

## Minutes of the Special Meeting of the Eastern District Council

Date: 20 January 2020 (Monday)  
Time: 5:00 pm  
Venue: Eastern District Council Conference Room

<u>Present</u>	<u>Time of Arrival</u> <u>(pm)</u>	<u>Time of Departure</u> <u>(pm)</u>
Ms CHAU Hui-yan	5:00	end of meeting
Mr WONG Chun-sing, Patrick	5:00	end of meeting
Mr KU Kwai-yiu	5:10	end of meeting
Mr HO Wai-lun	5:00	end of meeting
Mr NG Cheuk-ip	5:00	end of meeting
Mr LEE Yue-shun	5:10	end of meeting
Ms LEE Ching-har, Annie	5:00	6:25
Ms ISHIGAMI LEE Fung-king, Alice	5:00	end of meeting
Mr YUEN Kin-chung, Kenny	5:00	8:55
Mr CHOW Cheuk-ki	5:00	end of meeting
Ms WEI Siu-lik	5:18	end of meeting
Mr CHUI Chi-kin	5:40	end of meeting
Mr CHEUNG Chun-kit	5:55	7:15
Mr CHEUNG Kwok-cheong	5:00	end of meeting
Mr LEUNG Siu-sun, Patrick	5:00	end of meeting
Ms LEUNG Wing-sze	7:00	end of meeting
Mr KWOK Chi-chung	5:00	end of meeting
Mr KWOK Wai-keung, JP	5:23	6:25
Mr CHAN Ka-yau, Jason	5:04	end of meeting
Mr CHAN Wing-tai	5:00	end of meeting
Ms CHAN Po-king	5:00	end of meeting
Mr MAK Tak-ching	5:00	end of meeting
Ms FU Kai-lam, Karrine	5:00	end of meeting
Ms TSANG Yan-ying	5:00	end of meeting
Mr TSANG Kin-shing, Bull	5:00	end of meeting
Ms WONG Yi, Christine	5:05	end of meeting
Mr PUI Chi-lap, James	5:00	end of meeting
Dr CHIU Ka-yin, Andrew (Vice-chairman)	5:00	end of meeting
Mr CHOI Chi-keung, Peter	5:00	end of meeting
Mr CHENG Tat-hung	5:00	end of meeting
Mr LAI Chi-keong, Joseph (Chairman)	5:00	end of meeting
Ms LAI Tsz-yan	5:26	end of meeting
Ms TSE Miu-yee	5:10	end of meeting

Mr NGAI Chi-ho, Derek	5:00	end of meeting
Mr SO Yat-hang	5:00	end of meeting

### **Secretary**

Ms NG Yan-mei, Monie      Senior Executive Officer (District Council), Eastern District Office

### **Action**

### **Opening Remarks**

The Chairman welcomed all Members to the meeting. He also welcomed members of the public and media representatives to observe the meeting.

2. The Chairman explained that the current meeting was originally a meeting of the Special Committee on Monitoring Police Enforcement and Operation (SCMPEO). However, as the Government considered that the name and some of the terms of reference (TOR) of SCMPEO were inconsistent with section 61 of the District Councils Ordinance (the Ordinance), and suggested the suspension of convening the meeting and refused to provide secretariat service, so he made an impromptu decision to change the meeting into a special Eastern District Council (EDC) meeting and would like to seek Members' understanding for the short notice of the meeting.

3. The Chairman reminded Members to declare interests in accordance with Order 48 of the Standing Orders of the Eastern District Council (Standing Orders) where necessary.

### **I. Review of the Terms of Reference of Special Committee on Monitoring of Police Enforcement and Operation**

(EDC Paper No. 7/20)

4. The Chairman expressed regret for the absence of the legal representative of the Home Affairs Department (HAD). He asked the Secretary to brief Members on the Paper and the Vice-chairman to lead the discussion on the 7 items of TOR of SCMPEO contained in the Paper.

