

(Confirmed minutes)

(Translation)

Sai Kung District Council
Minutes of the Fifth Meeting in 2019

Date: 3 September 2019 (Tuesday)

Time: 9:30 a.m.

Venue: Conference Room of the Sai Kung District Council

<u>Present</u>	<u>From</u>	<u>To</u>
Mr NG Sze-fuk, George, GBS, JP	9:30 a.m.	4:10 p.m.
Mr LING Man-hoi, BBS, MH	9:30 a.m.	4:10 p.m.
Mr AU Ning-fat, Alfred, MH	9:30 a.m.	3:35 p.m.
Mr CHAN Kai-wai	9:30 a.m.	4:10 p.m.
Mr CHAN Pok-chi, Jonathan, JP	9:30 a.m.	4:10 p.m.
Mr CHAU Yin-ming, Francis, BBS, MH	9:30 a.m.	4:10 p.m.
Mr CHEUNG Chin-pang, Edwin	9:30 a.m.	4:10 p.m.
Mr CHEUNG Mei-hung	9:30 a.m.	4:10 p.m.
Mr CHONG Yuen-tung	9:30 a.m.	4:10 p.m.
Mr CHUNG Kam-lun	9:30 a.m.	4:10 p.m.
Hon FAN Kwok-wai, Gary	9:30 a.m.	4:10 p.m.
Ms FONG Kwok-shan, Christine	9:30 a.m.	4:10 p.m.
Mr HIEW Moo-siew, MH	9:30 a.m.	4:10 p.m.
Mr HO Man-kit, Raymond	9:30 a.m.	4:10 p.m.
Mr KAN Siu-kei	9:30 a.m.	4:10 p.m.
Mr LAI Ming-chak	9:30 a.m.	4:10 p.m.
Mr LAM Siu-chung, Frankie	9:30 a.m.	4:10 p.m.
Mr LAU Kai-hong	9:30 a.m.	4:10 p.m.
Mr LAU Wai-cheung, Peter, MH	9:30 a.m.	4:10 p.m.
Mr LEUNG Li	9:30 a.m.	4:10 p.m.
Mr LI Ka-leung, Philip	9:30 a.m.	4:10 p.m.
Mr LUI Man-kwong	9:30 a.m.	4:10 p.m.
Mr LUK Ping-choi	9:30 a.m.	1:13 p.m.
Mr TAM Lanny, Stanley, MH	9:30 a.m.	3:05 p.m.
Mr TSE Ching-fung	9:30 a.m.	4:10 p.m.
Mr WAN Kai-ming	9:30 a.m.	4:10 p.m.
Mr WAN Yuet-cheung, BBS, MH, JP	9:30 a.m.	4:10 p.m.
Mr WONG Shui-sang	9:30 a.m.	3:10 p.m.
Mr YAU Yuk-lun	9:30 a.m.	4:10 p.m.

Miss LAU Tang, Moira

Senior Executive Officer (District Council),
Sai Kung District Office

In Attendance

Mr CHIU Yin-wa, David, JP	District Officer (Sai Kung), Sai Kung District Office
Mr CHOW Tat-wing, Cyrus	Assistant District Officer (Sai Kung)1, Sai Kung District Office
Miss WONG Ching-hang, Joey	Assistant District Officer (Sai Kung)2, Sai Kung District Office
Miss MAK Wai-man, Sandy	Senior Liaison Officer (1), Sai Kung District Office
Ms LAM Yee-mang, Dawn	Senior Liaison Officer (2), Sai Kung District Office
Mr WU Wai-kwong, Wilson	Senior Liaison Officer (3), Sai Kung District Office
Mr LIU Chung-him, Michael	Executive Officer I (District Council), Sai Kung District Office
Ms TAM Yin-ping, Donna	District Planning Officer/Sai Kung & Islands, Planning Department
Ms LUI Siu-ying, Micy	District Social Welfare Officer (Wong Tai Sin/Sai Kung), Social Welfare Department
Mr Mark Ronald ANSTISS	District Commander (Tseung Kwan O), Hong Kong Police Force
Ms CHEUK Yuet-ching	Police Community Relations Officer (Tseung Kwan O), Hong Kong Police Force
Mr CHO Wai-hung, Mike	Chief Engineer/E1 (Acting), Civil Engineering and Development Department
Mr LAU Ching-kwong, Wallace	Senior Property Service Manager/KWS, Housing Department
Mr WONG Chak-kwan, Byon	Chief Transport Officer/Goods Vehicle, Transport Department
Ms HEUNG Ching-ye, Alice	Chief Leisure Manager (New Territories East), Leisure and Cultural Services Department
Ms KONG Po-ye, Alice	District Leisure Manager (Sai Kung), Leisure and Cultural Services Department
Mr NG Kwok-lun, Wilson	District Environmental Hygiene Superintendent (Sai Kung), Food and Environmental Hygiene Department
Ms POON Yin-ye, Jenny	District Lands Officer/Sai Kung (Acting), District Lands Office, Sai Kung
Mr CHAN Yuk-cheung	Administrative Assistant/Lands, District Lands Office, Sai Kung
Mr CHAN Kwok-tai	Chief Engineer/NTE, Water Supplies Department
Mr LAM Kwok-chuen	Senior Engineer/NTE 2, Water Supplies Department
Mr WONG Yin-fun, Andrew	Senior Engineer/NTE 4 (Acting), Water Supplies Department

For agenda
item VI (AOB)

The Chairman welcomed all Members and attendees to the meeting, in particular:

- Mr Byon WONG, Chief Transport Officer/Goods Vehicle, Transport Department (TD), who had taken over the duties of Ms CHAN Siu-mui, Polly on transfer. On behalf of Sai Kung District Council (SKDC), the Chairman thanked Ms Polly CHAN for her contributions to Sai Kung district in the past;
- Ms Jenny POON, District Lands Officer/Sai Kung (Acting), District Lands Office, Sai Kung (DLO/SK), who attended the meeting on behalf of Mr MA Hon-yim, Francis, District Lands Officer/Sai Kung, DLO/SK;
- Mr Mike CHO, Chief Engineer/E1 (Acting), Civil Engineering and Development Department (CEDD), who attended the meeting on behalf of Mr LO Sai-pak, Sunny, Chief Engineer/E1, CEDD;
- Mr Wallace LAU, Senior Property Service Manager/KWS, Housing Department (HD) who attended the meeting on behalf of Mr TSE Chick-lam, Chief Manager/Management (KWS), HD.

2. The Chairman said in view of the fresh water supply interruption at Tseung Kwan O Plaza for several consecutive days the week before, the Water Supplies Department (WSD) proactively sent representatives to attend this meeting. The subject would be discussed under the item “Any Other Business”.

3. The Chairman said Ms Christine FONG had informed the Secretariat on 2 September that she would like to make an oral statement at this meeting. The oral statement would be made when the relevant motion was discussed.

I. Confirmation of Minutes of the 1st Special Meeting of Sai Kung District Council (SKDC) held on 15 May 2019 and the 4th Meeting held on 2 July 2019

4. There being no amendment from Members before and at the meeting, the Chairman declared that the two minutes were confirmed.

II. New Items

(A) Departmental Annual Programmes 2019-20 (Half-yearly Progress Report) (SKDC(M) Paper No. 202/19)

5. Member noted the above paper.

6. Mr CHAN Kai-wai said at the special meeting of the Traffic & Transport Committee (TTC) held recently, he had moved an extempore motion. However, the Chairman of TTC did not accept the extempore motion and told him that he could submit the motion to the full council meeting for discussion. Given that the motion

was not included in the agenda of the meeting, he asked the Chairman whether the motion would be discussed at the meeting.

7. The Chairman said the extempore motion could be discussed under the item “Any Other Business” if it was moved by any Member at that time.

(B) Funding Application for the Community Involvement Project under SKDC 2019-20 submitted for vetting at the 5th SKDC Meeting in 2019 (SKDC(M) Paper No. 203/19)

8. The Secretary introduced the paper briefly.

9. The Secretary invited Members to note the meeting paper. According to the record of the Secretariat, no Member had made any declaration of interest. If Members found any incorrect or missing information on the paper, they were requested to make a declaration immediately, and then complete and return the declaration of interest forms to the Secretariat after the meeting for record purpose. Besides, Members should declare their interests or update their information before the meeting to facilitate the Secretariat to send the updated information provided by the relevant Members by emails to all SKDC Members before the meeting. If any person at the meeting had any doubts about the information or the relationship with an organisation as declared by a Member, he/she should raise it immediately for discussion and resolution.

10. The Secretary continued that one funding application for 2019-20, with a total amount of \$36,000 recommended for approval, was shown in the paper. When the grantee submitted the funding application, it had informed SKDC that it would withdraw the funding application of an activity titled “2019 Sai Kung District National Day Flag Raising Ceremony”, the approval of which was already granted. Given that a funding of \$35,500 was granted to the activity with the funding application withdrawn, the unspent balance of “Civic Education” for the current term SKDC up to the moment was \$36,000, which could cover the amount of funding sought under the new application.

11. There being no objection, the Chairman declared the endorsement of the above funding application.

III. Matters Arising

(A) Follow-up on motions of the 1st Special Meeting of SKDC held on 15 May 2019 and the 4th Meeting held on 2 July 2019

12. The Chairman said one extempore motion was endorsed at the 1st special meeting of SKDC in 2019; while a total of 16 motions were endorsed at the 4th meeting of SKDC. The motions endorsed were subsequently referred in writing to the relevant organisations and government departments. Details were set out in paragraphs 75 to 158 of the minutes of the 4th meeting. The Secretariat had already forwarded the relevant replies to Members by emails and uploaded the contents to SKDC website. SKDC would continue to monitor the relevant issues. For the next meeting, the corresponding agenda items would be deleted.

IV. Report Items

(A) Financial Position of the District Council as at 15 August 2019

(SKDC(M) Paper No. 204/19)

13. Members noted the above paper.

(B) Progress Report of the District Council Committees

- (1) District Facilities Management Committee
(SKDC(M) Paper No. 205/19)
- (2) Finance & Administration Committee
(SKDC(M) Paper No. 206/19)
- (3) Housing & Environmental Hygiene Committee
(SKDC(M) Paper No. 207/19)
- (4) Social Services & Healthy and Safe City Committee
(SKDC(M) Paper No. 208/19)
- (5) Traffic & Transport Committee
(SKDC(M) Paper No. 209/19)
- (6) Signature Project Scheme Committee
(SKDC(M) Paper No. 210/19)

14. Members endorsed the above Progress Reports.

(C) Progress Report of the Working Groups established under SKDC

- (1) Working Group on Appreciation of Local Personalities

(SKDC(M) Paper No. 211/19)

(2) Working Group on Organising Festival Celebrations

(SKDC(M) Paper No. 212/19)

(3) Working Group on Tourism & Economic Development

(SKDC(M) Paper No. 213/19)

15. The Chairman said, regarding the Progress Report of the Working Group on Appreciation of Local Personalities, the presentation ceremony was tentatively scheduled for 14 March 2020 (Saturday). For the Progress Report of the Working Group on Tourism & Economic Development, he said CEDD had introduced the preliminary proposals of the Sai Kung Promenade Improvement Project to the Working Group, and obtained the support of the Working Group on the Project.

16. Members endorsed the above Progress Reports.

(D) Progress Report of Committee under the Sai Kung District Office

(1) Sai Kung District Management Committee

(SKDC(M) Paper No. 214/19)

17. Members noted the above Progress Report.

V. Motions Raised by Members:

(A) The 14 motions raised by Members:

(1) The design and rusting problems of laundry racks for public housing in Kin Ming Estate and Choi Ming Court

(SKDC(M) Paper No. 215/19)

18. The Chairman said the motion was moved by Mr Raymond HO and seconded by Mr LEUNG Li.

19. Members noted the written response from HD (SKDC(M) Paper No. 231/19).

20. Mr Raymond HO considered that the response of HD only treated the symptoms but not the root cause of the problem. He said he had inspected nearly 100 cases of seriously rusted laundry rods in Kin Ming Estate, and discovered that rust stains repeatedly appeared on many of the laundry rods after cleaning. HD solved the

problem through the estate offices, which in turn affected the existing management work. In addition, engaging contractors to provide cleaning work involved public resources, and the households also did not expect frequent access to their flat units by others for the cleaning work. Therefore, he hoped to solve the root cause of the problem by seeking resources to replace individual laundry rods which had been persistently and seriously rusted. Besides, the replacement works had not been carried out in some public housing estates in the district. For the remaining works, sample checks or even comprehensive checks should be conducted more strictly to examine the quality of the materials, or replacement for aluminium laundry rods to ensure that no rusting would occur. He also hoped that HD would blacklist the contractors involved in the provision of rusting laundry rods to forbid them to participate in the tender exercise for works project in future.

21. Mr LEUNG Li said he had repeatedly reflected the subject matter to HD on different occasions. Although HD said those appeared on the surface of the laundry rods were stains, residents generally considered that those were rust stains. Many elderly singletons and persons with disabilities were unable to clean the laundry rods by themselves, and even if HD arranged contractor to clean the laundry rods, rust stains would soon reappear. Therefore, HD needed to consider other remedial measures and to change the material of the laundry rods. Besides, apart from blacklisting the contractor, more importantly HD should investigate into whether corner-cutting had been involved. In addition, HD had distributed reply slips before installing the laundry rods. Although some residents had indicated that they did want to install new laundry rods, the contractor still forced those households to install the new laundry rods. He considered that HD should investigate into the incident. Besides, HD would also provide openable window grilles when installing the laundry rods. However, installation of openable window grilles for some households still had not been arranged by the contractor. He hoped that HD would follow up on this.

22. Mr KAN Siu-kei said the same problem occurred in various housing estates where the new laundry rods were installed. Before implementing the programme of installation, he had repeatedly emphasised to the contractor and HD the need to guarantee that the laundry rods were made of stainless steel, and the need to learn from experience that the laundry rods installed facing the yards had been seriously rusted within less than half a year. Unfortunately, the laundry rods installed in Sheung Tak Estate were also rusted at present after completion of the installation. He continued that HD had promised at the last meeting of the Estate Management Advisory Committee that if the laundry rods of residents were rusted, they could gather relevant

information and then inform the contractor to come to carry out cleaning work at the flat units concerned. As the laundry rods were rusted again soon after cleaning, he asked HD about the solutions. He also pointed out that some organisations claimed to be anti-corruption and fearless of power, and hoped that these organisations would report to the Independent Commission Against Corruption (ICAC) to facilitate the investigation if there was any evidence or clue.

23. The Vice-Chairman considered that the problem of laundry rods in public housing estates was very disturbing to the residents. Residents needed to reply through methods such as questionnaires, etc. to indicate whether they agreed to the installation, and different rumours had been circulating in the housing estates. Recently, he had come across a remark that if window grilles were installed, no laundry rod would needed to be installed. Since all these rumours were not included in any official document, he considered that HD should clearly explain to the residents and rectify the confusion caused by the problem of laundry rods in the correct way.

