pass them on to the CLSAC secretary, or the secretary would listen to the recordings. She indicated that several important motions were adopted that day. She said with the arrival of the new bureau secretary, she was sure the District Officer would be under a lot of pressure. She stated that the CSAC meeting agenda had been drawn up as early as February or March of this year, the meeting was only delayed because of the epidemic outbreak, but it was immediately affected by the “5 Nots” policy of the new bureau secretary, namely “Not opening doors; Not providing secretarial service; Not preparing documents; Not notifying departments; Not attending meetings; and, Not giving any accounting”. She said that she was well-intentioned, for she did not want the District Officer to be “so aggrieved as to fall ill” and hoped that she would act as “the head of the Central and Western District” since the Central and Western District was Hong Kong’s de facto Capital and CBD, but suggested she might have to take that back. She pointed out the Central and Western District was important among the 18 districts and that chairmen of other districts would often follow Central and Western District’s example. She claimed she was “peaceful, rational and non-violent” and hoped that she was able to do her job as the chairlady well. She suggested District Officer to tell Members if the CP, Secretary for Security or Chief Executive tried to “victimise” the District Officer in anyway, because all Members would side with her and they would stand together in solidarity. She hoped the District Officer would answer honestly why the HKPF did not attend the meeting. She

pointed out the HKPF's absence at the meeting that day prevented Members from enquiring the issues and asked what the HKPF were doing instead, if they were all idling at home. She commented about the sharp drop of standards of civil servants and asked what had happened to the World's Best Civil Servants. She stated that as an elected Member, she had the duty to serve the public. She had hoped she could find a solution to the problem with the District Officer, but she was unfortunately absent due to sickness that day. She understood that the Assistant District Officer was put in a difficult position that day, however the matters of the meeting had to be handled and a way out to be found. She indicated that she too could attend meetings "every day, every month and every year" but she wanted to find a solution to the problem.

178. Mr YEUNG Sui-yin indicated for the sake of fairness, facts should be clearly stated and recorded and requested the District Officer not to make any deletions or amendments. He indicated that he started to follow up on the questions of the papers two to three weeks before the meeting, but there were no answers or responses when he called the CSAC secretary. He believed that "someone high up" taught him to lie and said that he was on leave. He had asked if the secretary was working-from-home (WFH) or on leave and told him he should carry on working if he was only WFH. However, his enquiries went unanswered, all he had got repeatedly was that he was on leave. He believed the secretary did not dare answer any questions without instructions from his boss. Later, he pursued the question with the District Officer, but he only got a reply from the Assistant District Officer. He got the same result from telephone calls. He followed up with enquiry about the papers from departments later, but the Assistant District Officer replied that responses from departments were pending. When the papers were still not forthcoming several days later, he made the same enquiry in writing and the Assistant District Officer responded in writing that there was nothing to add. He finally received a letter at 9:15pm the night before the meeting, stating that any requests should be made in writing, i.e. telling him not to telephone them. He believed that it was a tactic to stall until the last possible moment and considered it a despicable action. He drafted a letter overnight following the District Officer's rule, but she instructed the CSAC secretary to write back saying there was nothing to add the next day. He questioned what kind of written communication that was. He carried on to state that the Director of Home Affairs (DHA) later called Members and told them not to hang outside the District Officer's office and to raise any issues in writing instead. He replied that he was not stupid enough to comply and questioned if the in-writing request was to string them along and a stalling tactic. He stated that these were the facts that had been recorded on file. He also commented on Ms CHENG Lai-king's question if the District Officer were being victimised and said that it was not his impression because Mrs WONG HO Wing-sze scolded him most fiercely earlier on. He said she was very quick to respond when he pressed the light button earlier on by reprimanding him before the Chairlady had given her permission to speak. Hence he did not feel that she was being coerced, but regrettably she was "holding a candle to the devil" and "helping the tyrant to do evil" instead. He reiterated that he used the full name "Mrs WONG HO Wing-sze", and asked not to shorten it to "District Officer HO". He wanted the record to read as "Mrs WONG HO Wing-sze, District Officer (Central and Western)" so that her identity would be known if there was to be international sanctions in the future.