5. The Secretary briefed Members on Paper No. 7/20.

6. Mr KU Kwai-yiu requested the Secretary to clarify whether pressure had been exerted by the Hong Kong Police Force (HKPF) to prevent the EDC from

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discussing any police-related matters.

7. The Secretary replied that as there was no SCMPEO in the past, the Government would like the EDC to establish the legality of the SCMPEO before convening the relevant meeting for the sake of prudence.

8. Mr MAK Tak-ching said he foresaw that various District Councils (DCs) would make many innovative suggestions in future. He requested the Government to give a clear account of the matters which it deemed the DCs have power to deal with, so as to avoid the Government from hindering DC's future discussion of emergency livelihood issues by various rules and regulations. He would like the Government to clarify the part where the current TOR of the SCMPEO exceeded the functions of a DC before Members' discussion.

9. Mr Kenny YUEN remarked on the short notice of the meeting and would like the Chairman of the meeting to give early notifications to Members in future to facilitate Members to make early preparation for the meeting.

10. The Chairman apologised for the inconvenience caused to Members by the change to the meeting.

11. Mr Bull TSANG said that the change to the meeting originated from the HAD's sudden suspension of secretariat service to the SCMPEO. Therefore, he moved an impromptu motion and requested to censure Mr LAU Kong-wah, the Secretary for Home Affairs (SHA) and Miss TSE Siu-wa, Janice, the Director of Home Affairs (DHA), for political suppression against the EDC by the suspension of secretariat service and requested them to give a public account and apologise for the decision.

12. Mr KWOK Wai-keung expressed sympathies for the lack of secretariat service to the SCMPEO but commented that if the meeting was to be cancelled, the Chairman should simply cancel the meeting instead of changing it to a special EDC meeting. He also recalled that in the past, there was a case where the Chairman concerned was considered to have committed parliamentary violence for giving only a few days' notice to Members about the convening of the EDC special meeting. He questioned the double standard of Members defending the Chairman's move to convene a same-day EDC meeting that time.

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13. Mr CHENG Tat-hung remarked that it was unprecedented that the HAD made queries after the establishment of the relevant committee by the EDC. He asked Members to allow for the smooth running of the meeting and explain to absent department representatives and the public about the HAD's unreasonable request which had hindered the SCMPEO in convening a meeting. He expressed sympathies to some of the Members who dared not to oppose the Government and called on Members to censure the SHA and the DHA together.

14. Mr CHAN Wing-tai said that the notification by the HAD about its doubt on the legality of the SCMPEO was received only two days before the meeting. Despite continuous mediation efforts by the Chairman and Vice-chairman, the HAD persistently hindered the SCMPEO in convening a meeting. Therefore, the EDC Chairman finally decided to convene a special meeting. He would like Members to take the initiative to express their views to the Chairman and consider attending the meeting as the responsibility of elected Members.

15. Mr KWOK Chi-chung requested the HAD to answer Members' enquiries and provide explanations for its failure to raise doubts immediately after the establishment of the SCMPEO.

16. Mr CHOW Cheuk-ki commented that the current Special Meeting demonstrated the impact of the administrative means of the relevant department on the operation of EDC. He asked some of the Members to understand that it was the responsibility of Members to attend meetings. On some of the Members' view that attending the meetings was a waste of time, he would like Members to realise that they had to bear the expectations of voters.

17. Mr LEE Yue-shun said that since the HAD regarded that the TOR of the SCMPEO were inconsistent with section 61 of the Ordinance, Members should examine whether the TOR of the SCMPEO complied with the specifications stipulated in the Ordinance. Meanwhile, he was of the view that Members of whatever political stance had the responsibility to examine the professionalism and neutrality of law enforcement departments during their operations.

18. Mr CHUI Chi-kin said that he could hardly agree with the views of some of the Members that the Chairman had abused his power in convening the Special Meeting. He was of the view that the meeting was convened in haste solely because of the suppression against the EDC by the Home Affairs Bureau (HAB) and HAD. Therefore, Members should still squeeze in the meeting no matter

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how difficult it was.