24. Mr Wallace LAU, Senior Property Service Manager/KWS, HD, responded that he would reflect Members' views and improvement suggestions on the material of laundry rods to the responsible colleagues. As HD had an established mechanism to ensure the quality of laundry rods, he hoped that Members could trust HD and also hoped that Members could submit individual cases for HD to follow up. Besides, with regard to the unclear explanations, HD could convene some meetings or resident forums again for explaining to interested residents depending on the circumstances.

25. Mr LUK Ping-choi said although HD indicated that those on the laundry rods were stains and could be easily removed, this situation would only occur on low-quality stainless steel. He had heard that the contract signed between HD and the contractor specified the mandatory provision of stainless steel 304. Being a high-quality steel, stainless steel 304 would only rust after eight to ten years. He suggested that if HD had to convince the public, it should check whether the composition of the laundry rods met the standard of stainless steel 304. If the laundry rods were unable to meet the standard, it meant that the contractor was involved in corner-cutting, and HD should handle the situation in accordance with the contract. If the material was verified to be able to meet the standard, it meant that HD had a high degree of credibility for explaining that those were stains but not rust stains. However, HD still had not provided the relevant supporting documents for the time being.

26. Mr KAN Siu-kei said HD and the contractor had indicated at the briefing session

before installing the laundry rods that the material of the laundry rods was stainless steel 304. The contract signed by both parties also prescribed that the contractor must use the specified steel and provide a three-year warranty. Therefore, he had moved an amended motion at the fourth meeting of the Housing & Environmental Hygiene Committee, requesting the contractor to fulfil its pledge of a three-year warranty. If the test results revealed that the laundry rods did not meet the standard, all laundry rods needed to be replaced even if they had been installed in all housing estates territory-wide. He also agreed that HD should provide the relevant certificate to address the concerns of residents.

27. Mr CHAN Kai-wai said after listening to the response from the representative of HD, he was still uncertain whether the problem was about the material or the requirement specification on the materials set out in the tender documents. He pointed out that the official code of stainless steel 304 was SUS304, and this material was used in the drainage covers in many public swimming pools. The rusting of materials would definitely appear, but rusting within a short period of time was abnormal. He suggested that a sample of the laundry rods under complaint should be sent to an arbitrator for inspection, and explained that the three-year standard in the test was to jet high-concentration saline solution at high pressure on the steel in the laboratory. Each jetting of 100 hours was equivalent to one year of use, and 300 hours of jetting would be able to reflect whether the laundry rods would rust after about three years. In case of defective material of the laundry rods, it would be known within 100 hours of jetting. If the material of the laundry rods did not meet the standard of stainless steel 304, HD could request for a compensation. However, if the problem stemmed from the requirements on the specification of the material set out in the tender document, HD could not blame the others. He continued that the likelihood of rusting caused by installation-related issues was very low due to the fact that nickel could be found on the surface of stainless steel, and the thickness of nickel was usually indicated by “8-18” or “10-18” inside the brackets shown on forks made of stainless steel 304.

28. There being no objection from Members, the Chairman declared that the motion was endorsed. SKDC would convey the request to HD in writing.

(2) Request the Government to make overall improvement to the Tseung Kwan O South Greening Master Plan, in particular the planting of trees on Po Shun Road near Park Central, Tong Chun Street, Tong Yin Street, Chi Shin Street and Chui Ling Road
(SKDC(M) Paper No. 216/19)

29. The Chairman said the motion was moved by Ms Christine FONG and seconded by Mr CHAN Kai-wai.

30. Members noted the written response from CEDD (SKDC(M) Paper No. 232/19).

31. Mr LUI Man-kwong said roadside planting was provided for the whole section of Po Shun Road, irrespective of whether it was the section near Park Central, Choi Ming Court or Tong Ming Court, or near the land managed by the Government. However, the Government needed to make more comprehensive planning to improve the planting environment and to plant more suitable trees. Otherwise, the area would only be overgrown with weeds.

32. Mr WAN Yuet-cheung said he had been Convenor of the Sai Kung Greening Master Plan District Participation Group (the DPG) in the past, and was succeeded by Mr CHAN Kai-wai after the re-election of this term. He thanked members of the DPG for their valuable views raised during the meetings. He had requested CEDD during the meetings of the DPG to conduct joint site visits with different local stakeholders and Members of the District Council and listen to their views. He thanked Members for their participation.

33. Mr CHEUNG Mei-hung said the reason for moving the motion was that CEDD muddled through their work. Many places in Tseung Kwan O South lacked greening. Some areas originally planned for greening were later excluded due to reasons such as foundation works and underground utilities, etc., which led to incomprehensive greening of the area. The Greening Master Plan (GMP) originally planned to plant *Wodyetia Bifurcata* at the central divider at Wan Po Road outside Le Prestige, but the location was subsequently omitted without any planting. Although he had been reflecting the issue to the departments concerned for a period of time, no works schedule had been provided for the time being. He asked CEDD to follow up the planting works at Wan Po Road and the locations mentioned in the motion.

34. Mr Mike CHO, Chief Engineer (Acting)/E1, CEDD, responded that CEDD would review the GMP in the coming year. If necessary, CEDD would exchange views with different members of the community for planting suitable trees. The planting of trees at Wan Po Road would also be reviewed in the coming year.

[Post-meeting note of CEDD: GMPs sought to define the overall greening framework

of a district and serves as a guide for all parties involved in the planning, design and implementation of greening works. In addition to CEDD being responsible for implementing the greening works recommended in GMPs, other works projects and departments responsible for tree maintenance and planting would also make reference to the planting themes and the plant palettes designated for the district-based GMPs, thus achieving continuous and consistent results in enhancing the greening environment. The greening works under the GMP for Sai Kung district was completed in October 2017. Some of the greening proposals had been modified (for example, the central divider outside Le Prestige at Wan Po Road were affected by underground utilities) due to the actual site conditions noted during the construction stage. CEDD strived to seek other sites for implementing the greening works, and had eventually planted 838 trees and 386,475 shrubs in Sai Kung district, which was higher than the original planting target (i.e. 700 trees and 330,000 shrubs). CEDD handed over the planted vegetation to the relevant maintenance departments such as the Leisure and Cultural Services Department (LCSD), etc. in 2018 to undertake the daily maintenance of the plants. CEDD would later invite relevant Members of SKDC to conduct site inspection and to review the greening proposals of Members' concerns. CEDD thanked Members for their concerns and suggestions with regard to the GMP as well as their support for the greening works.]

35. Hon Gary FAN said typhoon Mangkhut had revealed that the greening works in Hong Kong over the past years, such as the overall arrangements for pruning tree crowns and felling of trees, might need a fundamental reform. He urged CEDD to apply the arrangements after the reform to the planned New Development Areas (NDAs) along the seafront of Tseung Kwan O South and to discuss with Members.

36. Mr CHONG Yuen-tung said CEDD had conducted site inspections with different Members and listened to their views when implementing GMP, and had also included different locations in GMP. Some of the works, such as the greening of central dividers on roads, etc., had been completed, which were worthy of recognition; some of the works could not be carried out due to reasons such as problems with the location and species of trees, etc. However, the departments concerned did not give a detailed account of the final decision and had only briefly reported on this at the last meeting. He considered that the departments concerned needed to give a detailed account of the locations where it was impossible to carry out greening. On the other hand, he considered that in addition to reviewing GMP, CEDD should also advise the relevant government departments on matters such as the daily pruning of trees, tree species suitable to be planted and tree surgery work before the attack of typhoons, etc.

37. Mr CHAN Kai-wai said CEDD did not provide any planting at the roundabout of Po Shun Road at that time on the ground that the location was reportedly involved in the scope of works of the Tseung Kwan O – Lam Tin Tunnel. As for the new housing estates along the seafront of Tseung Kwan O South, CEDD said the area was an NDA, and thus would not be included in GMP. The above locations were not omitted, but instead they were not included as CEDD was unwilling to allocate resources. He continued that the roundabout of Po Shun Road was within the constituency of the then Member Mr CHEUNG Kwok-keung. Although he himself was not the Member of the said constituency, he had criticised CEDD at the meeting of the DPG and had later reflected again at the meeting of SKDC. However, some Members who did not participate in the meetings of DPG criticised him for expressing views only after the final decision was made, but it was a matter of fact that he had already reflected the views. He hoped to recap this part of history to indicate that CEDD had overlooked the greening work in NDAs and the roundabout, and requested CEDD to allocate more resources to rectify the existing deficiencies of these places.

38. Mr LAU Kai-hong said CEDD, the Highways Department and DLO/SK should review the condition of weeds and trees on the roadside, for example, the trees on both sides of Tseung Kwan O Tunnel had grown to more than ten feet high and some trees were growing over the railing. Therefore, he hoped that these locations could be included in the matters to be reviewed.

39. There being no objection from Members, the Chairman declared that the motion was endorsed. SKDC would convey the request to CEDD in writing.

(3) Request the Government to set up full-day child care centres for infants and young children in Sai Kung and Tseung Kwan O as soon as possible, and to review the existing fees of child care centres and launch suitable subsidy scheme to assist residents with financial difficulties to use the services
(SKDC(M) Paper No. 217/19)

40. The Chairman said the motion was moved by Mr Frankie LAM and seconded by Mr CHUNG Kam-lun, Hon Gary FAN, Messrs LEUNG Li, LUI Man-kwong and LAI Ming-chak.

41. Members noted the written response from the Social Welfare Department (SWD) (SKDC(M) Paper No. 233/19).

42. Mr CHAN Kai-wai said he had mentioned this problem when the Chief Secretary for Administration, Mr Matthew CHEUNG Kin-chung, visited Sai Kung district, and he had also made relevant suggestions many years ago. However, the child care services to be provided at the government joint-user buildings in Area 67, Tseung Kwan O would be for civil servants only, but not open to other residents of Tseung Kwan O. He suggested writing to the Chief Secretary for Administration to enquire about the follow-up situation.

43. There being no objection from Members, the Chairman declared that the motion was endorsed. SKDC would convey the request to SWD and the Chief Secretary for Administration's Office in writing.

(4) Request for building a public market and a civic centre in Tseung Kwan O Area 67

(SKDC(M) Paper No. 218/19)

44. The Chairman said the motion was moved by Mr TSE Ching-fung and seconded by Mr LUK Ping-choi.

45. Members noted the written response from the Food and Environmental Hygiene Department (FEHD) (SKDC(M) Paper No. 234/19).

46. Mr LUI Man-kwong said Members from different camps had requested for a public market in Tseung Kwan O at various meetings in the past. Regardless of the location of the selected site, the departments concerned must carry out adequate district consultation, including SKDC, the nearby housing estates and other relevant stakeholders, etc. He suggested that the relevant departments could provide two to three sites for SKDC to consider and discuss, instead of providing only one site for consultation. Besides, as many Members had repeatedly requested for building a civic centre, he hoped that the Government could implement the plan as soon as possible.

47. The Chairman reminded Members that the location under proposal by the above motion was situated in Area 67, Tseung Kwan O.

48. Mr WAN Yuet-cheung said the former Urban Council had planned to build a civic centre in Area 67, Tseung Kwan O, but the plan still had not been implemented. Besides, the Chief Executive (CE) had mentioned in the 2018 Policy Address that

locations would be identified in Tseung Kwan O for providing a public market. He considered that choosing a convenient shopping location for the provision of a public market was of utmost importance, and that Members could express their views to the Government whether the site selection was in Area 67 or other locations.

49. Mr KAN Siu-kei said the provision of a public market was pressing. As Sheung Tak Market was undergoing renovation works, the surrounding tens of thousands of population had to buy food from a “market” that could not meet the specification of a market, which would greatly affect the environmental hygiene of the area. Besides, the passageways there were narrow and members of the public could not use trolleys when buying food, which was particularly inconvenient for the elderly and thus they usually had to go to Choi Ming Market instead. However, the journey took about half an hour. He considered that providing a public market would help to cope with the temporary closure of individual markets in public housing estates due to renovation works in the future. Since the 2018 Policy Address had announced that the Government would identify a suitable location in Tseung Kwan O for building a public market, Members could raise for discussion if they had identified suitable locations. He also suggested writing to CE to request for implementing the plan as soon as possible.

50. Mr Francis CHAU said he supported the above motion. In the past, the two Municipal Councils provided municipal services such as leisure and cultural facilities as well as food and environmental services, etc. He hoped that the matter raised in the motion could be accomplished. As Members of different constituencies had strived for providing the above facilities, he suggested the Government to consider the site situated in Area 15 in Po Lam and the “Government, Institution or Community” (GIC) site in Area 56 opposite to Sheung Tak Estate, and hoped that the Government could identify locations for building the relevant facilities in accordance with the plan of the 2018 Policy Address as soon as possible.

51. Mr LUK Ping-choi said as the Government had agreed to provide a public market and a civic centre in Area 67 many years ago, he moved the motion and hoped that the Government would implement the plan as soon as possible. He estimated that rents would be significantly increased after the renovation of Sheung Tak Market, which would be similar to that of TKO Market. Since the high rental cost had pushed up commodity prices, many residents of the Hang Hau area chose to buy food in the town centre of Tseung Kwan O, and some places even became “markets”. In addition to the sale of market commodities in Beverly Garden Shopping Arcade, another shop of

the same type was also opened in Tseung Kwan O Plaza recently, which alleviated the flow of people caused by the renovation of Sheung Tak Market to a certain extent. However, this situation was not healthy in the long run. He hoped that the plan at Area 67 could be implemented as soon as possible.

52. Mr CHAN Kai-wai said pro-establishment, pan-democratic and independent Members had strived for building a civic centre and hoped that the plan could be implemented as soon as possible. A market was also needed but the site selection must be thoroughly discussed to avoid repeating the same mistakes as building a carpark in Areas 66 and 68. He considered that the Government must first conduct extensive district consultations and grasp public opinion before selecting a suitable location. Otherwise, opposing the project only after carrying out the project design would lead to repeatedly starting from scratch again and wastage of public money.

53. The Vice-Chairman said Members from different political parties had requested the Government to build a civic centre in the era of the former Regional Council. At that time, he was a co-opted member of the Sai Kung District Committee under the Regional Council and he had also strived for the project. Therefore, he supported the above motion. Besides, he considered that since CE had promised to provide a market, the plan should be implemented. He also agreed that the site selection needed to be done carefully.

54. Hon Gary FAN said in accordance with the written response from FEHD, factors such as geographical location, existing and planned uses as well as ancillary transport facilities, etc. were among the criteria for the site selection. The 2018 Policy Address was announced last year, and the 2019 Policy Address would also be presented next month. Therefore, he asked whether FEHD could disclose more information for Members' noting after 11 months of discussion, and welcomed FEHD to consult SKDC on the proposed site in due course.