179. Mrs WONG HO Wing-sze of C&WDO said that Members and the Secretariat had been working for over ten hours and she did not want to prolong the meeting so she would like to address

all the questions in one go and save speaking another round. If there was to be another round of speaking, she might respond in writing to prevent the meeting from dragging on. She hoped that Members who had worked with her for several years would recognise her past efforts in serving the public on local livelihood issues. She pointed out that she would try her utmost to follow up on local livelihood issues whenever any Members contacted her, regardless of the time of the day. However, if the issues of discussion were related to DCO, she had to point out, as her position dictated, in the meeting on 23 January that she had reservations about some of the provisions and stressed repeatedly that she was not a legal expert, for the moment she could only do her best to point out to Members where possible problems were. She indicated that Members had the responsibility to abide to the DCO and she would do her best to assist based on her knowledge and that she was no legal expert unlike Mr YEUNG Sui-yin who being one would be in a better position to help other Members. She indicated that she had tried her utmost to respond to Members at the time, but they were raising a lot questions on scenarios which could be discussed in the future. She recalled that Mr PANG Ka-ho was also there at the time when she responded that if the Government had concerns about some issues in the future it could get back to the District Council. She further explained that the procedures of the department for handling the above matters were to first consult with relevant government departments, before going back to the District Council. She pointed out that the Government had reservations and concerns about the agenda of CSAC. Since adhering to the DCO was a mutual wish and responsibility, the Government hoped to offer its opinions to find solutions together. She understood Members' reaction and displeasure for not receiving a formal reply until the day before the meeting, but she said that she did not want to act hastily, and she had notified Members as soon as she had learnt the results from consulting the relevant government departments. She stated that to ensure Members were notified promptly, the letter was sent to the Chairman of the CSAC as well as all Members. In addition to stating the obligation to adhere to the DCO, the letter also clearly stated that if the scope of individual issue exceeded the TOR, the Secretariat could not participate in providing support to the part that was outside the TOR, nor could it provide any venue. Also, when Members were gathering outside her office, she and the staff of the office felt afraid when Mr HUI Chi-fung and several other members were knocking at her door and using a loudhailer. She said that the Chairlady of the District Council had called, and the phone call was answered by her secretary. The Chairlady indicated that she wished to enter the office to get some documents and later said that she wished to meet with the District Officer. Her secretary answered that the District Officer was busy with official duties and unavailable to meet then. She said that she had not intended to make Member wait outside at the time for she believed her secretary had replied clearly that she was busy with other official duties and unavailable to meet with Member. Furthermore, the DHA had clearly expressed the wish to meet at an appropriate time to find a solution to the problem. She reiterated that while the department would wish to assist Members in convening the CSAC meeting it also hoped Members would understand that she had the responsibility to advise Members if the TOR were in compliance with the DCO. She said that as long as the issues concerned livelihood were within her responsibility, she would do her best to support the work of Members and she did not wish to see the current situation. Finally, she said that although Members might have different opinions, but hoped that they would recognise the work of her staff, particularly the hard work of the secretaries of the Secretariat, whom she was comforting in the office just before. She said that every secretary had worked very hard and wished to cooperate with the Chairlady/Chairman and Vice-chairlady/Vice-chairman of their committee. She stated that Members could go to her if they were unhappy or had any issues, but asked that her

colleagues be treated fairly, as they had always served Members with dedication and impartiality. She pointed out that Members might disagree with her views but stressed that the dedication of the Assistance District Officer and staff at the Secretariat could not be disputed.

180. The Chairlady called for the final round of discussion on the issue.

181. Mrs WONG HO Wing-size of C&WDO reiterated that as she had just said she did not want to have a new round of discussion.