19. Ms CHAN Po-king understood that all Members were busy and it was difficult for them to squeeze in the meeting. Therefore she suggested stopping the violence at source so that there would be no need for the EDC to hold meetings to follow up on related matters.

20. Ms Annie LEE said that it would be more meaningful to carry out district work than to attend a meeting if the meeting kept tangling over a point of order.

21. Mr Bull TSANG indicated that currently even simply asking the police questions would result in bodily harm, and therefore he considered that police enforcement was a matter of public concern and he found it difficult to understand why the HAD hinder the discussion in EDC. He also remarked on some of the Members' views that it would be better to carry out district work than to attend meetings, which he considered a disregard of the lives of Hong Kong people.

22. Mr KWOK Wai-keung said that a Member had indicated that even simply asking the police questions would result in bodily harm. He asked Members whether they had been injured as a result. He queried whether the Member was not injured after he yelled at the police or whether the Member merely incited others to yell at the police without taking part in the incident himself. In addition, he remarked that currently 90% of the EDC Members belonged to the "violence condoners" and asked whether the threshold for the Chairman to convene a meeting with the consent of only two-thirds of Members was too low. He also indicated that the EDC Secretariat had its own purview and indeed could not provide service to matters beyond its purview, which he would like Members to understand.

23. The Chairman requested Mr KWOK Wai-keung to explain the meaning of "violence condoners" in his speech.

24. Mr KWOK Wai-keung said that "violence condoners" meant "the faction that condones violence".

25. Mr CHENG Tat-hung raised a point of order and requested the Chairman to order Mr KWOK Wai-keung to clearly specify whom the "violence condoners" he referred to.

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26. The Chairman stated that if Mr KWOK Wai-keung's remark was not intended to refer to anyone in the EDC, he should withdraw his remark.

27. Mr KWOK Wai-keung welcomed Members to react strongly to his speech and take it personally. He indicated that he had not named anyone in his speech, so it could not be considered offensive.

28. Mr KU Kwai-yiu indicated that the remark constituted an insult to some Members and requested the Chairman to request an apology from the Member concerned, or else he requested the Chairman to order the Member concerned to withdraw from the meeting.

29. Mr MAK Tak-ching said the Member concerned should give a clear definition of his wordings, otherwise he worried that it would be difficult for the meeting to proceed.

30. Mr Bull TSANG opined that the Member concerned should not label other Members casually.

31. Mr CHUI Chi-kin wondered whether other Members could also label others in the same way if the Chairman permitted a Member to label others.

32. Mr James PUI stated that in accordance with Order 28(7) of the Standing Orders, a Member's speech shall not impute improper motives to another Member. He was of the view that it was an improper remark no matter whom the Member's speech intended to refer to in the EDC, and he requested the Member concerned to withdraw his remark.

33. The Chairman reiterated his request to Mr KWOK Wai-keung to clarify whom his speech was intended to refer to or else to withdraw his remark. Mr KWOK Wai-keung was puzzled by the Chairman's decision and was of the view that the Chairman was unreasonable. The Chairman immediately warned Mr KWOK Wai-keung not to comment on his decision and requested him to comply with the above ruling. Mr KWOK Wai-keung considered that the Chairman had over-interpreted the Standing Orders to force him into making a clarification.

34. The Vice-chairman moved a motion to censure Mr KWOK Wai-keung for his improper remarks in accordance with Orders 11(4)-(7) and 28(7) of the Standing Orders.

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35. The views of various Members about the motion were summarised as follows:

- (a) Mr MAK Tak-ching opined that if the Member concerned failed to clarify the meaning of “violence condoners” in his speech, he should avoid using such term. Although he did not oppose censuring the Member concerned, he also suggested requesting the Member concerned to explain his remark at the next meeting before making any decision.
- (b) Mr Kenny YUEN remarked that the Member concerned had not criticised anyone by name in his speech. He asked whether the Chairman would also consider it necessary to censure Members who commented on Members of some political parties if the Chairman decided to adopt the above criteria. He said that the Chairman had to put forward clear criteria and adhere to it in the future. Moreover, he disagreed with the Chairman in disallowing Members to comment on his decision and considered that the matter was not covered by the Standing Orders.
- (c) The Chairman responded that the decision for censure would have to be determined on a case-by-case basis and stressed that he would handle the matter in accordance with the Standing Orders.
- (d) The Vice-chairman stated that according to Order 53 of the Standing Orders, the Chairman of the Council shall ensure observance of all the Orders. His decision on matters relating to the Standing Orders shall be final.
- (e) Mr KU Kwai-yiu indicated that he disagreed with the labelling of others by Members and opined that the Member concerned behaved irresponsibly as he even left the meeting. Therefore, he agreed to censure the Member concerned and requested him to apologise.
- (f) Mr CHENG Tat-hung agreed that the Member concerned should be censured for his remarks.
- (g) Mr CHUI Chi-kin expressed disappointment at the Member’s offensive remarks and thus agreed to censure the Member concerned.

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- (h) Mr Bull TSANG agreed to censure the Member concerned at the current meeting and requested the Member concerned to explain his remarks at the next meeting.
- (i) Mr James PUI reiterated that the Member's remarks had violated Order 28(7) of the Standing Orders and should be censured if he refused to withdraw his remarks.
- (j) Mr CHAN Wing-tai opined that the Member's remarks might deliver wrong messages and thus requested the Member concerned to withdraw his remarks.

36. After voting, the following motion was passed with 29 votes in favour, zero against or abstention.

“The Eastern District Council censures Mr KWOK Wai-keung for his improper remarks at the Special Meeting.

Mover: Mr KU Kwai-yiu, Mr Andrew CHIU  
Seconder: Mr CHENG Tat-hung”

37. The Chairman declared that the motion was passed.

38. The Vice-chairman asked the Secretariat to pass the above motion to Mr KWOK Wai-keung.

(Post-meeting note: The Secretariat passed the above motion to Mr KWOK Wai-keung on 21 January 2020.)

39. The Chairman asked Members to continue the discussion on Paper No. 7/20. He also asked the Secretary to brief Members on the functions of DCs under the Ordinance and asked the Vice-chairman to give a briefing on the background of convening the current meeting.

40. The Secretary briefed Members on the functions of DCs under section 61 of the Ordinance.

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41. The Vice-chairman gave a briefing on the background of convening the current meeting. He also pointed out that there were discrepancies between the English and Chinese versions of section 61(a)(i) of the Ordinance. He considered that according to the meaning of the English version, the DCs should focus on matters affecting the “well-being” instead of “welfare” of the people in the District as suggested by the Chinese version.
42. The Chairman asked Members to compare the TOR of the SCMPEO with section 61 of the Ordinance and express their views.
43. The views of various Members about the Paper were summarised as follows:
- (a) Mr Patrick WONG remarked that the law enforcement actions of the HKPF in the Eastern District were relevant to the welfare or well-being of residents in the Eastern District. He considered that the TOR of the SCMPEO were apparently in compliance with the specifications stipulated in the Ordinance. Besides, he reminded the relevant department that the decision to refuse the provision of secretariat service to EDC hastily without sufficient grounds might have been *ultra vires*.
  - (b) Mr KU Kwai-yiu was of the view that the TOR of the SCMPEO were in compliance with the provision specifying “affecting ... the people in the District” under the Ordinance, and therefore, he opposed any modifications to the TOR.
  - (c) Mr HO Wai-lun said that he was prepared to follow up on the Chief Executive’s visit to Yiu Tung Estate at the SCMPEO meeting and it was apparent that the functions of the SCMPEO were in compliance with the specifications stipulated in section 61 of the Ordinance. He was of the view that since the Government provided Members with the contact information of all departments, including the HKPF, which showed that it was reasonable for Members to liaise with the HKPF. He also considered that the EDC’s appointment of the SCMPEO under section 71 of the Ordinance was in compliance with the legal requirements and suspected the relevant department of harbouring the HKPF. Therefore, he requested to censure the officials concerned.
  - (d) Mr LEE Yue-shun said that the TOR of the SCMPEO were formulated purely for monitoring the public service of the HKPF. As the law

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enforcement actions of the HKPF also affected the community, he considered that the definition of “welfare” in the Ordinance should be clarified. He pointed out that it was unreasonable for the authority to hinder the convening of the meeting on the ground that the appointment of the SCMPEO was inconsistent with the Ordinance, and he requested the authority to provide concrete legal justifications. He also persuaded Members to join him in supporting the censure of the relevant department.