55. Mr Raymond HO said in the past, markets and civic centres were built adjacent to each other because both of them were managed by the former Urban Council and Regional Council. However, in fact, different organisations often reflected that this combination was not desirable in operation. As the Government now devolved powers to SKDC, he considered that Members should carefully consider whether the market and the civic centre should still be provided adjacent to each other. He suggested that the temporary park at the junction of Tong Ming Street and Tong Chun Street was a suitable site. Although the site was previously designated as a clinic, a

clinic would now be provided in the new government joint-user buildings instead. The above GIC site had no long-term planned use, and was close to residential areas, able to provide locations for parking, loading and unloading goods. Therefore, the site was considered one of the suitable site selections for the market. He also hoped that the performance venue and the market could be provided separately.

56. Mr LAI Ming-chak said he hoped that the civic centre could be constructed as soon as possible. However, LCSD had always responded that no specific timetable could be provided and that the plan had to be reviewed again after completion of the East Kowloon Cultural Centre currently under construction. Besides, the 2018 Policy Address had mentioned that the Government would identify a suitable location in Tseung Kwan O for providing a public market. He hoped that FEHD could provide some site selections and analyse the pros and cons of different locations to facilitate discussion and decision-making of SKDC and local residents, to build consensus and to avoid unnecessary conflicts and confrontations.

57. Mr CHEUNG Mei-hung agreed with the remarks made by all Members and agreed that the site should not be limited to Area 67 as Areas 85 and 86 in LOHAS Park also needed facilities such as municipal services buildings or markets, etc. He hoped that FEHD could propose more sites for SKDC to discuss.

58. Mr Wilson NG, District Environmental Hygiene Superintendent (Sai Kung), FEHD, responded that since the announcement of the identification of locations in Tseung Kwan O for building a public market in the 2018 Policy Address, FEHD had always been endeavouring to identify suitable places and to learn from the experience of other districts. He said he would reflect Members' views to FEHD, hoping to provide appropriate options for the discussion of SKDC as soon as possible.

59. The Chairman said the location for the facilities requested by the above motion was situated in Area 67, Tseung Kwan O. However, Members had raised other views at the meeting, hoping that the Government would also consider other suitable locations and that the final decision would be made after consulting members of the local community.

60. Ms Christine FONG considered that most of the Members raised no objection to the motion and every Member strived for a public market in Tseung Kwan O and a civic centre in Area 67. The planning and design of areas in the vicinity of Tseung Kwan O South Town Centre, such as the central gardens, had aroused great controversies.

Therefore, the Professional Power considered that the plan should only be implemented after extensive local consultation and setting the direction. In fact, residents of every district hoped that public markets would be provided, and whether the markets would be modernised or follow other modes was also worth discussing. She agreed with the remarks of the Chairman that consultation should be conducted in a comprehensive and extensive manner.

61. There being no objection from Members, the Chairman declared that the motion was endorsed. SKDC would convey the request to LCSD and FEHD in writing.

(5) Request for enhancing the general out-patient service in Tseung Kwan O, which includes extending the service to Sundays and public holidays, and for 24 hours a day
(SKDC(M) Paper No. 219/19)

62. The Chairman said the motion was moved by Mr TSE Ching-fung and seconded by Mr LUK Ping-choi.

63. Mr LUI Man-kwong said no general out-patient clinic was provided in Tseung Kwan O South at present and expected that such clinic might be provided in the joint-user buildings in the future. However, the construction of the buildings would take a long time to complete. He had suggested at the meeting of SKDC that the Government could rent suitable shop premises or use other methods to provide temporary general out-patient services for residents of Tseung Kwan O South.

64. There being no objection from Members, the Chairman declared that the motion was endorsed. SKDC would convey the request to the Hospital Authority in writing.

(6) Request for indicating the names of speakers when drafting the minutes of all meetings under the Sai Kung District Council again to increase the transparency of discussion during the meetings
(The motion was amended as “Suggest the Sai Kung District Council (SKDC) discuss the drafting of the minutes of meetings of all committees under SKDC in the next term”)
(SKDC(M) Paper No. 220/19)

65. The Chairman said the motion was moved by Ms Christine FONG and seconded by Mr CHAN Kai-wai.

66. Mr LAU Kai-hong said this meeting was the last meeting of the current-term SKDC, and suggested leaving this matter to the next-term SKDC for a decision. Therefore, he moved an amended motion, namely: “Suggest the Sai Kung District Council (SKDC) to discuss the drafting of the minutes of meetings of all committees under SKDC in the next term”. The amended motion was seconded by Mr WONG Shui-sang.

67. Mr CHAN Kai-wai said members of the public were increasingly concerned about District Council affairs. Over-simplified minutes of meetings would make it difficult for the public to know which Members had expressed their views and what views they had expressed. Members of the public also did not know about the ways to distinguish the voices of Members when listening to the recordings. As a result, the public would be unclear about the orientation of Members and the content of their speeches. The intention of the original motion was to reflect the demands of the public, but he did not oppose leaving the matter for discussion at the next-term SKDC.

68. Mr WONG Shui-sang agreed with the views expressed by Mr LAU Kai-hong. He considered that Members who were present at the meeting did not know whether they would be elected again. Indicating the names of speakers might result in each Member speaking for three hours for the votes, which was meaningless.

69. Mr CHUNG Kam-lun said relevant matters had been discussed at the commencement of the current-term SKDC. In terms of accountability, recording the views of Members in a consolidated manner was not ideal. He had reservations about the amended motion raised by Mr LAU Kai-hong and supported the original motion. He did not agree that this matter needed to be discussed after the commencement of the next-term SKDC, as SKDC Standing Orders could be amended at any time, and the practice could be modified if Members of the next-term SKDC considered that the minutes of meetings were too lengthy. He supported indicating the names of speakers when drafting the minutes of meetings.

70. Mr CHEUNG Mei-hung considered that the reason for the mover to move the motion was the increasingly politicised matters in SKDC. Indicating the names of speakers when drafting the minutes of meetings could ensure the speaking right of Members, otherwise, the speech of Members would easily be quoted out of context. He hoped that Members could note the reason for moving the original motion.

71. Mr CHAN Kai-wai said it was difficult for Members to decide the way to record the minutes of meeting, and he also knew that the workload of the Secretariat was heavy. However, to safeguard the public's right to know, the Secretariat could only work harder. He recalled that Members had very diverse views when discussing whether to endorse the non-indication of the names of speakers when drafting the minutes of meetings, and the numbers of votes for and against the suggestion were similar. The practice of drafting minutes of meetings in a simplified manner was endorsed only after the Chairman had casted a vote for it eventually. He considered that this practice was worthy of reviewing again after four years' time.

72. The Chairman said this meeting was the last meeting of the current-term SKDC, and there were only several meetings of committees in which the practice of indicating the names of speakers when drafting the minutes of meetings could be implemented. As the method of drafting the minutes of meetings of the next-term SKDC could not be decided at the moment, he considered that leaving the matter for discussion at the next-term SKDC would be the most desirable way. He invited Members to vote on the amended motion.

73. The Chairman declared that the voting result was as follows: 15 votes for the amended motion, 13 votes against it and 0 abstention. The Chairman declared that the amended motion was endorsed and asked the Secretariat to follow up.

(7) Request the government departments to strengthen enforcement actions against the abuse of small house policy

(The motion was amended as 'Request the Government to handle the applications for small houses according to the provisions of the Basic Law and the existing "small house policy" to avoid the long delay of existing legitimate applications, and to prevent the abuse of the policy')

(SKDC(M) Paper No. 221/19)

(8) Request the Government to investigate and combat illegal acquisition of small house concessionary rights, and to review and reform the small house policy

(The motion was amended as "Request the Government to truly implement the small house policy to protect the traditional rights and interests of indigenous inhabitants, and to review and reform the small house policy to prevent the continuance of illegal acquisition of small house concessionary rights")

(SKDC(M) Paper No. 222/19)

74. As the contents of motions (7) and (8) were related, and there being no objection from Members, the Chairman declared that they would be discussed together.

75. The Chairman said Ms Christine FONG had informed the Secretariat on 2 September that she would make an oral statement at the meeting. According to Order 25 of SKDC Standing Orders, any statement put to a meeting of the Council must be compatible with the functions of the Council; while Order 29 states that a Member who wishes to make an oral statement shall inform the Secretary before the meeting, but the oral statement should not take more than five minutes.

76. The Chairman asked Ms Christine FONG to make the oral statement.

77. Ms Christine FONG said firstly, she would like to thank Hon Gary FAN and Mr LUK Ping-choi for their concerns over her involvement in a case related to small house. Given that her case was already on appeal, the discussion of the case under trial or its content today would affect the judicial processes, which was not only unfair to her or the relevant appellant, but also affected the judicial system of Hong Kong, and SKDC or individual Member might have to bear the legal liabilities for this. She said she had originally reflected to the Secretariat that she would like to table the statement at the meeting, but it seemed improper or inconvenient to do so because according to the relevant procedure, the statement needed to be read out. She would read out her statement briefly: “I had engaged in the real estate industry in the first half of my life. I was only twenty odd years old when I joined the industry, my innocence had resulted in some legal proceedings. In the latter part of my life, I am a DC member. I am terribly sorry that the legal proceedings brought about by my work in the first half of my life had caused disappointment to the public. I myself regretted about it too. After repeated self-reflection, I believe that I understand the evolution of the small house policy before and after 1997, and am familiar with the evolution and procedures of the policy. I believe that Members who are present at the meeting will not query that I, Christine FONG, have the qualification and knowledge to express my views on the reform of small house policy in the future. It will also be a relief for me if I can atone for my faults by making Hong Kong a better place with the experience I gained in the first half of my life. Dear all, regarding the small house policy under discussion today, no matter whether you are the proposer, or the proposer of amendment to the motion, I would like to tell you that I am in support of making amendment to the small house policy. I believe that the reform of small house policy, which has a history of almost fifty years and affects 700 000 indigenous inhabitants and the long-term planning of housing in Hong Kong, cannot be done overnight. I also think that the

cutting of the demands of residents in the New Territories on housing and their hope for making applications “across-the-board” as written by the Neo Democrats and Concern Group for Tseung Kwan O People’s Livelihood are but slogans. I believe that the two Members do not really understand what the villagers in the New Territories want, but I understand. Actually, many villagers’ applications for building small houses are not successful despite the fact that they have been waiting for many generations. Moreover, the applications for building small houses on private land will also take at least ten to twenty years. Therefore, if the Government can optimise the use of land in Hong Kong by assisting the people in need to wait for public housing and Home Ownership Scheme (HOS) flats, or even replacing small house with small buildings, I will surely support the reform. In addition, a clear legislation is also essential to the policy reform to prevent the public from breaching the law inadvertently. I will describe and compare myself to a woman who has smoked indoors. With the update of the legislation, it is an offence to smoke indoors nowadays. My smoking indoors twenty seven years ago is considered a breach of the law today. I can do nothing about it. Anyway, I will bear in mind that as a DC Member, I will observe the law for the rest of my life. I hope that all of you would understand that we all have done something wrong in our lives.”

78. The Chairman said motion (7) was moved by Mr LUK Ping-choi and seconded by Mr TSE Ching-fung; while motion (8) was moved by Hon Gary FAN and seconded by Mr Frankie LAM.

79. Members noted the written response from DLO/SK (SKDC(M) Paper No. 239/19).

80. Mr WONG Shui-sang praised Ms Christine FONG for her courage. He said given the constant changes in government policies, he considered her behaviour in the past “one who did not know was not guilty”. The case of “acquisition of small house concessionary rights” was currently under trial, it was not yet concluded whether the acquisition of small house concessionary rights was an offence. Before the case related to the “acquisition of small house concessionary rights”, there was no such thing as illegal acquisition of small house concessionary rights. He agreed with what Ms Christine FONG had said that her mistake was not considered a mistake at that time. The incident related to the “acquisition of small house concessionary rights” should be handled by the court rather than being discussed at DC. Small house was a problem left over from history. He explained that the small houses given by the then British Hong Kong Government to the indigenous inhabitants in the New Territories were equivalent to the HOS flats nowadays, which were essential housing. After the British

army took control of Hong Kong, many residents of the New Territories resisted and resulted in casualties in Yuen Long. The British government was fearful of the residents in the New Territories and did not want the conflicts to continue, which had led to the continuous implementation of the “Qing Law” in places to the north of Boundary Street. The people who lived in those places formed villages and set up their ancestral halls. The sons of the villagers also lived together at those villages and formed communities and community groups. He continued that in his granddads’ day, villagers could build houses on any place in the village, they only had to register with the Government after the house was built. At the time of the then British Hong Kong Government, since 1905, the Government would send its staff to measure a house after it was registered for the sake of “government rent”. The land that could not be used for farming and those used as access roads were not subject to “government rent”, they became “Crown Land”.

81. The Chairman said Members should discuss whether they agree, disagree or would like to amend the motion.

82. Mr LAU Kai-hong said the small house policy had a very long history. Small houses were the traditional rights and interests of indigenous inhabitants. This was stipulated in Article 40 of the Basic Law, and the traditional rights and interests were not limited to small houses. As the small house policy was being reviewed constantly, some cases involving land of private treaties and government lands were currently under judicial reviews. In Hang Hau Village, Fu Tau Chau Village, Tin Ha Wan Village and Yau Yue Wan Village of Tseung Kwan O, there was no more private land for any indigenous inhabitants to build their own small houses. The protections for indigenous inhabitants were getting fewer and fewer nowadays. He hoped that Members would understand that the “acquisition of small house concessionary rights” was a generic term for an application procedure, but not that for an illegal behaviour. He explained that the “acquisition of small house concessionary rights” was an application submitted by an eligible indigenous inhabitant regarding a private land, it was not simply the “selling of small house concessionary rights” or selling a land and then making an application. He continued that indigenous inhabitants must protect their own traditional rights and interests. Regarding the motion raised by Mr LUK Ping-choi, he moved an amended motion, the wording of which was: ‘Request the Government to handle the applications for small houses according to the provisions of the Basic Law and the existing “small house policy” to avoid the long delay of existing legitimate applications, and to prevent the abuse of the policy’. Mr YAU Yuk-lun seconded the amended motion.

83. Mr Edwin CHEUNG said he would like to express his views on Motions (7) and (8) together. He supported the study and reform of the existing small house policy by the Government so as to improve it. However, as Ms Christine FONG already said in her oral statement, she had made an appeal to the High Court in respect of her case, he considered it extremely improper and not desirable to put forward motion and have any discussion over the incident at SKDC at this moment. To avoid SKDC from setting a very bad precedent and the possible perverting of the course of justice and hampering of judicial independence, he hoped that such motions would not be discussed at SKDC. However, he reiterated that he supported making improvement to the relevant policies.

84. The Chairman said the content quoted by Members who put forward the motions were facts already disclosed to the public. What the meeting was discussing today was not any individual case, but the small house policy mentioned in the motions.