182. The Chairlady expressed that Members had the right of expression; the District Officer might choose not to respond but Members who pressed the light button meant that they wanted something to be recorded in the meeting minutes, so Members were allowed to continue to speak.

183. Mrs WONG HO Wing-size of C&WDO suggested a time limit to be set.

184. Miss YAM Ka-yi expressed her appreciation for the work of the Secretariat but pointed out that though the Secretariat's responsibility was clearly stated in the Standing Orders, it had in fact failed to deliver at times and she believed that it was caused by the District Officer. She requested the District Officer not to blame Members for the unhappiness of the Secretariat's staff as she was of the opinion that it was caused by the District Officer, and this point had to be clarified. She further said that the District Officer had said that she had reservations about the CSAC issues repeatedly, but she had never explained how had the DCO been breached. She said that Members in fact wanted clarifications so cooperation could be continued. She asked the District Officer what reservations she had or which particular section of the DCO had been breached, and indicated that reservation and breach were two different things. She commented that it would be fine for the District Officer to respond in writing.

185. Mr PANG Ka-ho wanted to clarify that the District Officer had previously mentioned that he had known the department had to discuss the issues with HAD, but he had no idea when the District Officer had told him the matter because if she had, then he had to have forgotten it. He said that knowing the department had to discuss with the HAD and accepting or not the outcome of the discussion was another matter. He said that he had always maintained that the reasons behind the assertion of "conflicting, not discussing territory-wide affairs, no supervision rights" was unsound. He had argued against this claim many times and did not wish to repeat himself again. He understood that the District Officer had to discuss with the HAD because she had to act according to the instructions of the HAD, but indicated that understanding was not the same as condoning.

186. Mr YIP Kam-lung declared that he was really acting impartially by looking only at the facts and not the people concerned, and he acknowledged the work that the Secretariat had done and also felt that the District Officer had followed up on local issues satisfactorily. But politically, "the line wasn't very sound". He indicated that the District Officer had not responded to his enquiries and opined that if there was a problem with the TOR, then they should hold a meeting for discussions and amendments, and not overrule the matter. He asked if he was allowed to hold a meeting first.

187. Mr NG Siu-hong indicated that that he was faced with a peculiar problem, claiming that no

one seemed to be able to hold a meeting on 11/F since the incident. He pointed out a meeting of the Working Group on Walkable City and Electronic Road Pricing convened by Mr HUI Chi-fung on Monday was originally scheduled to be held on 11/F but was suddenly moved to 14/F; so was a meeting of the Working Group on Information Technology convened by Mr YIP Kam-lung on Tuesday. He said that he had wanted to hold his Working Group on Mid-levels Escalators in the Central & Western District meeting at the usual meeting place but was notified by the secretary of the Working Group that all the offices were fully booked for the upcoming weeks. He then said that he could wait and asked the secretary to follow up on the matter, but up to now he was still told it was being followed up. He did not know if the District Officer had barred 11/F off for Members. Additionally, he asked if the parts after the department walked out of the CLSAC meeting would be included in the minutes of meeting.