- (e) Mr Kenny YUEN said that initially he had reservations about the establishment of the SCMPEO, but he also agreed that the letter from the relevant department indicating that the establishment of the SCMPEO was inconsistent with the Ordinance lacked legal justifications. He was of the view that the discussion in relation to the TOR of SCMPEO should only be held after full legal justifications were provided by the relevant department. He urged the Chairman to request, in the name of EDC, the relevant department to submit their legal justifications as soon as possible and send representatives to the meeting, and he suggested that the censure be made only when the relevant department failed to provide valid legal justifications.
- (f) Mr Patrick LEUNG remarked that members of the public had repeatedly told him that they were subject to improper treatment by the HKPF. He considered that the establishment of the SCMPEO would enable Members to reflect public views and its functions were also relevant to public’s livelihood, and therefore he requested the relevant department to specify clearly how the establishment of the SCMPEO was inconsistent with the Ordinance.
- (g) Mr CHEUNG Kwok-cheong said that the police-community relations was very tense at present. He expressed dissatisfaction with the hasty action of the HAD by writing to hinder the convening of the SCMPEO meeting and he opined that the HAD had to specify clearly the inconsistencies with the Ordinance by the SCMPEO.
- (h) Mr CHUI Chi-kin said that the society was concerned about the arrests, use of force and prosecutions by the HKPF at present. He would like the SCMPEO to help allay public concerns about the above issues. In addition, he opined that the HAD was obviously suppressing the EDC

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by claiming that the SCMPEO was inconsistent with the Ordinance without providing any justifications. Therefore, he opposed any modifications to the TOR of the SCMPEO at this stage, and would like the Chairman to exert pressure on the relevant department and demand the department to provide concrete justifications as soon as possible.

- (i) Mr CHAN Wing-tai opined that the current meeting was held to demonstrate that the EDC would not give in and he suggested the date of the next SCMPEO meeting be set to force the relevant department to send representatives to the meeting for explaining their legal justifications. He would like the Chairman to schedule the next SCMPEO meeting on 3 February for relevant Members and the department to make early preparation.
- (j) Mr MAK Tak-ching opined that the DC was merely an advisory body and he had no idea how the SCMPEO would be inconsistent with the Ordinance. He said that the HKPF had always sent representatives to EDC meetings to explain to Members about its works. He could not understand why the HAD suddenly suggested that the TOR of the SCMPEO exceeded the functions of DC if it was not out of political considerations. As such, he considered that the HAB and HAD should be censured. He also pointed out that local residents would like the HKPF to give a public account of the police enforcement actions that took place in Sai Wan Ho previously. In addition, he also questioned why the relevant department had not hindered the move to motion in support of the second round consultation on constitutional reform by the EDC in the past for the same reason.
- (k) Mr Bull TSANG indicated that the Chief Executive had all along only stated the suspension of the legislative amendment exercise on the Fugitive Offenders Ordinance and it was only under mass pressure that she finally admitted her mistakes and promised to withdraw the amendment. He opined that since the HAD continued to suppress Members to follow up on police-related matters, the EDC should start examining whether to prosecute the Government or reverse the department's decision through judicial review. In addition, he deemed it necessary to censure the relevant department. Finally, he would like the Chairman to schedule the next SCMPEO meeting on 3 or 5 February and require the relevant department to provide justifications before the

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next meeting.