85. Mr LAI Ming-chak said the two motions in question aimed mainly at exploring the small house policy and whether some behaviours were caused by the Government's "doing nothing". It was not necessary that the small house applicants should be blamed for causing the problems, it might be the Government's "doing nothing" that had caused misunderstanding among the public. Moreover, Motions (7) and (8) were neither ignoring the housing needs of indigenous inhabitants in the New Territories, nor stopping them from obtaining any residential housing or small house "across-the-board". As people in Hong Kong were facing the problems arising from the inadequacies of housing policy, he considered that the small house policy should be addressed from two perspectives. Firstly, from the legal perspective, after it was found in some unauthorised structures or "acquisition of small house concessionary rights" incidents that someone had not followed the proper procedures, and such behaviours were even judged by the Court as not proper, the public queried and hoped for the reviews of the relevant policy. Secondly, from the perspective of overall policy, it was necessary to discuss issues like whether it was possible for Hong Kong to continue with the small house policy in the future, or whether there was any faster way to meet the housing needs of indigenous inhabitants given the shortage of land supply. He considered the existing situation should not be continued.

86. Mr YAU Yuk-lun declared that he was an indigenous inhabitant. The contributions of indigenous inhabitants were great. For example, the indigenous inhabitants in Tseung Kwan O Village and Yau Yue Wan Village, etc., had contributed their land for the development of the community. Besides, his ancestor had contributed two sites

on Clear Water Bay Road at the price of less than one dollar many years ago. In the 50 and 60s, many refugees came to Hong Kong from the Mainland. The indigenous inhabitants welcomed them to settle and find a place to live in their villages. Actually, an indigenous inhabitant could build a house as long as he was able to find a suitable location and had enough money, he only needed to make a registration afterwards. Nowadays, the public considered themselves as “Hong Kong people”; the indigenous inhabitants had become the minority. Some people were jealous of the rights of the indigenous inhabitants and alienated them. He considered their behaviours very wrong. When comparing the small houses built in the early 70s with those built nowadays, one could see how miserable the indigenous inhabitants were. If they submit applications for building small houses on the hill, they had to bear the responsibility of building the retaining wall; while the Government could shift its responsibilities. He pointed out that it only needed one to two million dollars to build a small house, but it would cost over ten million dollars to carry out the retaining walls works. He considered that the small house policy should aim at providing housing for indigenous inhabitants. He also pointed out that policies that could handle the issue in question had been adopted in Mainland. He agreed that there was a need to discuss how to improve the relevant policy, but the indigenous inhabitants, who had made contributions to Hong Kong, should not be prejudiced against; the attitude of the majorities bullying the minorities should not be adopted in handling housing policy. He continued that the indigenous inhabitants did not oppose the purchase of small houses by people living in the urban areas. Given the affordable prices of these houses, purchasing them was also a way of achieving home ownership. He hoped that everyone could get a deeper understanding of the relevant history. Regarding the motion raised by Hon Gary FAN, he put forward an amended motion, the wording of which was: “Request the Government to truly implement the small house policy to protect the traditional rights and interests of indigenous inhabitants”. Mr LAU Kai-hong seconded the amended motion.

87. Hon Gary FAN said he would like to handle the enquiry raised by Mr Edwin CHEUNG regarding the procedures before speaking about the motion he raised. He said in terms of procedures, the response just given by the Chairman had confirmed that the two motions requesting the Government to combat illegal “acquisition of small house concessionary rights” handled by SKDC today were not related to the cases currently under trial by the Court, they would not pervert the course of justice or affect the rights and interests of the plaintiffs and defendants of the cases being handled by the Court. The reasons being that the cases involved things that had happened and already disclosed to the public, including the judge’s judgement that Ms Christine

FONG was an untruthful witness of the “acquisition of small house concessionary rights” case. The essence and original intentions of Motions (7) and (8) were requesting the Government to combat the illegal “acquisition of small house concessionary rights”, which were about the justice in use of land and whether the Government should step up efforts in combating the illegal behaviours and carry out reviews and reforms in the future. The improvement to the policy just mentioned by Mr YAU Yuk-lun and the sayings of Messrs WONG Shui-sang and LAU Kai-hong that there should be deeper understanding of the small house policy history were surely worthy of discussion, but the first step should be reviewing and reforming, or improving the relevant policy. He continued that the case involving Ms Christine FONG was only a footnote; while the two motions, in particular the motion raised by him which mentioned the “acquisition of small house concessionary rights” by 11 indigenous inhabitants in Sha Tin in 2015, were also footnotes. He would like to draw Members’ attention to the wordings of the motions, which were the actual core ideas, to facilitate Members to decide whether the small house policy should be reviewed. Hon Gary FAN continued that what Ms Christine FONG said about cutting the applications of all villagers “across-the board” were untrue. Ms Christine FONG had gone so far as saying something not mentioned in Motions (7) and (8), and Messrs WONG Shui-sang and YAU Yuk-lun had fallen into the “trap”. The two motions did not mention depriving the indigenous inhabitants of their rights to make applications for building small houses. Instead, they requested the combat of illegal “acquisition of small house concessionary rights” as preparations for reforming and reviewing the small house policy, or even to carry out both simultaneously. Both motions had not involved any statutory procedure. He suggested Messrs LAU Kai-hong and YAU Yuk-lun to put forward extempore motion(s) after getting the approval of the Chairman rather than making amendments to the existing motions. The intention of the original motions was to address the illegal “acquisition of small house concessionary rights”, with the reform of the existing small house policy as the core idea.

88. Mr LUK Ping-choi said the meaning of the motion moved by him was largely the same as that moved by Hon Gary FAN. The motions mainly aimed at combating the illegal “acquisition of small house concessionary rights”, they were not opposed to something that was legal. He believed that the existing small house policy had room for improvement. For example, only small houses of two-storey were allowed to be built at present. Given the huge population in the New Territories as mentioned by Members, and taking into account the tension created by the existing population and housing policy, he considered that discussion on improving the existing policy could be held, e.g. whether it was possible to build small houses of more storeys, etc., which

would in no way contradict with the principle of Motions (7) and (8). He emphasised that the motions were not aimed at blaming or expressing dissatisfaction over the existing small house policy, but to show zero intolerance to illegal behaviours.

89. The Chairman invited Members to vote on the amended motion moved by Mr LAU Kai-hong, which read: “Request the Government to handle the applications for small houses according to the provision of the Basic Law and the existing “small house policy” to avoid the long delay of existing legitimate applications, and to prevent the abuse of the policy”.

90. Hon Gary FAN requested for making a formal speaking in relation to the amended motion.

91. Mr CHAN Kai-wai opposed to allowing Hon Gary FAN to speak again. He did not agree that for the same issue, a Member could speak for several times by differentiating the speaking as discussion of principle and actual discussion of the motion.

92. Hon Gary FAN said the speaking he just delivered was about the procedures, the nature of which was similar to the oral statement made by Ms Christine FONG.

93. Mr CHAN Kai-wai said Hon Gary FAN had already spoken for four minutes. If every Member requested for delivering a speaking relating to the procedures, then, all of them could deliver many speaking of four minutes. If Hon Gary FAN was allowed to do so, he would do so too.

94. Hon Gary FAN asked Mr CHAN Kai-wai if he was afraid and worried that the court case involving Ms Christine FONG would be mentioned during the discussion.

95. Mr CHAN Kai-wai replied that he was not afraid. He queried whether Hon Gary FAN had the privilege not to observe the Standing Orders in his capacity as a Member of the Legislative Council (LegCo).

96. The Chairman asked Members to address the issue in a peaceful manner. He also said as Hon Gary FAN and Mr LUK Ping-choi had explained the original motions that they moved, the meeting should proceed to voting on the amended motion moved by Mr LAU Kai-hong.

97. Hon Gary FAN said he considered it normal to state his voting position and making explanation on it and emphasised that the speaking he just delivered was a speaking about the procedure, the nature of which was similar to the oral statement requested by Ms Christine FONG.

98. Hon Gary FAN requested again for speaking on the illegal “acquisition of small house concessionary rights” and the legitimate applications of small houses.

99. The Chairman said Members had been allowed to make sufficient discussion. He invited Members to vote on the amended motion moved by Mr LAU Kai-hong again.

100. Hon Gary FAN said according to the relevant procedures, it was necessary to discuss the amended motion.

101. Mr CHEUNG Mei-hung queried whether LegCo Member had privilege. He pointed out that Hon Gary FAN had already spoken for four minutes.

102. Mr CHAN Kai-wai requested the LegCo Member to respect the Standing Orders.

103. The Chairman asked Members to register at the voting system to cast their votes.

104. Mr Stanley TAM said even if Hon Gary FAN was not allowed to speak again, other Members should be allowed to do so. He considered it inappropriate to vote under the existing circumstances.

105. The Chairman hoped that Members could respect each other. He pointed out that as Hon Gary FAN had already spoken for four minutes, he might ask other Members to speak on behalf of him.

106. Mr KAN Siu-kei considered the disputes meaningless. Every Member could speak for a maximum of four minutes. The oral statement made by Ms Christine FONG was also counted towards the four minutes and she had not spoken again since then. As for Hon Gary FAN, since he had spent four minutes to speak about the procedures, it was not desirable if he spoke again. He said he was neutral on the issue, which was not relevant to him.

107. Mr LUK Ping-choi said as the speaking just delivered by Hon Gary FAN and he himself were about their own original motions, Members had not discussed about the

amended motion raised by Mr LAU Kai-hong, he hoped that the Chairman would allow Members to discuss the amended motion.

108. Mr Raymond HO suggested adjourning the meeting for five minutes.

109. The Chairman considered the adjournment of meeting not necessary. He asked Members to put forward their views on the amended motion.

110. Mr LAI Ming-chak said he hoped to reiterate the intention of the original motions. The shortage of land stated in the original motions might drive the indigenous inhabitants in possession of concessionary rights but did not have any land to build small houses to choose to conspire together with the developers to make false statements and transfer the concessionary rights, but in the end, they were not the ones who benefited most. He considered the Government's imposing severe punishment on illegal "acquisition of small house concessionary rights" a starting point, without which there would be no starting point for examining the overall small house policy, and then conducting a thorough review to ensure the effectiveness and fairness of the land policy. This was what the problem was about and the thing to be handled as requested in the original motions. He considered that the Government would not handle the issue if it was not being raised. He also pointed out that both the indigenous inhabitants and the general public queried whether the existing small house policy could remain as it was in the long term. Therefore, he had reservation over the amended motions and considered that if there would be no review and the existing opportunity was not seized to handle the problem, the small house policy would only exist in name. The indigenous inhabitants could only continue waiting for the approval of their applications for small houses or finding land with their own means but might breach the law as a result. He believed that no one could benefit if the small house policy continued to exist in name only. He reiterated his reservation over the amended motions raised by Messrs LAU Kai-hong and YAU Yuk-lun.

111. The Chairman said he had not provided any time to discuss the amended motion raised by Mr LAU Kai-hong because as he remembered, for the meeting held in the past, there was no discussion on amended motions. Members would vote on the amended motion once it was moved. If necessary, Members could decide at the DC of the next term whether it was necessary to discuss the amended motions. For now, he would maintain the original decision. He invited Members to vote on the amended motion raised by Mr LAU Kai-hong.

112. Mr CHAN Kai-wai said he had not spoken on the motion. He pointed out that he had raised his hand for a long time requesting to speak, but the Chairman did not notice it.

113. The Chairman invited Members to vote on the amended motion raised by Mr LAU Kai-hong.

114. The Chairman announced that the voting result was as follows: 18 votes for the amended motion, 0 vote against it and 9 abstentions. The Chairman declared that the amended motion raised by Mr LAU Kai-hong was endorsed. SKDC would convey the request to DLO/SK in writing.

115. Mr Francis CHAU said as the Chairman had not provided any opportunity for discussion, he had chosen not to vote.

116. The Chairman invited Members to vote on the amended motion raised by Mr YAU Yuk-lun.

117. Hon Gary FAN said, given that there was no opportunity to debate, he would like to read out the content of his motion as follows: “The original intention of the small house policy was to guarantee the living environment of the residents in the New Territories. However, since the 1970s, the selling and purchase of small houses, which were commonly known as “acquisition of small house concessionary rights”, had resulted in the abuse of the policy. The public considered that the “acquisition of small house concessionary rights” was a privilege as the land and environment problems associated with the “acquisition of small house concessionary rights” spread in different regions of the New Territories. However, the Government did not consider reviewing or curbing the “acquisition of small house concessionary rights”. As calculated by the studies conducted by the public, as at end-2017, a total of about 9 900 small houses were suspected to be small houses built through “acquisition of small house concessionary rights”, which accounted for 23% of the 42 131 small houses approved to be built since 1972. From the fact that the first convicted case of “acquisition of small house concessionary rights” only appeared in Hong Kong in 2015, one could see that the Government had done nothing to stop the “acquisition of small house concessionary rights” over the years. The case of “acquisition of small house concessionary rights” in 2015 was about 11 indigenous inhabitants of Sha Tin and the developer who were accused of conspiring together to carry out fraud. Given that the indigenous inhabitants involved in the case had the concessionary rights but no land to

build their small houses, they were not eligible for making application for building small houses. However, they conspired together with the developer to get the approval for building small houses through false statements and documents, but in fact, they had sold their small house concessionary rights. What's more severe was that a SKDC Member had involved in the dispute over the "acquisition of small house concessionary rights". Ms Christine FONG was accused of cooperating with a land owner to develop small houses through her property agency during the period from 1995 to 2007. She approached an indigenous inhabitant to get his small house concessionary right illegally, and then developed small houses for making profit. However, the project was not completed in the end. As Ms Christine FONG failed to return the land, the offspring of the land owner filed a petition to the High Court for claiming compensation from Ms Christine FONG on the ground that the project involved illegal "acquisition of small house concessionary rights" and that the project was not completed as scheduled. Finally, the High Court ruled against Ms Christine FONG. The judge pointed out in the judgment that as a male offspring had involved in making false statement to the Lands Department (LandsD) before the construction of small houses, he/she considered that the small house development project in question was illegal. Therefore, it was adjudicated that the agreement prepared by Ms Christine FONG was invalid, she had to give a compensation of about \$820,000 and return the land in question and the constructed units. From this case, one could see that there were loopholes in the small house policy. Someone had got rich by abusing the small house policy and this had caused a sense of unfairness among the public. There was an urgent need to reform the policy. The Government should curb and severely punish the "acquisition of small house concessionary rights", impose heavier penalty to increase the deterrent effect. In the long-run, the Government should carry out a thorough review of the small house policy to ensure that the valuable land could be distributed to the public in a fair and efficient manner. The wording of the motion was: "Request the Government to investigate and combat illegal acquisition of small house concessionary rights, and to review and reform the small house policy".

118. Mr Peter LAU said given that there were more than 40,000 applications for small houses from 1972 up to now, it was improper to discuss individual incident at the meeting. He also queried that the content of the original motion did not mention the contributions of indigenous inhabitants, but only described the small house policy for indigenous inhabitants as a privilege, which might be misleading. He reiterated that the small house policy was only protecting the traditional rights and interests of indigenous inhabitants but not offering them any privilege.