188. Mr KAM Nai-wai stated that Hong Kong was a city of reason and upheld the rule of law. When the District Officer claimed that the discussion of territory-wide issues was in breach of the DCO, many Members had asked which section had been breached and indicated that the District Council had discussed territory-wide issues many times before. He stated that he had been discussing territory-wide issues “every day, every month and every year” at the District Council since he was elected as a District Council Member in 1994 and questioned why it had suddenly become in breach of the DCO. He indicated that the “Rubbish Bureau Secretary for Playground” said playgrounds had rules, and he wanted to know what the rules were and they were set by whom. He wanted to know they had breached which section of the DCO by discussing police enforcement, “bad cops” and “police brutality” issues in the Central and Western District. He said that they were like the earlier case in which he condemned the HyD for dereliction of duty, and if discussions were not permitted in this case, then the case concerning HyD should also not be discussed. He asked them not to tell utter lies. He said that if the reason the District Council could not discuss the problem of “police brutality” was because it was a directive from the Communist Party, then just said so to the people of Hong Kong and there was no need to beat around the bush. He said also the HAD was claiming the District Council had breached the DCO without grounds. He questioned which section of the DCO had been breached and said that he had been discussing these matters since 1994 and the only difference was the “arrival” of Luo Huining to “supervise” the SAR government. He asked the District Officer, as a civil servant, tell the Hong Kong people that “discussion of ‘police brutality’ to be banned under the directive of Luo Huining of the Communist Party, and breach of the DCO to be used against all discussion of ‘police brutality’”. While claiming Members had breached the DCO as a cover, the District Officer instructed the Secretariat to stage a “walk out en masse”. He said that Members were incensed, but the District Officer claimed she was scared and the secretaries were emotional. He questioned who should be held responsible. He opined that she was not acting in accordance with reason and the rule of law, but with “oppression” and “tyranny”. He asked to be notified in advance the use \$2.9 million to employ the staff to so-called assist the District Council because the District Council would most likely not employ them as they had become the “minions of the Communist Party” instead of there to serve the people of Hong Kong. He asked why they should employ these people if they were likely to “walk out en masse” when the District Council needed them to carry out duties. He wished to tell the District Officer and people watching the live broadcast of the meeting that it was not the District Officer’s job to serve the District Council, but to serve the people and public opinion as represented by the District Council. He said that the District Officer staged a “walk out en

masse” after claiming he had breached legislation but she was unable to point out which section had been breached or explain why it was lawful for the District Council to discuss territory-wide issues in the past but not now, just repeating that the District Council had breached legislation. The “Rubbish Bureau Secretary for Playground” claimed the District Council did not abide by the rules and that they would be much happier if the rules were followed. Mr KAM Nai-wai asked the bureau secretary who wanted to be “happy with you”. He stated that the power of the “Rubbish Bureau Secretary for Playground” came from the Communist Party and his words were intended for the Communist Party, “the bureau secretary only wanted to keep the Communist Party happy” but not the people of Hong Kong. He pointed out that he served the people of Hong Kong, not the Communist Party. He reiterated that as long as the District Officer, C&WDO and the Secretariat used the breach of DCO as a reason to “walk out en masse”, he would continue to fight to the very end and would not give up, so “let’s see who lasts longer”.

189. Mr YEUNG Sui-yin indicated that he was acting impartially by looking only at the facts and not the people concerned. In the eight years that he had been a Member, he had never criticised the District Officer like this because similar situations had never arisen before. He indicated that he criticised Mrs WONG HO Wing-sze because she went “over the top” this time, “angering gods and men alike”. He also clarified that he did not see any Members barging into the office, instead it was Mr MOK, a member of staff of the C&WDO, who opened the doors and people went in to look for the District Officer afterwards. He opined that it was common for Members to seek out Secretariat staff at the office and asked what the problem was. He said that the doors should have been open for their meeting, but they were not so suddenly and even the toilet doors were locked as well. That was why they wished to find out what had happened. He indicated that the District Officer only said that she had reservations on five items on the agenda but did not inform them the doors would be locked beforehand. He pointed out that as the remaining seven items on the agenda were legitimate, by not allowing the meeting to convene to discuss without grounds she was committing an act of “misconduct in public office”. He indicated that a resolution had been passed on the day to report her to the Ombudsman and ICAC for “misconduct in public office”. He stated that the remaining seven items were already listed on the agenda and Members appeared at the scheduled time and place, and those seven items had never been a problem. When the District Officer had not dared to say there were any problems but suddenly closed the door to stop them from convening a meeting, it was a serious “misconduct in public office”. He opined that it was quite natural for Members to go to the office to look for the District Officer when the doors were locked. They had wanted to ask her to unlock the doors, but she was “holed up” in the office and it was left to Mr MOK of C&WDO to convey the message that the District Officer would not be meeting with them. He said that she should at least have the courtesy of notifying them if the meeting was to be postponed, after all there were over ten Members who had been waiting at her door for over six to seven hours, but the District Officer did not say a word. He said that was normal. He also urged not to accuse Members and said that no one had tried to make things difficult for the staff of the Secretariat. He said that he admired the Secretariat staff and had no complaint of their work. He stated that he knew the Secretariat staff to be very hardworking and that it was the District Officer who forced them to “work against” Members and put them in the middle of the conflict, so there was not need to be hypocritical. He said that the Secretariat staff worked under the District Officer and everything they did had to be approved by her. The fact that they did not even dare to answer a phone call was the consequences of the District Officer’s doing,