- (l) Mr SO Yat-hang indicated that the relevant department had not provided any justifications for requesting the SCMPEO to suspend convening the meeting in the letter, and therefore he considered that the act was out of political considerations with a view to suppress the EDC. He opined that the TOR of the SCMPEO fully complied with the specifications stipulated in the Ordinance and hence there was no need to suspend convening the meeting because of a casual letter issued by the relevant department.
- (m) Mr Derek NGAI pointed out that the letter issued by the relevant department merely mentioned that the name and TOR of the SCMPEO might be inconsistent with the Ordinance without providing any details. He opined that the relevant department should specify in detail how the above items were inconsistent with the Ordinance. He said that the EDC should only consider the ways to modify the name and TOR of the SCMPEO after the relevant department had explained in detail its views. He also commented that he had to follow up on the controversies arisen from the police enforcement actions in his constituency for the residents.
- (n) Mr CHENG Tat-hung was of the view that it was the voters' greatest expectation to Members for the DC to follow up on the police enforcement actions, and therefore, the EDC should follow up on the above issues. In addition, he commented that the HAD had deprived the EDC of its rights by hindering the SCMPEO from convening a meeting without providing concrete legal justifications. Besides, he remarked that the "welfare" as referred to in the Ordinance should cover both physical and mental aspects. The SCMPEO's concern about the mental disturbance suffered by local residents caused by police enforcement actions fully complied with the specifications stipulated in the Ordinance. In addition, he opined that the DC was an advisory body and could hardly act *ultra vires*. If the relevant department considered that the EDC acted *ultra vires*, it should follow up on the issue through legal means, instead of issuing a letter by the HAD to hinder it. Finally, he was of the view that it was the responsibility of the District Council Members (DC Members) to monitor the Government's administration and there was no need for the EDC to respond before evidence was provided by the relevant department. On

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the contrary, the EDC should set a deadline for the relevant department to provide justifications. If the suppression persisted, he considered that the EDC should continue to follow up on the matters by way of special meeting. He also agreed that the next meeting be held on 3 February.

- (o) Mr James PUI said that he intended to follow up at the SCMPEO meeting on the placing of water-filled crowd control barriers outside North Point Police Station. He would like to understand whether the HKPF had consulted relevant departments on the road closure by water-filled crowd control barriers. As the issue was closely related to public livelihood, if the relevant department did not allow the EDC to hold discussions or hindered the convening of meeting by refusing to provide secretariat service, etc., he considered that such actions would be a manifestation of the Government's unneutrality. He opined that if the relevant department had doubts on the legality of the SCMPEO, it should address the issue by way of legal proceedings and should continue to provide secretariat service to the EDC before the verdict.
- (p) Mr Jason CHAN commented that it was the function of a DC to give advice to the Government while it was the duty of DC Members to relay residents' valuable views to relevant departments. He also considered that the TOR of the SCMPEO fully complied with the specifications stipulated in the Ordinance and queried that the HAD only hindered the convening of meeting because the SCMPEO was targeting police work. Therefore, before justifications were provided by the relevant department, he opposed any modifications to the TOR of the SCMPEO.
- (q) Ms CHAU Hui-yan said that the relevant department was aware of the establishment of the SCMPEO as early as 7 January and queried why it pointed out that the TOR of the SCMPEO were inconsistent with the Ordinance only two days before the meeting. She remarked that the SCMPEO was established solely to establish a communication channel with the relevant authorities, and the hindrance of convening meetings by the relevant department was undoubtedly political suppression. She also said that there was no need to rush to decide at present whether it would be a special meeting or an SCMPEO meeting for the meeting to be held in early February, which depended on the reply from the

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relevant department.