119. Mr WONG Shui-sang said the appeal lodged by Ms Christine FONG was not yet concluded; the 11 indigenous inhabitants of Sha Tin involved in the “acquisition of small house concessionary rights” case in 2015 were all released on bail and considering lodging an appeal, and Heung Yee Kuk and the Government had lodged an appeal. Given that all cases were not yet concluded, he pointed out that the content of the original motion was misleading, Members might consider that the 11 indigenous inhabitants of Sha Tin had been convicted. He also considered that the discussion of the issue at this time would pervert the course of justice.

120. Mr CHAN Kai-wai said there had been news about the “acquisition of small house concessionary rights” in the past two years, but no Member had raised any motion on the issue at SKDC meeting or put forward any question related to it at LegCo. He believed that someone was stretching the topic to fit his agenda. He recalled that the Pearl Channel had conducted an interview over the involvement of Members of the rural sector in issues related to small houses at the Conference Room of SKDC in the past. The Member in question did not speak on the issue at that time, but when Ms Christine FONG was found involved in similar case, the Member criticised her continuously. He doubted if someone was avenging a personal wrong in the name of public interest. He described Ms Christine FONG as being stupid. When she was graduated some 30 years ago, someone invited her to invest and she agreed. As she had not studied marketing and was not engaging in the management sector, she did not know how to run a shop, she made a mistake as a result. He pointed out that many Members had frequently said in the media that the youngsters were young and innocent, they should be given an opportunity after they had made a mistake. However, those Members were now adopting double standard because the youngsters had the rights to vote, someone was doing something for the election. SKDC just played an advisory role, however, Hon Gary FAN had brought politics into the Council, the purposes of which, as he suspected, was for canvassing votes. He continued that Ms Christine FONG had admitted making a mistake when she was young and innocent. If Hon Gary FAN found any problem, he could report the problem to the law enforcement departments, which could bring her to justice if there were sufficient evidence. He requested Members to respect the views of the court. Fully aware that the departments concerned would only give a general reply to the motions, Hon Gary FAN had raised the motion only to waste time and toy with politics, with the purposes of attacking a person who had made a mistake 30 years ago. On the other hand, he was asking others to give opportunities to the youngsters, he was indeed saying one thing and doing another. He continued that as the judgments of civil and criminal cases were usually different, he queried if Hon Gary FAN would apologise to Ms Christine FONG if her

appeal was successful. He considered that youngsters or anyone who had made a mistake should be given an opportunity, no double standard should be adopted.

121. Mr Francis CHAU said given that small house policy was related to the traditional rights and interests of indigenous inhabitants stipulated in the Basic Law, coupled with the fact that the Government had lodged an appeal, it was not proper for him to speak on the issue. He said although he was living in a re-sited village, he was not an indigenous inhabitant. For some twenty years in the past, SKDC had been striving for extending the village-type development zone. In fact, the indigenous inhabitants had sacrificed their original interests and rights for the development of new towns, including the development of the Tseung Kwan O New Town and other places. He had noticed a long time ago that LandsD had been processing the applications for small houses in a relatively slow pace, some 900 outstanding applications were accumulated and the applicants had to wait for a very long time. As Hong Kong was small and densely-populated, any improvement to the small house policy, for example, permitting small houses to have 3 or more storeys, etc., needed to be discussed. He continued that the amended motion was slightly different from the original motion. The original motion requested for review and reform; while the amended motion requested for the true implementation of small house policy and protection of rights and interests, the parts related to review and reform were missed. Given that he had reservation over the amended motion but also agreed that the rights and interests of indigenous inhabitants should be respected, he would cast an abstention vote. He considered that all Members would like to discuss about the small house policy, but he did not support discussing individual case at SKDC because firstly, this might affect the judgment of the court, and secondly, opportunity should be given to anyone who admitted his / her mistake.

122. Mr CHEUNG Mei-hung said, as Mr Edwin CHEUNG just mentioned, the case in question had entered the appeal procedure. The continuous discussion of individual case might, to a certain extent, involve perversion of the course of justice. He did not hope that SKDC would need to bear any responsibility for this, and hoped that the minutes of motions (7) and (8) would be drafted with the names of speakers indicated. Many Members had already expressed different views, he considered discussion relevant to the issue or discussion on how to amend the small house policy acceptable. However, if anyone kept stretching the topic to fit his/her agenda, it might pervert the course of justice. If the minutes of meeting did not record Members' views clearly or that Members' views were consolidated in the minutes, then, SKDC might have to bear certain responsibility. He did not hope that SKDC would set a bad precedent in the

18 DCs by giving a lengthy description of a Member's involvement in a judicial case in the content of a motion. Therefore, he hoped that the Chairman could permit indicating the names of speakers of these two motions when drafting the minutes of meeting.

123. The Chairman said the minutes of the full council meeting of SKDC had all along been drafted with the names of speakers indicated.

124. Mr CHUNG Kam-lun said there was no conflict between the amended motion raised by Mr YAU Yuk-lun and the original motion. He suggested combining the two motions and raised another amended motion.

125. The final wording of the amended motion raised by Mr CHUNG Kam-lun was: "Request the Government to truly implement the small house policy to protect the traditional rights and interests of indigenous inhabitants, and to review and reform the small house policy to prevent the continuance of illegal acquisition of small house concessionary rights". The amended motion was seconded by Mr LEUNG Li.

126. The Chairman invited Members to vote on the amended motion raised by Mr CHUNG Kam-lun.

127. The Chairman announced that the voting result was as follows: 17 votes for the amended motion, 10 votes against it and 1 abstention. The Chairman declared that the amended motion raised by Mr CHUNG Kam-lun was endorsed. SKDC would convey the request to DLO/SK in writing.

(9) Request the MTR Corporation Limited to update the Octopus sensors on ticket gates

(SKDC(M) Paper No. 223/19)

128. The Chairman said the motion was moved by Mr LAI Ming-chak and seconded by Hon Gary FAN, Messrs LEUNG Li, CHUNG Kam-lun, LUI Man-kwong and Frankie LAM.

129. Members noted the written response from MTR Corporation Limited (MTRCL) (SKDC(M) Paper No. 235/19).

130. Mr LING Man-hoi said he had recently learnt from the television media that the

Octopus ticket gates of MTRCL had been damaged, which reminded him of the song entitled “Hard to draw a line between righteous and evil” (translation). Part of the lyrics mentioned that “while someone are working hard to build; some others are indulging in destruction” (translation), which was exactly what he felt at this moment.

131. There being no objection from Members, the Chairman declared that the motion was endorsed. SKDC would convey the request to MTRCL in writing.

(10) Request the Government to adopt measures to assist residents to handle the condensation problem on the floors of their units caused by the improper use of air-conditioners by lower floor units
(SKDC(M) Paper No. 224/19)

132. The Chairman said the motion was moved by Mr CHUNG Kam-lun and seconded by Hon Gary FAN, Messrs LEUNG Li, LAI Ming-chak, LUI Man-kwong and Frankie LAM.

133. Members noted the written responses from FEHD and HD (SKDC(M) Paper Nos. 236/19 and 237/19).

134. Mr CHUNG Kam-lun said the written response from FEHD mentioned that it would be difficult to invoke the existing legislation to follow up on the condensation problem if it was not caused by improper use of air-conditioners. After reading the relevant statutory provisions in detail, he found that although the provisions related to constituting a nuisance could not be invoked for the temperature difference problem caused by air-conditioners, those provisions could be invoked for the improper use of air-conditioners. Therefore, he would like to discuss the matter in detail. He had followed up with FEHD on the condensation problem in the district. Although FEHD had always been proactively helping residents to handle the relevant problems, there were inadequacies in the existing legislation. Therefore, he hoped that FEHD could reflect to the Food and Health Bureau for exploring the feasibility of amending the law. In the past, his office handled the condensation problem through mediation. As mediation was grounded in the voluntary communication between the two parties, not every case could be solved through mediation. He hoped that FEHD would formulate more effective measures or consider amending the law to solve the condensation problem in the district.

135. Mr KAN Siu-kei said he often received complaints relating to the condensation

problem. When handling the complaints, he as a Member of SKDC would mediate the disputes between the owners of upper and lower floor units, and the problem could be solved if a consensus could be reached. He also pointed out that his wife had once almost slipped because of condensation water on the floor. He had discussed the condensation problem with the household below his flat, however, the latter had refused to communicate with him. Therefore, he considered that a mutual understanding between the households of upper and lower floor units was necessary for solving the condensation problem, and he had also handled this type of complaints successfully. Besides, as some children slept on the upper deck of bunk beds, their parents would adjust the air outlets of air-conditioners upwards in order to prevent cold air from directly blowing towards them, resulting in the condensation problem on the floor of the upper floor unit. He considered that this type of cases was difficult to be solved. Water dripping from air-conditioners in public housing estates could be handled with the Marking Scheme for Estate Management Enforcement, and FEHD could also impose corresponding penalties against dripping air-conditioners in other buildings. However, no legislation was in place to restrain the condensation problem. Therefore, he hoped that the departments concerned could explore effective measures to handle the problem.

136. Hon Gary FAN said in accordance with his experience in handling cases relating to the condensation problem for more than ten years, apart from upper and lower floor units, some cases involved residential units and kindergartens or community service organisations on the ground floor. Most of the members of the public did not know that using air-conditioners inside their own properties might cause inconvenience to others. Therefore, he asked HD and FEHD to step up publicity and education to raise public awareness, step up efforts in mediation or consider amending the law to handle the condensation problem more effectively.

137. Mr LUK Ping-choi said he had received many complaints relating to the condensation problem, and the heads of households of lower floor units might not know that their use of air-conditioners would cause inconvenience to others. Apart from stepping up publicity, he considered that the departments concerned could consider providing guidelines to the offices of Members or the management companies. With the support of relevant guidelines, Members could communicate more effectively with the owners concerned, thus solving the problem.

138. Mr CHONG Yuen-tung said he had been receiving an increasing number of complaints relating to the condensation problem over the past some ten years, and

considered that the departments concerned needed to step up publicity and education and to issue guidelines. He had consulted architects and engineers, who considered that the thickness of floor slabs of newly constructed buildings had been reduced. Although there was no structural safety problem, the buildings might be prone to problems such as noise and seepage problems, etc. because of the thin floor slabs. He suggested that the Buildings Department should also inspect the thickness of floor slabs as well as problems such as condensation and seepage, etc.

139. Mr WAN Kai-ming said various Members had received many complaints relating to the condensation problem in summer. At present, the problem was mainly resolved by co-ordination between the households of upper and lower floor units, or could only be solved if the household of the lower floor unit was willing to increase the air-conditioning temperature or to adjust the air outlet downwards. He also recalled that a household of the lower floor unit said the air-conditioning temperature had been adjusted to only 25 degrees Celsius. However, the elderly singleton of the upper floor unit might wish to save electricity cost, and thus did not use air-conditioning. As a result, the condensation problem occurred because of the temperature difference, which caused the resident upstairs to slip and sustain injury easily. Given that there was no relevant legislation to regulate the problem, injured persons could not pursue the responsibility through legal procedures. He suggested FEHD to provide guidelines for handling the condensation problem, to step up publicity and education, to consider amending the law and to make reference to other effective methods of handling water seepage problems as well as to conduct tests for the residential units involved. If necessary, warning letters could also be issued at the same time to solve the problem effectively.

140. Mr CHEUNG Mei-hung suggested FEHD to set up a mediation mechanism with regard to the condensation problem. He said the Department of Justice had hired many mediation experts who could assist in mediating the disputes between upper and lower floor units caused by problems such as condensation or water seepage, etc. As infrared thermography was being used by three districts in the territory at present, he hoped that FEHD could also use new technologies, including infrared thermography and radar detection, to handle the condensation problem. Besides, he asked whether the new technologies could be introduced in Sai Kung district.

141. Mr Wilson NG of FEHD responded that the thickness, thermal insulation capability and material of floor slabs were related to the condensation problem as it involved internal building structure. The condensation problem was different from

dripping air-conditioners. At present, there was inadequate evidence for invoking the Public Health and Municipal Services Ordinance (PHMSO) to handle the condensation problem. After receiving complaints from the public, FEHD would conduct follow-up investigations as well as communicate, advise and co-ordinate with the households concerned to minimise the impact on the upper floor households.

142. Mr Wallace LAU, Senior Property Service Manager/KWS, HD, said HD attached great importance to the condensation problem and would proactively handle each complaint. He also noted the views of Members.

143. Mr CHAN Kai-wai said if the PHMSO was to be invoked, one should pay attention to the definition of ventilating systems. As ventilating systems did not refer to individual electrical appliances, such as air-conditioners or exhaust fans, etc., care must be taken in obtaining evidence when invoking the relevant legislation. Air-conditioners mainly comprised the condenser, compressor and evaporator. However, the general public might not be able to distinguish clearly. He was uncertain whether he had used the wording of “condensation water” correctly. He said the water accumulated on the floor was mainly caused by the improper use of air-conditioners, which resulted in a large temperature difference between the upper and lower floor units. The condensation problem was also related to the material of floor slabs. The problem would be more serious in units with marble floor slabs than those with wooden floor slabs. He considered that the condensation problem could be solved from the perspective of building structures by using thicker floor slabs or adopting the design of voids between upper and lower floor units for effective thermal insulation. However, such design would significantly increase the construction cost of the buildings. Therefore, he considered that a balance had to be struck and hoped that inter-departmental measures would be in place for solving the condensation problem.

144. Mr WAN Yuet-cheung pointed out that the mover had used the wording of “condensation water” correctly, and that condensation would occur both indoor and outdoor.

145. There being no objection from Members, the Chairman declared that the motion was endorsed. SKDC would convey the request to FEHD and HD in writing.

(11) Request for the genuine implementation of the accountability system for Principal Officials and the reorganisation of the Executive Council and the government committees on public affairs

(The motion was amended as “Given that the governing team of the Hong Kong Special Administrative Region Government (HKSARG) is unable to solve the existing conflicts and disputes in society effectively, the Council requests for the genuine implementation of the accountability system for Principal Officials by the HKSARG with a view to realising the principle of having politically appointed officials accountable for the policies they have implemented and a review on the structure and appointment of the Executive Council and the government committees on public affairs to make the HKSARG listen to public opinions and improve the livelihood of the citizens”)
(SKDC(M) Paper No. 225/19)

146. The Chairman said the motion was moved by Mr CHEUNG Mei-hung and seconded by Mr Edwin CHEUNG.

147. Mr WAN Yuet-cheung said he agreed in principle with the content of the motion. He also agreed that officials breaching their duties and who were incompetent should take responsibility by stepping down. However, in view of the present social unrest, priority should be given to stop the violent acts and social rift, and to restore public order as soon as possible. He raised an amended motion, the wording of which was: “Request for reviewing the accountability system for Principal Officials, the Executive Council and the government committees on public affairs”. The amended motion was seconded by Mr Philip LI.