because she was “holed up” and disgraceful. He further asked what the grounds were for the District Officer’s allegations that CSAC had exceeded its authority and repeated that the District Officer still had not responded to their question as to which section of the legislation they had breached. He continued to question who the District Officer was, stating that the District Officer was not a judge and it was not up to her to decide about any exceeding of authority or not. He stated that it was a District Council, so it was not for the District Officer to decide. If the District Officer would wrongfully accuse and insult the District Council, then he would fight to redress the CSAC. He would continue to pursue the issue at every opportunity until it was redressed.

190. Ms CHENG Lai-king stated that the meeting was originally scheduled for 6 May. She received two letters at 9:15 pm on 5 May. The first letter was signed by Mrs WONG HO Wing-sze and the second one signed by the secretary of CSAC. Both letters stated there were reservations on certain matters, on a local level, etc. She said that the District Officer mentioned in her earlier response that the CSAC could convene to meet, and as the next meeting was on 4 June, she asked if the secretary of CSAC could carry on with the meeting arrangements. She said that even though a meeting had been held earlier on, they were not able to discuss all the items on the agenda, and believed that the residents of the Central and Western District would want the CSAC meeting to be convened successfully. She stated the DHA had expressed on a phone call of the wish to meet with the District Officer, the Chairman and Vice-chairman of CSAC and herself in a closed-door meeting, but she indicated that she did not like closed-door meeting and preferred the meeting to be held in the conference room no matter how long it would take. She indicated that the TOR were passed on 23 January and had become approved guidelines that should be followed. She opined that if they were considered to have problems now channels should be sought for settling the differences. It would be time consuming, but it would not be time wasted if they could hold meetings. She hoped to find a way out.

191. Mrs WONG HO Wing-sze of C&WDO wished to respond.

192. The Chairlady asked if Mrs WONG HO Wing-sze wanted to respond because she had said earlier that she would not respond again.

193. Mrs WONG HO Wing-sze of C&WDO indicated her wish to respond so as to prevent misunderstandings but requested Members to conclude the matter after her response.

194. Mr YEUNG Sui-yin said that the District Officer indicated earlier that she would not respond again ...

195. Mrs WONG HO Wing-sze of C&WDO said that she had not finished ...

196. Mr YEUNG Sui-yin questioned why the District Officer was the person to make conclusions ...

197. Mrs WONG HO Wing-sze of C&WDO said that she was not making conclusions ...

198. Mr YEUNG Sui-yin said that the Chairlady should be the one to make conclusions, the

District Officer should not be the last person to speak.

199. The Chairlady indicated that she noticed the District Officer's earlier wish of not to speak any more, and she had allowed Members who had pressed the light button to speak, who had since finished speaking, so she did not expect the District Officer to have any response.

200. Mrs WONG HO Wing-size of C&WDO said that she only wanted to respond to Ms CHENG Lai-king's comments because she did not want any misunderstandings.