- (r) Ms Alice ISHIGAMI LEE said that the EDC had not contravened the Ordinance in the establishment of the SCMPEO and reminded the relevant department that Members were elected by residents and had the responsibility to voice their opinions.
- (s) Ms Christine WONG stated that there was no mention of the SCMPEO's inconsistencies with the Ordinance in the HAD's letter. She indicated that if the HAD failed to provide clear justifications, the EDC should take actions to object the views of the relevant department.
- (t) Ms TSANG Yan-ying said that the DC election had reflected the public opinion borne by Members. She opined that were it not for public suspicions about police actions, most of the new Members would hardly be elected. Therefore, Members had the responsibility to follow up on police enforcement actions. She also considered that the HAD failed to discharge its duty properly to facilitate communication between the Government and the public.
- (u) Ms Karrine FU said that since the relevant department had written to indicate that the TOR of the SCMPEO went beyond the specifications stipulated in the Ordinance, it had to explain clearly to the EDC its legal justifications. In addition, she would like the EDC to consider expediting the study and the compilation of the report on the enforcement actions by the Eastern Police District.
- (v) The Vice-chairman said that on 7 January, the EDC had properly appointed the SCMPEO in accordance with the Ordinance for monitoring police works. He was of the view that the purpose of the HAD's suppression of EDC by administrative means was to alienate the relationship between EDC and local public officers. He further indicated that the role of DCs had been specified at the meeting of the Panel on Home Affairs of the Legislative Council on 9 July 2010, and he was dissatisfied with the relevant department's intention to undermine the current term of EDC. He supplemented that the letter of the Chairman and Vice-chairman to the relevant department had specified that if the relevant department failed to provide a written reply on or before 24 January, the EDC would see it as the relevant

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department agreed that the SCMPEO was not inconsistent with the Ordinance. Therefore, if there was no reply from the relevant department before the deadline, an SCMPEO meeting would be held on 3 February, and if the relevant department could provide legal justifications before the deadline, the Chairman and Vice-chairman would consider convening another special EDC meeting.

- (w) Ms CHAN Po-king opined that the TOR of the SCMPEO were not inconsistent with the Ordinance because DC Members could only provide their views and could not force the departments to enforce. In addition, she was also of the view that the relevant department should explain its justifications and she agreed that no modifications should be made to the TOR before justifications were provided by the relevant department.
- (x) Mr CHOW Cheuk-ki agreed that there was no need to modify the current name and TOR of the SCMPEO, and considered that the relevant department was merely fabricating excuses to delay the holding of SCMPEO meeting in the EDC. He said that the EDC had always followed up on police works with the police and the SCMPEO was a dedicated committee established for dealing with the area of works, and therefore he did not consider it act in *ultra vires* of DC functions. He indicated that local residents had been caught up in large public events in many occasions and their daily lives were severely affected by police enforcement actions in the past. As such, he considered it the DC's obligation to follow up on police works.
- (y) Ms WEI Siu-lik opposed the modifications to the TOR of the SCMPEO and opined that it had always been the duty of DCs, regardless of current term and previous terms, to identify the deficiencies in public services and give advice. Therefore, she considered it necessary for Members to request the Government to give an account of the issuance of letter in the current case.

44. The Chairman said that the majority of Members had clearly indicated that there was no need to modify the name and TOR of the SCMPEO at the current stage and that a request be made to the relevant department for the submission of the relevant legal justifications before the deadline. As such, the above Paper was not passed. The EDC would maintain its request that the relevant

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department submit its legal justifications on or before 24 January for EDC's perusal. Meanwhile, he would decide whether to convene an SCMPEO meeting or a special EDC meeting on 3 February, which depended on the reply from the relevant department.

45. The Chairman said that he had received two impromptu motions before the meeting. He asked Mr Bull TSANG to speak on the motion.

46. Mr Bull TSANG moved an impromptu motion as follows:

“The Eastern District Council strongly censures the Eastern District Office for its shameful political suppression of withdrawing the secretariat service to the newly-formed Special Committee on Monitoring Police Enforcement and Operation, and requests Mr LAU Kong-wah, the Secretary for Home Affairs, to give a public account of the underlying reasons and apologise to us and the public.