148. Mr CHEUNG Mei-hung said people of all standpoints were unhappy about the incidents happened over the past few months. Looking back at the Government of the last few terms, the then Secretary for Security (S for S), Mrs Regina IP, stepped down in 2003 because of the inadequacies in handling Article 23 of the Basic Law; the then Financial Secretary, Mr LEUNG Kam-chung, Anthony, stepped down in 2003 because he jumped the gun in buying a car before presenting the Budget; the then Secretary for Development, Mr MAK Chai-kwong stepped down because of the misconduct committed many years ago. But nowadays, after some ten years, even though the Secretary for Justice (SJ), Ms Teresa CHENG, was found to have misconduct like omission in declaring interests time and again, she refused to give explanation to the public, giving rise to an impression to the public that the bureaucrats were shielding one another. This was a deep-rooted social conflict; while the Fugitive Offenders Ordinance was just an immediate cause. The Government must handle the incident by tackling the deep-rooted social conflict. He considered that as the Central Government and the HKSAR Government agreed with the accountability system for

Principal Officials many years ago, they should implement the system genuinely so that officials who had evil intention or those who needed to be accountable for their official duties should step down to convince the public. Secondly, when CE explained to the public on the disturbances arising from the proposed legislative amendments, all members of the Executive Council (ExCo) dissociated from her one after another. In fact, the ExCo had adopted the collective accountability system, he did not understand why members of the ExCo could remain aloof from the incident, and considered that the Government should reorganise the ExCo in response to the disturbances caused by the proposed legislative amendments to the Fugitive Offenders Ordinance. Thirdly, if the government committees on public affairs only accepted members and individuals who would only say pleasing words but unwilling to tell the truth, or those who would merely support the Government, then the need for reorganising the ExCo and those committees would be more pressing. Based on the reasons mentioned above, he considered it necessary for him to raise a motion and hoped to get Members' support.

149. Mr Francis CHAU supported the original motion. He said, for the Government of the last few terms, there were Principal Officials who stepped down because of their misconduct. Regarding the incident occurred in the society recently, the focus fell on CE, however, apart from CE, the inability of the responsible officials to convince esteemed stakeholders on the issue reflected that they had not been working conscientiously. He considered that the Government must implement the accountability system for Principal Officials genuinely. Besides, he considered that the ExCo had not shared the responsibility with CE, although some Members had expressed different views to the Government during the course of the proposed legislative amendments, some others were only watching the fire from the other side of the river. He considered that there must be someone to reflect the truth to CE at the relevant committees to facilitate CE to communicate with the public. He supported the original motion.

150. Mr Edwin CHEUNG said there were many movements in the society over the last two months, however, he considered that some members of the public had forgotten the CHAN Tong-kai case and the content of the Fugitive Offenders Ordinance. He said Mr CHEUNG Mei-hung and he himself both considered that the Fugitive Offenders Ordinance was just the trigger, the root causes being the prolonged poor administration of the Government and that the accountability system for Principal Officials were not implemented genuinely, which had led to public grievances. As the seconder of the original motion, he supported the original motion completely.

151. Mr LAI Ming-chak supported the original motion because many officials had given the public the impression that they had stayed aloof from the incidents and only put the blame on CE. Even though the Principal Officials might have other considerations, the public felt that the Government had stopped operating in the last few months. He said the original intention of the accountability system for Principal Officials was to have officials responsible for their actions, but in fact, the system was not implemented. For the Government of the previous terms, some Principal Officials had resigned due to personal affairs or in the public interest; for the current term Government, the officials who had involved in personal scandals or the Secretary who was directly handling the Fugitive Offenders Ordinance did not have to bear any responsibility. The public were extremely disappointed about it, which had triggered the continuous disputes in the society. Certainly, there were people who considered that the Principal Officials involved could be asked to take up the responsibility after the incident was settled, but in fact, the public were really worried that after the settlement of the incident, the Government would not take any follow-up action. He considered that someone must be held responsible for the incident as soon as possible.

152. Mr LUI Man-kwong said regarding the disturbances associated with the proposed legislative amendments and the disputes arising from it, the public would usually put the blame on the Security Bureau (SB) and the Commissioner of Police. As one of the officials under the accountability system, S for S needed to consider stepping down. Under the existing situation, the public would doubt if the original intention of the accountability system for Principal Officials still existed, and the fact was that the system did not work at all. He considered that if any official made a serious mistake when implementing policies and carrying out something important, the Secretary and officials of the Bureau concerned needed to take responsibility by stepping down. The society was now full of grievances, the main reasons were that no matter what had happened, no one had to bear the responsibility. He considered that the accountability system for Principal Officials must be genuinely implemented.

153. Mr Stanley TAM said he did not intend to comment on the performance of the officials during the past few months, however, the continuance of the disturbances associated with the proposed legislative amendments up to now made it necessary for the Government to consider any method that could de-escalate or settle the incident, which included Principal Officials' taking responsibility by stepping down or establishing an independent commission of inquiry. He considered the incident not only a conflict between the Police and the public and pointed out that there were continuous conflicts even amongst members of the public. People with different

views hoped that the incident could be settled as soon as possible. He considered that in face of the existing social unrest, it was the Government's responsibility to make concession. If the incident was handled with an even more heavy-handed approach, the disturbances would become endless. In addition, regarding the re-organisation of government committees on public affairs, one should pay attention to how the Government would accept the views of the youngsters. Apart from appointing a limited number of young people as the members of individual committees, the many government advisory organisations should also accept the voices of youngsters.

154. Mr CHAN Kai-wai said senior officials should not only resign because of dereliction of duty or abuse of power, even if they did not have any problem with their conduct, as senior officials, they should take responsibility and step down when they lacked the ability to solve a problem or even worsen the problem. He considered that CE could not handle too many issues at the same time, the information provided by other officials and members of the ExCo would indirectly make her misjudge the situation. Given that even Administrative Officers were dissatisfied with the Government and voiced their opinions, if the Government still considered that no officials should take responsibility, then the Government would not be able to provide satisfactory explanation to the public and allay public resentment. He did not agree with the amended motion raised by Mr WAN Yuet-cheung because Hong Kong was currently critically ill, and everyone knew the cause of the problem, the continuance of such problem would only worsen the situation of Hong Kong and increase public grievances, which would trigger more people to take to the streets to protest. The continuous internal attrition in Hong Kong would only lead to a total destruction. As reported by Reuters, CE intended to resign because of the incident, but she had no choice. The report showed that the Government was aware of the cause of the problem, if the Council endorsed the amended motion and request for a review, it would make the Council a laughing stock. The correct way to handle the issue was to request the incapable officials to resign as soon as possible.

155. Mr CHONG Yuen-tung said, although there was much room for improvement in respect of the consultation and publicity when the Government implemented the Fugitive Offenders Ordinance, it was unfair to put all the blames on the framework and composition of the Government. The reason being that apart from the deficiencies of government officials, consideration of external and internal factors such as education and media, etc., should also be taken into account as a whole. Regarding the amended motion moved by Mr WAN Yuet-cheung, he considered that review and implementation were two completely different matters. Just as CE had said in the

audio recording that leaked, she would resign if she had a choice, but she had not done so because she wanted to shoulder responsibility and find a way to settle the incident. He considered that the Government should conduct a review as soon as the incident was settled and then implement the accountability system for Principal Officials, reorganise the framework of government departments, listen to the views of the public with a view to resolving the deep-rooted social conflicts, which was more practicable. He supported the amended motion moved by Mr WAN Yuet-cheung.

156. Hon Gary FAN said, the Council, the Government, CE and officials might have responsibilities on the incident, they might avoid political disputes or handle legislative disputes in their official positions or through platforms like the Council, etc. Given that the issue could not be handled even in the Council, the political conflict had been taken to the streets. If SJ, who was responsible for taking forward the Fugitive Offenders Ordinance, was genuinely held accountable and stepped down in mid-May, the social rift might have been mended, which might enable the Council to handle the dispute again, thus avoiding the public's taking to the streets to protest. He considered that the function of the Council was to handle political problem. The fact that a large number of members of the public had taken to the streets because of the proposed legislative amendments to the Fugitive Offenders Ordinance had reflected that the Hong Kong society attached great importance to this political and livelihood issue, which would affect the social stability, financial status, and market operation of Hong Kong. After one million members of the public had taken to the streets on 9 June, if S for S and CE had stepped down through the accountability system for Principal Officials, the serious conflict between the Police and the public might have been avoided; after the serious conflict between the Police and the public occurred, if S for S took responsibility and stepped down, the taking to the streets by two million members of the public on 16 June could also have been avoided, which in turn might have avoided the situations from becoming uncontrollable later. The original intents of different Members were the same, i.e. hoping that the policy implementation of the Government could get back to the right track, follow public opinions closely, mend the social rift, and to handle or stop police brutality, with a view to restoring the normal operation of the Hong Kong society. He considered that the officials concerned must take responsibility and step down, and the next step was to consider whether it was necessary to review and improve the system in question.

157. Mr CHUNG Kam-lun said CE had admitted that the proposed legislative amendments had failed completely, and the failure was caused by the problem with the government itself. Although CE described herself as having a good start, her

popularity rating had dropped to a record low among all CEs, coupled with the fact that no official under the accountability system had taken responsibility for the incident, CE had become the target of attack for everyone. He considered it necessary to reorganise the governing team of the Government. He also pointed out that the original intent of implementing the accountability system for Principal Officials was that politically appointed officials had to take responsibility. He moved an amended motion, the wording of which was: “As reflected by the disturbances arising from the proposed legislative amendments to the Fugitive Offenders Ordinance, the governing team of the existing Hong Kong Special Administrative Region Government (HKSARG) is unable to give timely response to the needs and aspirations of the public. The Council requests the HKSARG to genuinely implement the accountability system for Principal Officials with a view to realising the principle of having politically appointed officials accountable for the policies they have implemented, and to reorganise the ExCo and the government committees on public affairs to make the policy implementation of the HKSARG closer to public opinions”. The amended motion was seconded by Hon Gary FAN.

158. Mr Raymond HO said review was related to the system; while immediate implementation was a political issue. One country, two systems had been implemented for over twenty years so far, reviews on the reasons for the social unrest, political system and structure, relationship and interaction between China and Hong Kong, operation of Hong Kong Government, and civil service, etc., were indeed necessary. Given that many problems had surfaced during the movement in society, it was necessary to carry out a comprehensive review after the movement to identify the sources of such problems. Although government committees on public affairs were mentioned in the original motion, he considered that it was not a problem merely about those committees, but about whether the political structure as a whole was effective; the issues on how to retain the characteristics of Hong Kong under the principle of one country when “One Country, Two Systems” was implemented; the degree of autonomy that Hong Kong could achieve; and whether Hong Kong had the ability to achieve autonomy; all of which could not be handled with a few words, but to be handled at the level of re-enactment of the Basic Law, by reviewing the constitutional development through the political structure of Hong Kong. In the political aspect, replacement of officials under the accountability system at the moment concerned would achieve certain effect, and S for S and SJ, who were responsible for taking forward the proposed legislative amendments to the Fugitive Offenders Ordinance, should be held responsible. Moreover, the ExCo had assisted CE in making many decisions. Given that there might be something wrong with the decisions that

were made collectively in a closed-door manner, it was difficult to ensure whether public opinions had been reflected in the ExCo. Members of the ExCo might not have sufficient social energy to disseminate the views of the Government for building a consensus in the community to support the decision of the Government, all of the problems mentioned above reflected that the Government needed to reorganise the ExCo. He considered that both the original and amended motions served its own purposes, he hoped that Members could continue the discussion.

159. Mr WONG Shui-sang said officials under the accountability system must shoulder the responsibility for the incident. Setting aside the political problem of the incident relating to the opposition to the proposed legislative amendments, he considered that even if the recent incidents did not occur, the officials under the accountability system had all along been ignoring issues related to the livelihood of the people. Many people were dissatisfied with the Government, that was why they had magnified a minor problem. He also pointed out that some principal officials did not perform their duties properly. The Judiciary, the media and the education sector, in particular the education sector, must be reorganised. The Government had not taught the young people about history and failed to let them understand that they were Chinese, which had indirectly escalated a minor matter. If the officials were willing to provide explanation to the public in June, the problems could be solved much easily. He was in support of the suggestion for reorganisation.

160. Mr LUK Ping-choi said, the movement did not happen accidentally, it was triggered by the grievance accumulated in the society. As early as the Occupy Central movement in 2014, the HKSAR Government had made mistakes when handling issues related to young people, including housing policy while five years had lapsed, the Government was standing still. Therefore, the young people were extremely dissatisfied with the Government. In addition, when handling the scandal relating to the cutting of steel reinforcement bars in the Shatin to Central Link (SCL) Project, the Secretary for Transport and Housing (STH) and other senior officials had once shirked responsibilities, coupled with the fact that they had only imposed light punishment on the contractor Leighton Contractors (Asia) Ltd, the society was full of grievances. For the disturbances arising from the proposed legislative amendments, everyone was very familiar with the incident. He considered that the officials under the accountability system had not listened to the views of people from all walks of life, in particular the young people, which had resulted in their misjudging the situation. Besides, after one million people had taken to the streets on 9 June, the ExCo still wanted to continue the discussion and passage of the Fugitive Offenders Ordinance in LegCo on 12 June

without taking into account public opinions, thus driving the people to take to the streets and resulting in clashes subsequently. He considered that the officials under the accountability system involved should have profound reflection instead of shifting the responsibility to CE.

161. Ms Christine FONG said, the emotion of every citizen in Hong Kong was affected by the disturbances arising from the proposed legislative amendments. It had been two and a half months since Mr CHAN Kai-wai and she herself submitted a letter to CE on Sharp Island on 9 June advising her to withdraw the proposed legislative amendments to the Fugitive Offenders Ordinance and suggesting her to carry out a comprehensive review. She considered that Members of the ExCo had not shouldered their responsibilities and failed to provide suitable advices to CE, resulting in her insisting on taking forward the proposed legislative amendments to the Ordinance despite one million people had taken to the streets on 9 June. It had escalated the dispute and caused social rift. Given that the incident was very unfortunate for everyone and had become uncontrollable, Professional Power moved a motion to request for the genuine implementation of the accountability system for Principal Officials. She pointed out that in fact, the accountability system for Principal Officials did exist already, if Members of the ExCo had not given timely advices to CE at that time, they should take responsibility.

162. Mr TSE Ching-fung said he agreed with the amended motion moved by Mr CHUNG Kam-lun because its content was about reorganising the ExCo and the government committees on public affairs to make the policy implementation of the HKSAR Government closer to public opinions. He considered that during the occurrence of the disturbances arising from the proposed legislative amendments to the Fugitive Offenders Ordinance, the Government did not follow public opinions closely, nor did it establish any channel to communicate with the young people. Besides, the Government had not responded to the five demands raised in the society and had declared that there was no room for discussing them. Moreover, taking into account that the excessive power of and the indiscriminate arrests by the Police had gone completely against public opinions, which could not quell public anger but fuelled the movement instead, he suggested the Government to establish channels for communicating with the young people with a view to setting the disturbances arising from the proposed legislative amendments to the Fugitive Offenders Ordinance as soon as possible.