201. The Chairlady said that Members might react after the District Officer's response.

202. Mrs WONG HO Wing-size of C&WDO said that she only wanted to respond to a point in Ms CHENG Lai-king's comments because she did not want to cause any misunderstandings. She further pointed out that she wanted only to find a solution to the problems, but she never said the CSAC meeting could be convened

203. Ms CHENG Lai-king said that she was sure the District Officer said so ...

204. Mrs WONG HO Wing-size of C&WDO explained that what she meant earlier was that the Full Council would meet to discuss because she knew that one of the discussion papers of the Full Council meeting was about CSAC. That was what she had said. That was exactly why she did not want any misunderstandings ...

205. Ms CHENG Lai-king said that she clearly heard the District Officer stated earlier that CSAC could meet ...

206. Mrs WONG HO Wing-size of C&WDO said that she was really talking about the Full Council earlier on ...

207. Ms CHENG Lai-king stated that it was a matter of course that the Full Council would meet, and asked if Full Council meetings were also banned ...

208. Mrs WONG HO Wing-size of C&WDO said that there was a paper of the Full Council ...

209. Ms CHENG Lai-king said that she was really frightened when the District Officer said the Full Council could not convene to meet with the residents of the Central and Western District looking on.

210. Mrs WONG HO Wing-size of C&WDO emphasised it was not so, and asked the Chairlady if she could continue to speak.

211. The Chairlady said that the point Mrs WONG HO Wing-size previously wished to clarify was that the CSAC meeting on 4 June could not be held ...

212. Mrs WONG HO Wing-size of C&WDO denied that she had said CSAC meeting could be

convened, but that the Full Council had a discussion paper on CSAC, so the TOR problem could be solved at the Full Council first ...

213. The Chairlady indicated that the District Officer had made her clarification, but she believed they had to review the recording of the proceedings to following up on the matter. The Chairlady requested Mr YEUNG Sui-yin to speak the final round, and then responses from all had to be given in writing.

214. Mr YEUNG Sui-yin stated that there was a matter that the District Officer might have to be allowed to respond because she claimed earlier that she had never said CSAC would be allowed to continue to meet. It sounded like CSAC would not be permitted to meet ever again, and that was a serious matter that the District Officer had to clarify. He indicated that he had written to request the Secretariat to upload the minutes of the last meeting online, but he had yet to receive any reply. He believed that the District Officer had ordered them not to respond and wanted to know when the minutes would be uploaded. In addition, he mentioned that the 3rd meeting of the CSAC had been scheduled for 4 June for a long time, but he had yet to receive any papers, including notice of meeting, agenda, etc. He asked Mrs WONG HO Wing-size if she was planning not to allow the CSAC to hold any meetings, and considered she had to give an accounting to all the people of Hong Kong.

215. The Chairlady said to let the District Officer reply in writing ...

216. Mr YEUNG Sui-yin indicated that the District Officer had to respond immediately because she claimed earlier that she had never said CSAC would be allowed to meet, and that she wished to discuss the CSAC meeting issue with Ms CHENG Lai-king privately, but suddenly she insisted now that she never said that CSAC would be allowed to meet. He wanted to clarify that it were up to the chairman or all Members of the committee to call for meetings, and not by that “district officer”. He indicated that her authority could not exceed that of the District Council and Section 547 of the DCO. He pointed out that the elected District Council was a statutory organisation and did not have to give any accounting to or be constrained by the District Officer. He questioned her authority to stop the meeting and asked if she was the “dowager empress”, the “Secretary of Party Committee” or “delusional”. He asked the District Officer to respond the source of her authority, pointing out the she was obviously ultra vires and questioned what was her role and from whence her had the authority to prevent the District Council from meeting. He reminded that it was an elected District Council and claimed she was “misconduct in public office” ...