Mover: Mr Bull TSANG

Seconder: Ms Christine WONG, Ms TSANG Yan-ying,  
Mr Derek NGAI and Mr SO Yat-hang”

47. Mr SO Yat-hang then moved to amend the motion as follows and was seconded by 3 Members, namely Ms Christine WONG, Ms TSANG Yan-ying and Mr Derek NGAI:

“The Eastern District Council strongly censures the Home Affairs Department for its shameful political suppression of withdrawing the secretariat service to the newly-formed Special Committee on Monitoring Police Enforcement and Operation, and requests Miss TSE Siu-wa, Janice, the Director of Home Affairs and Mr LAU Kong-wah, the Secretary for Home Affairs, to give a public account of the reasons and apologise to the public!

Mover: Mr Bull TSANG

Seconder: Ms Christine WONG, Ms TSANG Yan-ying,  
Mr Derek NGAI and Mr SO Yat-hang”

48. After discussion, the EDC agreed with the above amended motion.

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49. After voting, the above amended motion was passed with 31 votes in favour, zero against or abstention.

50. The Chairman declared that the above amended motion was passed.

51. The Vice-chairman asked the Secretariat to pass the above motion to relevant policy bureau and department.

(Post-meeting note: The Secretariat passed the above amended motion to the HAB and HAD on 21 January 2020.)

52. The Chairman asked Mr CHUI Chi-kin to speak on the motion.

53. Mr CHUI Chi-kin spoke on the motion as follows:

### “Impromptu Motion

#### *Background Information*

To request the Government of the Hong Kong Special Administrative Region to squarely respond to the five demands of the public immediately. Five demands, not one less. The five demands are, firstly, complete withdrawal of the Extradition Bill; secondly, retraction of the classification of all anti-extradition protests as a riot; thirdly, exoneration of all anti-extradition protesters; fourthly, setting up of an independent Commission of Inquiry for thorough investigation of the abuse of power by the HKPF, and fifthly, immediate implementation of genuine dual universal suffrage. The public has expressed their views on the five demands on many occasions over the past 7 months, nevertheless, except for the first demand, the Government still refused to squarely respond to other demands. Since then social unrest persisted and innocent citizens have been arrested or injured. Political problems should be resolved by political solutions.

#### *Content of the Motion*

As the representatives of public views, we request the Government of the Hong Kong Special Administrative Region to squarely respond to

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the five demands of the public immediately.

Mover: Mr CHUI Chi-kin, Mr KU Kwai-yiu, Mr CHAN Wing-tai,  
Mr Peter CHOI, Ms LAI Tsz-yan, Mr Bull TSANG,  
Ms TSANG Yan-ying, Ms TSE Miu-yee and  
Ms Alice ISHIGAMI LEE

Secunder: Mr NG Cheuk-ip”

54. The Vice-chairman said that the name of one of the movers “曾建成” should be amended to “曾健成” in the Chinese version.

55. Mr Derek NGAI also said that the characters “被補” should be amended to “被捕” in the Chinese version.

56. Mr NG Cheuk-ip seconded the above amendments.

57. After discussion, the EDC agreed with the above amended motion.

58. After voting, the following amended motion was passed with 31 votes in favour, zero against or abstention.

“Requesting the Government of the Hong Kong Special Administrative Region to squarely respond to the five demands of the public immediately.

Mover: Mr CHUI Chi-kin, Mr KU Kwai-yiu, Mr CHAN Wing-tai,  
Mr Peter CHOI, Ms LAI Tsz-yan, Mr Bull TSANG,  
Ms TSANG Yan-ying, Ms TSE Miu-yee and  
Ms Alice ISHIGAMI LEE

Secunder: Mr NG Cheuk-ip”

59. The Chairman declared that the above amended motion was passed.

(Post-meeting note: The Secretariat passed the above amended motion to the Chief Executive’s Office on 21 January 2020.)

## **II. Date of the Next Meeting**

60. The 2nd SCMPEO Meeting or Special EDC Meeting would be held at

Action

2:30 pm on 3 February 2020 (Monday).

(Post-meeting note: In view of the epidemic, the EDC decided to postpone the meeting originally scheduled on 3 February.)

61. The meeting was adjourned at 8:58 pm.

Eastern District Council Secretariat  
March 2020