163. Mr CHONG Yuen-tung considered a comprehensive in-depth review necessary

because the accountability system for Principal Officials had been implemented for many years. The Government had reflected profoundly at the incident, however, the three Secretaries and 13 Bureau Directors of the Government still lacked the courage to act. He agreed with the general direction of the motion, but the wording could be supplemented. He moved an amended motion, the wording of which was: “Request for a comprehensive review of the accountability system for Principal Officials, the Executive Council and the government committees on public affairs; and the courage to act with a view to effectively solving the deep-rooted social conflict to facilitate the continuous development of Hong Kong”. The amended motion was seconded by Mr Philip LI.

164. Mr LEUNG Li said, some Members stated that the Government needed to conduct reviews, however, when implementing the accountability system for Principal Officials in 2002, the then CE Mr TUNG Chee-hwa pointed out in LegCo that: “In introducing the Accountability System, one of the fundamental aims is to enable Principal Officials to be responsive to the calls of the community in assuming personal responsibility for the success or failure of their policies. This is to be done on the basis of maintaining the stability and continuity of the Civil Service. There are increasing calls for senior civil servants to be held accountable for policy failures, including calls for some of them to step down.” The wording had clearly expressed one of the key elements of the accountability system, i.e. when the government officials under the accountability system committed blunders in implementing policies, they had to bear political responsibility. Therefore, the conduct of a review only might not be able to solve the problems because when the accountability system was implemented, one of the requirements was that officials who had committed blunders had to step down. On the contrary, the Government needed to respond to the social rift caused by the incident relating to the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance and address the social aspirations properly. It should also trace the original purposes of establishing the accountability system for Principal Officials to make the Principal Officials taking responsibilities and responding to social aspirations for the blunders they committed in implementing policies.

165. Mr CHAN Kai-wai moved an amended motion, the wording of which was: “The governing team of the Hong Kong Special Administrative Region Government (HKSARG) is unable to effectively solve social problems, particularly the proposed legislative amendments to the Fugitive Offenders Ordinance, fails to respond to the aspirations of the public and solve the related problems, the Council requests the HKSARG to genuinely implement the accountability system for Principal Officials

with a view to realising the principle of having politically appointed officials accountable for the policies they have implemented, and to reorganise the ExCo and the government committees on public affairs to make the HKSARG listen to public opinions”. He considered that apart from the proposed legislative amendments to the Fugitive Offenders Ordinance, the Government also had other deficiencies in handling other problems, e.g. its policy implementation did not follow public opinions closely, and it had adopted the mentality of no action, no mistake. The proposed legislative amendments to the Fugitive Offenders Ordinance had just triggered social conflicts and unfairness, which had resulted in the venting of all grievances at the same time. In addition to the proposed legislative amendments to the Fugitive Offenders Ordinance, there were also many problems in the housing policy, land policy, governance and youth employment, etc., as a result, the society was full of dissatisfaction and grievances. In fact, the Government would not listen to public opinions and its policy implementation was out of touch with the general public. Besides, the committees would only appoint persons whom they could control easily. Taking himself as an example, he was once a member of a committee under the Development Bureau, however, he was not reappointed because he had voiced opposite views. It was evident that government committees would not allow members to put forward different views. He moved the above motion for this reason.

166. Ms Christine FONG seconded the amended motion.

167. Mr WONG Shui-sang suggested listing the wording of all amended motions. He said the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance was a very deep-rooted problem. The senior officials of the Government had all along been shirking their responsibilities. In the disturbances arising from the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance, CE and the Police had been seriously wronged. On the contrary, he considered that all three Secretaries should step down. He pointed out that the arrangements of handing out \$4,000 made by the Financial Secretary were really chaotic.

168. The Chairman declared the adjournment of meeting for ten minutes.

(The meeting resumed at 12:56 p.m.)

169. Mr LUI Man-kwong said he had already submitted another amended motion to the Secretariat, and the amended motion was seconded by Mr Frankie LAM.

(The screen showed the written wording of five amended motions provided by the

respective members:

Request for reviewing the accountability system for Principal Officials, the Executive Council and the government committees on public affairs (Moved by Mr WAN Yuet-cheung and seconded by Mr Philip LI)

As reflected by the disturbances arising from the proposed legislative amendments to the Fugitive Offenders Ordinance, the governing team of the existing Hong Kong Special Administrative Region Government (HKSARG) is unable to give timely response to the needs and aspirations of the public. The Council requests the HKSARG to genuinely implement the accountability system for Principal Officials with a view to realising the principle of having politically appointed officials accountable for the policies they have implemented, and to reorganise the Executive Council and the government committees on public affairs to make the policy implementation of the HKSARG closer to public opinions (Moved by Mr CHUNG Kam-lun and seconded by Hon Gary FAN)

Request for a comprehensive review of the accountability system for Principal Officials, the Executive Council and the government committees on public affairs; and the courage to act with a view to effectively solving the deep-rooted social conflict to facilitate the continuous development of Hong Kong (Moved by Mr CHONG Yuen-tung and seconded by Mr Philip LI)

The governing team of the Hong Kong Special Administrative Region Government (HKSARG) is unable to effectively solve social problems, particularly the proposed legislative amendments to the Fugitive Offenders Ordinance, fails to respond to the aspirations of the public and resolve social conflicts, the Council requests for the genuine implementation of the accountability system for Principal Officials by the HKSARG with a view to realising the principle of having politically appointed officials accountable for the policies they have implemented and a review on the structure and appointment of the Executive Council and the government committees on public affairs to make the HKSARG listen to public opinions and improve the livelihood of the citizens (Moved by Mr CHAN Kai-wai and seconded by Ms Christine FONG)

Request for the genuine implementation of the accountability system for Principal Officials, if the Chief Executive or other officials need to take responsibility and step down because of blunders in policy implementation, then the Government should change the course of policy implementation and reorganise the Executive Council and

the government committees on public affairs (Moved by Mr LUI Man-kwong and seconded by Mr Frankie LAM))

170. The Chairman said a total of five amended motions were received. He asked if any Members intended to withdraw the amended motion. No Member indicated the intention to withdraw the amended motion.

171. The Chairman asked if Members agreed with the endorsement of the original motion because if the original motion was endorsed, there was no need to handle the five amended motions. Members disagreed.

172. The Chairman said the fifth amended motion, which was moved by Mr LUI Man-kwong, would be handled first.

173. Mr Philip LI asked Mr LUI Man-kwong the meaning of “if the Chief Executive or other officials need to take responsibility and step down because of blunders in policy implementation” in the amended motion he moved.

174. Hon Gary FAN said having considered the view of Mr WONG Shui-sang, they suggested deleting the words “Fugitive Offenders Ordinance” from the wording of the amended motion. The amended motion moved by Mr LUI Man-kwong had just inserted two phrases in the middle of the original motion and focused on reform in systems to enable Members to better understand the meaning.

175. Mr CHAN Kai-wai considered the wording of the amended motion moved by Mr LUI Man-kwong not fluent. As he understood, the meaning of the amended motion was to reorganise the ExCo after CE had stepped down, which meant that if CE did not step down, there would be no need to reorganise the ExCo or the committees on government affairs. He considered that there was room for improving the amended motion in terms of grammar. Besides, his amended motion requested for reorganising the ExCo immediately; while Mr LUI Man-kwong’s amended motion requested for reorganising the ExCo only after CE had stepped down, the meaning of the two amended motions were opposite to each other.

176. Mr Stanley TAM said as all Members hoped for genuine implementation of the accountability system for Principal Officials, he would like to move another amended motion, the wording of which was: “Given that the governing team of the Hong Kong Special Administrative Region Government (HKSARG) is unable to solve the existing

conflicts and disputes in society effectively, the Council requests for the genuine implementation of the accountability system for Principal Officials by the HKSARG with a view to realising the principle of having politically appointed officials accountable for the policies they implemented and a review on the structure and appointment of the Executive Council and the government committees on public affairs to make the HKSARG listen to public opinions and improve the livelihood of the citizens”.

177. Ms Christine FONG said after discussion, it was proved that the direction of the original motion was correct. She therefore seconded the amended motion moved by Mr Stanley TAM.

178. Mr Francis CHAU seconded the amended motion moved by Mr Stanley TAM.

179. The Chairman invited Members who intended to second the amended motion moved by Mr Stanley TAM to raise their hand. The Chairman declared that all Members, except Mr YAU Yuk-lun, seconded the amended motion.

180. Mr Francis CHAU said, according to Order 19 of SKDC Standing Orders, the Member who moved the motion could not move to amend the motion.

181. The Chairman said the proposer of the original motion could not move an amended motion, but he/she could second the amended motion.

182. Ms Christine FONG requested for keeping a record of the Members who said they would second the motion earlier.

183. The Chairman invited Members to vote on the amended motion moved by Mr Stanley TAM, the wording of which was “Given that the governing team of the Hong Kong Special Administrative Region Government (HKSARG) is unable to solve the existing conflicts and disputes in society effectively, the Council requests for the genuine implementation of the accountability system for Principal Officials by the HKSARG with a view to realising the principle of having politically appointed officials accountable for the policies they have implemented and a review on the structure and appointment of the Executive Council and the government committees on public affairs to make the HKSARG listen to public opinions and improve the livelihood of the citizens”.

184. The Chairman concluded that the voting result was as follows: 27 votes for the amended motion, 0 vote against it, and 1 abstention. The Chairman declared that the amended motion moved by Mr Stanley TAM was endorsed. SKDC would convey the request to the Chief Executive's Office in writing.

(12) Request the Government to establish an independent committee of inquiry to fully investigate the incidents caused by the proposed amendments to the Fugitive Offenders Ordinance, and urge the Principal Officials to have direct dialogues with members of the public

(The motion was amended as: “Regarding the social unrest arising from the Fugitive Offenders Ordinance in recent months, the Council urges the Chief Executive and the Principal Officials under the accountability system to have direct dialogues with members of the public to settle the incident. After the settlement of the incident, the Government needs to establish a commission of inquiry to investigate the whole story, causes and future vision of the incident to give explanation to people in Hong Kong”)

(SKDC(M) Paper No. 226/19)

185. The Chairman said the motion was moved by Mr CHAN Kai-wai and seconded by Ms Christine FONG.

186. Members noted the written response from SB (SKDC(M) Paper No. 240/19).

187. The Vice-Chairman said given that everyone was very concerned about the disturbances arising from the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance that commenced in June, he had communicated with relevant officials appointed under the accountability system after the occurrence of the incident on 1 July and suggested the Government to establish a commission of inquiry for settling the disturbances and de-escalating the incident. He had also made contacts with friends in the legal sector, officials and persons familiar with the operation of the Government in July and August, during which three elements were mentioned. Firstly, since the incident was not settled yet, it might not be appropriate to set up a commission of inquiry at the current stage. Secondly, the Independent Police Complaints Council (IPCC) was currently monitoring the work of the Police, it would be unfair to IPCC if the commission of inquiry was established to investigate the incident at the same time. Thirdly, some friends who were well acquainted with law reminded him that if the independent investigation was carried out by a judge, after the witnesses had given evidences at the commission of inquiry, they might be summoned by the Government

to give evidence again if the incident involved criminal prosecution. Taking into account all the above elements, he considered that it was not proper to carry out investigation at the present stage, however, there was still a need to establish a commission of inquiry in the future. He moved an amended motion, the wording of which was: “Regarding the social unrest arising from the Fugitive Offenders Ordinance in recent months, the Council urges the Chief Executive and the Principal Officials under the accountability system to have direct dialogues with members of the public to settle the incident. After the settlement of the incident, the Government needs to establish a commission of inquiry to investigate the whole story, causes and future vision of the incident to give explanation to people in Hong Kong”. The amended motion was seconded by Mr CHONG Yuen-tung.

188. Mr Francis CHAU considered that the amended motion could not solve the existing problem immediately although the direction of the Government was also to carry out investigation only after the settlement of the incident. The Government had indeed stopped the proposed legislative amendments to the Fugitive Offenders Ordinance. He believed that if the Government announced the establishment of the independent commission of inquiry, it would be temporarily acceptable to most of the “peaceful, rational and non-violent” protestors. If the Government did not accept the demand of the public, the disturbances would go on continuously, and the negative energy and social rift would be further worsened. He supported the original motion and urged the Government to establish an independent commission of inquiry immediately. Besides, apart from investigating the causes of the incident, the most important things were the improvement measures and the vision in the future. It was crucial to take the first step forward. He quoted an example that a “SARS” patient hoped to be treated with Chinese medicine, however, as he was in seriously critical condition at that time, Chinese medicine, which might take a longer time to be effective, did not suit his condition. Similarly, if the alternatives currently available were not used, it would only result in continuance of the social rift.

189. Hon Gary FAN did not agree with the amended motion moved by the Vice-Chairman. Firstly, the wording of the original motion moved by Mr LUI Man-kwong was very precise. The proposer suggested establishing an independent commission of inquiry to be led by a person of credibility under the Commissions of Inquiry Ordinance (Cap. 86), with the vessel collision incident near Lamma Island in 2012 and the chaotic incidents during the early operation of the Hong Kong International Airport in 1997 as precedents. Secondly, the commission of inquiry had the right to summon on both legal and system bases. Mr Anthony Francis Neoh, Chairman of IPCC, had stated

publicly that the demand for withdrawal of the Fugitive Offenders Ordinance was reasonable, and he did not oppose the establishment of the independent commission of inquiry because the functions of IPCC and the commission of inquiry were different. Thirdly, in the political aspect, the then British Hong Kong Government had established an independent commission of inquiry in respect of the 1967 riots. The current-term Government should follow the practice and conduct a comprehensive investigation on the formulation and implementation of the Ordinance, the responsibilities of the officials, and the causes and consequences of the conflict between the Police and the public; and the commission should not only concentrate on investigating individual stakeholders, but should put forward specific recommendations. He said, although the incident was still developing, in fact, the blood of Hong Kong people was shed every day. The five demands in the community were established after two million people took to the streets on 12 June 2019. Among them was the demand for establishing an independent commission of inquiry. If the demand was met, the political conflict would definitely be relieved. DC Members should cast a vote, which was important, to let the Government know the demands of the society.

190. The Chairman said the Council was still discussing the motion moved by Mr CHAN Kai-wai.

191. Mr CHONG Yuen-tung said the establishment of the independent commission of inquiry was first proposed by the then Honourable Chief Justice Mr Andrew Kwok-nang LI. In fact, the independent commission of inquiry had handled many incidents before and after the return of Hong Kong to the motherland, including the vessel collision incident near Lamma Island and the 1967 riots. The common point was that the Government had launched the comprehensive investigations after the incidents were settled with a view to obtaining a comprehensive, objective and unbiased result, and revealing the truth. It was not proper to establish an independent commission of inquiry when the incident was still developing. Secondly, when the Government and the Police were devoting efforts to settle the incident, the establishment of the independent commission of inquiry would overstretch the front-line policemen, they might even need to attend several summons at the same time. Thirdly, if the commission of inquiry would summon the witnesses, he queried apart from government officials and policemen, whether other stakeholders such as the “black-clad people” or “persons wearing masks” would attend the hearings. Fourthly, he queried whether the evidences disclosed by the commission of inquiry could be used as the evidences of investigations and prosecutions in the future. He considered all the above questions worth pondering, and agreed with the amended motion of Mr LING Man-hoi.