217. Mr YIP Kam-lung raised a point on order. He said that according to Section 34(6) of the Central and Western District Standing Orders, “The Council shall determine the membership, terms of reference and tenure of office of its committees. There shall be four to seven committees under the Council”. He wished the District Officer and the Secretariat to note that any amendments on the TOR had to first be approved by the District Council, hence whatever the state of the TOR, it had to be discussed in a meeting. So, he hoped they could convene to meet and discuss the TOR, and the amended version had to be approved by the committee first before submission to the Full Council for consideration, otherwise the TOR could not be amended. He said that was how he understood it to be and asked to be corrected if he was wrong.

218. Mr YEUNG Sui-yin asked for the District Officer's response on how to handle the 3rd meeting of the CSAC. He said that the Secretariat had already prepared the agenda of the meeting and asked if she wanted to obstruct that meeting and, if so, he queried her authority to prevent the meeting and she was empowered to prevent to prevent a committee from convening a meeting under what legislation.

219. The Chairlady asked the District Officer to respond if future CSAC meetings could be convened, especially the immediate one on 4 June. Thereafter, all responses whether they were from Members, the District Officer or the Secretariat had to be given in writing via emails.

220. Mrs WONG HO Wing-sze of C&WDO agreed with Mr YEUNG Sui-yin that the District Council was conferred with the power to convene meetings. Hence when she responded earlier to Ms CHENG Lai-king's question she said the Government had not forbidden the District Council to convene meetings because it was not up to her to decide. Regarding the issues concerning the TOR that she mentioned in her letter, she hoped the District Council could offer their views so that they could work together to find a solution to the problem.

221. Mr YEUNG Sui-yin said it was "nonsense" for the District Officer to ask them to consider if meetings should be held and then locked up to prevent them from having discussions.

222. The Chairlady said that the District Officer already pointed out that it was a committee or working group chairman's decision whether to convene a meeting or not, and asked Mr YEUNG Sui-yin to contact the CSAC secretary to follow up on meeting arrangements as time was of the essence. She expressed her hope that the CSAC meeting would be carried out smoothly.

223. Mrs WONG HO Wing-sze of C&WDO said she had already stated that it was not within her authority to convene District Council meetings, and her letter had clearly stated if there were reservations on the functions which the District Council were not able to resolve, then the Secretariat would not provide any support service, including a venue of meeting. She emphasised that she had not stopped the District Council from meeting but secretarial services would not be provided as staff of the department could not participate in matters the legality of which was doubtful.

224. Mr YEUNG Sui-yin stated that all things could be possible, and that led to unlimited power. He questioned if it was really being treated as a "Playground" when the District Council could be prevented from meeting every time there were any doubts or reservations. He queried why the doors were also closed if only secretarial services would not be provided and asked if it was up to her and urged her not to become a "political lackey".

225. Mrs WONG HO Wing-sze of C&WDO said that she disagreed with Mr YEUNG Sui-yin's comments.

226. The Chairlady ended the discussion but hoped the District Officer would follow up on Mr YIP Kam-lung's comments on the Standing Orders. Even if the District Officer had any doubts or reservations on the TOR, she still had to serve the Central and Western District Council by assisting to convene the meeting and provide a venue and secretarial services for the meeting.

227. Mr KAM Nai-wai indicated that he had to tell the District Officer that as long as the problem of the CSAC meeting remained unresolved, he would fight her till the end. He urged the District Officer to thoroughly “sort it out with Rubbish Bureau Secretary for Playground and the Communist Party”, and stated that he would certainly continue to call for the CSAC meeting and would raise the motion at every District Council meeting. He said that it was the District Officer who was making it difficult for them, not the other way round. He recalled that the District Officer kept using the word “possible” and said that she could simply apply to the court for a declaration that they had breached the DCO, otherwise what “possible” was and how she could make any determination. He opined that the District Officer should find a solution to provide secretarial services and conference room, as well as how to bridge the gap between the Communist Party and Hong Kong people, otherwise he would remain in Hong Kong and fight her till the end.

228. The Chairlady ended the discussion on the item and said that they would follow up or further pursue the issues if formal replies were received. The Chairlady asked Ms CHENG Lai-king if she had anything to report regarding the purchase of face masks.

229. Ms CHENG Lai-king reported that the District Council had to purchase around 500,000 more face masks and the Secretariat had attempted to source face masks from areas like Romania and so she suggested purchasing masks made in Hong Kong instead, and she learnt so far no quotation had been offered. She asked the Secretary for a progress report.

230. The Secretary reported that they were unable to procure any Romanian-made face masks and the Secretariat had been working hard to find other sources. Most of the quotations received were of masks made in Mainland China, but as the District Council had previously decided that masks made in Mainland China would not be considered, the Secretariat had not proceed with the procurement. She also reported that one of the masks sourced was from Vietnam, but the price quoted was too high and quality not up to specifications, so they did not purchase them. In terms of Hong Kong-made masks, the Secretariat recently completed a round of invitation to quotation but did not receive any offers, so no procurement had been made so far.

231. Mr KAM Nai-wai enquired about the “invitation to quotation” process, he said that everyone knew the names of the Hong Kong mask manufacturers and he believed made in Hong Kong masks would be available on the market from early June. He asked if the invitation to quotation meant they were calling every manufacturer about the intention to procure or merely posting or uploading a notice on the website. He asked if they could actively reach out to manufacturers as he believed there to be only 10 companies or so. In addition, he recalled that a Hong Kong manufacturer, Chinat Engineering had set up a manufacturing plant in Turkey. He asked if it was possible to invite these Hong Kong companies with oversea plants to participate and if the Secretariat would get in touch with these manufacturers by telephone.

232. The Secretary indicated that the Secretariat was contacting every supplier in the invitation process and stressed that they were working hard in sourcing face masks and that pricing was not the only criteria they were considering but had emphasised the expectation of prompt delivery to the manufactures. The Secretariat would continue to source suppliers and complete the procurement as soon as possible.

233. Mr KAM Nai-wai asked if they contacted the suppliers one by one and what method they used to contact them; whether it was by fax, website or actively contacting the manufacturers. He believed they should contact the suppliers proactively.

234. The Secretary explained that during the first three rounds of invitation to quotation, the Secretariat contacted the suppliers individually by telephone. Knowing that postal service would take too long, the Secretariat chose to send out invitations and the relevant requirements by email to mask manufacturers in Hong Kong, with an emphasis on the expectation of prompt delivery and pricing was not the only consideration. The Secretariat would continue to actively source new masks and reach out to suppliers.

235. Mr KAM Nai-wai would like the Secretariat to provide a record of the suppliers they contacted, including the name of the suppliers, the date and outcome of contact. He also remarked that once the Secretariat had contact the suppliers, the suppliers were required to meet the standards. He stated that the Secretariat could provide interested suppliers with information of the requirement of product specifications after contact and believed that a proactive attitude would be better than waiting for things to happen. He pointed out that with the current under supply market, manufacturers would not be bothering with faxes.

236. The Chairlady agreed with Mr KAM Nai-wai's suggestion and asked if the Secretariat could furnish a list of the suppliers contacted.

237. The Secretary replied that the latest round of invitation to quotation was completed ...

238. Ms CHENG Lai-king asked if no mask manufacturers from Hong Kong came back with a quotation during the latest invitation process.

239. The Secretary indicated that there was no response from the latest invitation, and that the Secretariat would continue to contact suppliers, including calling all the suppliers with contact numbers one by one, in order to better understand the current supply situation.

Item 14: Date of the Next Meeting

(0:16 am the next day)

240. The 4th BEHWC meeting would be held on 9 July 2020. The paper submission deadline would be 16 June 2020 for government departments and 22 June 2020 for Members.

241. The meeting was adjourned at 0:16 am on 15 May 2020.

The minutes were confirmed on 9 July 2020

Chairlady: Ms NG Hoi-yan, Bonnie

Secretary: Ms CHENG Cheuk-yan, Charmaine

Central and Western District Council Secretariat
July 2020