192. Mr WAN Yuet-cheung said the establishment of an independent commission of inquiry would be beneficial to the society. However, when carrying out the investigation, factors in all aspects should be considered rather than only focusing on one aspect in particular. The protestors claimed that they were “leaderless”, no one could represent all protestors, and in fact, no one would admit his/her being the representative; even though someone claimed that they were the representatives, their recognition might be limited. Therefore, the investigation result might not be fair and just. Secondly, for the riots occurred in 1967, the Government only established the commission of inquiry after the riots were settled; it was the same for the vessel collision incident near Lamma Island. Looking back on the history, no commission of inquiry had ever been established during the course of the incident, coupled with the fact that it might not be appropriate to carry out investigation at this stage, he supported the amended motion moved by the Vice-Chairman.

193. Mr CHAN Kai-wai said given that the public could see two versions of the same incident from different media, which made it difficult for them to know the truth, the establishment of an independent commission of inquiry comprising persons of the third party to carry out objective investigation on the incident was necessary. Besides, the power of IPCC was much restrictive when compared with that of the independent commission of inquiry, such limited power would make it difficult for IPCC to handle the incident. Secondly, Hong Kong had all along been adopting the separation of executive, legislative and judicial powers, we must trust in the neutrality of the courts and rule of law in Hong Kong, otherwise, the governance framework of Hong Kong would be undermined, thus turning Hong Kong into a society ruled by man. Given that the public believed in Judges, he believed that the independent commission of inquiry, to be led by a retired Judge who was an independent third party, would carry out the investigation in a just and unbiased manner. If anyone had any doubt on the investigation, he/she was welcomed to put forward his/her views. If it was assumed that the result of the investigation would be biased before the commission of inquiry was established, it could be considered making judgement before trial; if even Members did not trust in the judicial system of Hong Kong, then Hong Kong would have no future. Moreover, independent commission of inquiry had been set up during the ruling of the then British Hong Kong Government, the purposes of which were not only to have the officials accused of dereliction of duty to take responsibilities, but also to understand the causes and consequences of the incidents and the problems involved; subsequently, the then British Hong Kong Government had substantially increased the resources on housing, education and youth employment with a view to solving the

problems in the society. Currently, all of us would like to understand the deep-rooted social conflict, and how to ease the grievance in the society so as to reduce the dissatisfaction among the young people, rather than having someone to shoulder the responsibilities. He considered that even if the disturbances arising from the proposed legislative amendments to the Fugitive Offenders Ordinance did not exist, the grievance in the society would be triggered by other problems in the future. He hoped for earliest settlement of the incident because the society could not afford to waste any more time on it. The standing still of the Government would only lead to total destruction in the long-run. The Government should be willing to show its goodwill and do justice to the Police and the public. Based on the reasons mentioned above, he had reservation over the amended motion.

194. Mr CHEUNG Mei-hung said the incident was a matter about whether the chicken or the egg came first. He believed that the establishment of an independent commission of inquiry at this moment could make many “peaceful, rational and non-violent” protestors to suspend their resistance; while many people would find it unacceptable if the independent commission of enquiry was established after the disturbances had ended. In this connection, the Professional Power had all along been requesting for the establishment of the independent commission of inquiry in the hope that it could settle the resentment of the public taking into account that Hong Kong was critically ill at present. Secondly, for the Star Ferry incident in 1966, the then British Hong Kong Government had established the independent commission of inquiry before the incident was over, the purposes of which were to investigate the causes and consequences and deep-rooted conflicts involved in addition to finding out who was right or wrong. There was widespread social unrest in Hong Kong during the 1960s. After the independent commission of inquiry was set up and the 1967 riots, Hong Kong experienced an economic take-off in the 1970s, including the establishment of ICAC, the construction of public housing and implementation of nine-year free education, etc. He considered that, the above developments were, to a certain extent, a result of the implementation of policies to stabilise people’s confidence by the Government after it had reviewed the policies concerned in response to the deep-rooted conflicts discovered by the independent commission of inquiry during the investigation. Hong Kong had become the Pearl of the Orient in the 1980s as a result. He also considered that crisis would bring opportunities. The incident was the greatest challenge faced by Hong Kong since its return to the motherland. If the Government still insisted on considering the demands of the public only after the incident came to an end, it would be impossible to stop the incident. Lastly, the establishment of an independent commission of inquiry was not anything new, for many controversial incidents that

occurred in the past, including the lead water incident, the vessel collision incident near Lamma Island, the Garley Building fire, etc., the Government had appointed a Judge to lead the independent commission of inquiry. Among the five demands, the establishment of an independent commission of inquiry was a more acceptable alternative that could stop the incident and settle the disturbances.

195. Mr Stanley TAM said he had not probed into the limitation on the operation of the independent commission of inquiry, but he considered that the Government should adopt any method that would be conducive to de-escalating and settling the incident, and to make concession. He had announced publicly his estimation that more than half of those who put forward the five demands hoped that the Government would answer two of the demands first. Firstly, given that the Government itself already understood that it was impossible to continue taking forward the proposed legislative amendments to the Fugitive Offenders Ordinance, it should no longer avoid certain wording deliberately. Secondly, if the Government announced that it would establish the independent commission of inquiry and formulate the method of establishing the independent commission of inquiry, its composition and scope of investigation, he believed that the tension in the society could be eased immediately. However, now that CE had stated clearly that she did not accept such demands, many members of the public considered that they should continue with the protests. If the Government announced that it would establish an independent commission of inquiry, he believed that every Member present at the meeting would support it despite their different political stances, and they would continue discussing the details after the incident was de-escalated or settled. He understood that people of all stances were angry about the incident, but in fact, the dispute should not go on endlessly.

196. Mr WONG Shui-sang said as the incident was not yet settled, it was not proper to judge who was right or wrong before the result of investigation was available, otherwise, it would be considered having applied double standard. He considered it inappropriate to carry out investigation at this stage. The investigation should be conducted after the incident was settled because the proposed legislative amendments to the Fugitive Offenders Ordinance was not the only cause of the disturbances, the incident might become more serious after the Government had answered all demands. He considered that the Government had its own approach in handling matters, it was not necessary for DC to offer advices. He also considered that the establishment of the independent commission of inquiry would be very disadvantageous to the situation of Hong Kong because the incident might involve international problems; while all problems on people's livelihood were related to history.

197. Mr LAI Ming-chak had reservation over the amended motion. He considered that priority must be set, if the independent commission of inquiry was not established, the incident would never end. Taking the vessel collision incident near Lamma Island as an example, the Government had set up an independent commission of inquiry, after investigation, some officials involved were taken to the Court and needed to bear responsibilities. He believed that for the SCL incident, some of the persons concerned would need to take up responsibilities in the future, which indicated that even though an independent commission of inquiry was established, no one could escape the trial of the Court. Moreover, it was a common practice for countries all over the world to establish independent commission of inquiry to de-escalate different incidents. Taking the London riots that occurred from 6 to 10 August 2011 as an example, the British government announced on 7 August that an independent commission of inquiry would be established to follow up the issue. He considered this an undertaking of the British government to the public, who understood that the independent commission of inquiry could not be set up in one day, but would at least know that the British government had the intention to handle the incident. In addition, taking the SCL incident as another example, CE said in June 2018 that an independent commission of inquiry would be established; members of the commission were not appointed until July 2018; and the first hearing was only conducted on 22 October 2018. Even though the announcement of setting up and formal operation of the independent commission of inquiry were four months apart, the public resentment was eased at the moment when the Government announced its establishment.

198. Mr Edwin CHEUNG said given that the incident related to the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance was not yet over, the functions and scope of investigation of the independent commission of inquiry established on it could be different from those set up in the past. He considered that the independent commission of inquiry could investigate the conflicts occurred in the last two months one by one in chronological order, it might not be necessary to investigate all incidents that occurred during the disturbances arising from the incident. He believed that this could relieve the public resentment in the society and disclose the truth of each movement to the general public. Furthermore, if the movement continued, the investigation result could serve as a clear guideline for the Police to perform its duties and quell the riots in an approach that was more proper and acceptable to the public.

199. Mr LUI Man-kwong did not agree with the amended motion. Firstly, he pointed

out that everyone was desperate for the establishment of the independent commission of inquiry because it was the hope of every one that the disturbances arising from the proposed legislative amendments to the Fugitive Offenders Ordinance could be settled. He considered that establishing the independent commission of inquiry could help finding out the truth, but the Government was unwilling to set up the commission, it also insisted on refusing to answer the five demands, making it difficult to de-escalate the incident. He suggested the Government to establish the independent commission of inquiry immediately instead of setting it up after the incident ended, otherwise, the disturbances might become endless. Secondly, given that there were voices in the society that queried whether the result of the investigation conducted by IPCC would be just. The society needed some respectable persons to lead the independent commission of inquiry, otherwise, members of the society would consider that the commission had biased towards one of the parties concerned.

200. Mr YAU Yuk-lun said he believed in Hong Kong which practised the separation of executive, legislative and judicial powers; he also believed in “One Country, Two Systems” because the original intention of this was good and had enabled Hong Kong to enjoy freedom and democracy sufficiently. In addition, he considered the policemen in Hong Kong the best in the world, however, they were being described as “black cops”. The stance of the Radio Television Hong Kong was extremely biased, resulting in CE’s being falsely accused frequently and making her situation miserable. He continued that the Fugitive Offenders Ordinance only targeted at the offenders, it would not constitute any problem to the ordinary people. He did not understand why the society had described the Ordinance as something so negative; while describing the British Hong Kong Government as so open at the same time. He also said someone had buried their conscience and pushed the society to the existing situation. The initiators were firstly, Members of LegCo, and secondly, the supporters of Hong Kong Independence. He considered that the advantages of Hong Kong over other places in the world was its attaching importance to the rule of law and economy, however, someone had acted in ways to please the voters only. He also said the pro-establishment camp had devoted their efforts on the stability of Hong Kong; while the pan-democratic legislators had persuaded the young people to stage protests, which he considered burying their conscience and leading to the present situation. The fact that WONG Chi-fung was nominated for the Nobel Peace Prize was a proof that Hong Kong was open and free. However, he considered that freedom with no limitation had led Hong Kong to the existing situation, and that those who only aimed at pleasing the voters should not speak about benevolence and morality.

201. Ms Christine FONG said the last two months was disastrous for Hong Kong, everyone was very sad. She herself opposed Hong Kong Independence; refused to be a slave of a foreign power; and was proud of her identity as a Chinese and a member of Hong Kong. Hong Kong was the home of everyone, now that the left hand was hitting the right hand, it was like a mother having a quarrel with her son. She considered it not shameful for the Government to compromise, just like herself, who had made mistakes in the first half of her life. To apologise was not a big problem, it would be okay as long as the Government would make improvement together with Hong Kong in the future. She said compromise was tolerance, love and arts, the behaviours of individual Members might seem irresponsible, which also involved instigation, but the blame of a single incident should not be put on a particular group of people because the incident did not occur without reason. Given that the public was frightened by the 721 incident in Yuen Long and two groups of people quarrelled in Prince Edward earlier, the establishment of the independent commission of inquiry was not only to define the nature of the incident, but also to settle and ease the tension of the incident. She considered that there was generation gap between people of the last generation and the young people in respect of social background and the views on history. Currently, even youngsters aged only 13 were instigated to take to the street, yet Members of LegCo did not go to the frontline because they were worried that they would be accused of abetting and instigating others, which indicated that they themselves were doubtful that something was wrong with the incident. She also pointed out that all the machines in MTR stations were damaged; stones were thrown onto the rails of the Airport Express, if any accident occurred in the Airport Express as a result, that would not only be a shame for all people in Hong Kong, but also caused heavy casualty. She considered such behaviours completely ridiculous and not worth supporting. Being affected by individual incident, members of the public might consider that such violent behaviours would affect the overall image of Hong Kong. With the increase in the number of videos available on the internet, the truth was becoming clearer, she suggested the Government to conduct independent investigation on every incident, and considered that there was a need for respectable Judges and independent persons to discuss the issue. Regarding the disturbances arising from the proposed legislative amendments to the Fugitive Offenders Ordinance and the future development of Hong Kong, the Professional Power would like to express its views to the Government clearly, which included establishing the independent commission of inquiry and reorganising the ExCo. She hoped that Members would not quote out of context and would support the motion.

202. Mr Raymond HO said the independent commission of inquiry established on the

1967 riots by the then British Hong Kong Government suggested the Government of that time to set up District Offices to maintain a closer contact with the public and the system had been implemented for half a century up to now. Given the large scale of conflicts that occurred recently, no one could find the answer immediately, even the independent commission of inquiry might not be able to find out the truth. Social conflicts occurred every week at present, although there was difficulty in conducting investigation at once, the Government still had the responsibility to clearly express the circumstances under which it would establish the independent commission of inquiry or start the early stage preparation so that all parties could state their views on the incident anonymously, which might calm down even those whose thinking was extremist. It might not be easy to understand why Hong Kong Independence appeared and become so influential; it was not easy to understand what the young people were thinking too, therefore, much time was needed to explore the issue. He understood it was not technically feasible to establish the independent commission of inquiry at once, but the Government should give clear explanation. The platform being constructed by the Government currently had similar functions, but it would not be named an independently commission of inquiry. He thus suggested the Government to fully explain the work it was currently carrying out.

203. Mr WONG Shui-sang said currently, the most acute problems of the society related to the judicial, media and educational fields. The media coverage nowadays was unilateral. He considered that the seven million odd people in Hong Kong could participate in the commission of inquiry. If the commission of inquiry was only led by a number of so called professionals, he was worried that their stances might not be neutral. He said all members of legal profession were biased, the Judges only worked for money; the murderer did not need to be held responsible, while someone were sent to jail wrongfully because of the injustice in law. He considered that law was just a thing for the rich people; for those who were poor, they could do nothing even though they were wronged. Given that the Judges, who were promoted from lawyers, might not be necessarily just, the truth might not be discovered, he proposed consulting the views of the seven million people in Hong Kong, and then applied the principle of majority rule. He said among the seven million people in Hong Kong, only a very small number had acted violently, he believed that all of them had their own purposes and were not ordinary citizens, they would only act more violently after the Government answered the five demands. He considered that Members of LegCo should not act against their conscience merely to please the voters, and he believed that if Members of LegCo were not elected, the society would be more peaceful. The fact that Members of LegCo had buried their conscience in an attempt to get more votes

from voters had hindered the development of the society as a whole and dragged Hong Kong down.

204. The Chairman invited Members to vote on the amended motion moved by the Vice-Chairman, the wording of which was: “Regarding the social unrest arising from the Fugitive Offenders Ordinance in recent months, the Council urges the Chief Executive and the Principal Officials under the accountability system to have direct dialogues with members of the public to settle the incident. After the settlement of the incident, the Government needs to establish a commission of inquiry to investigate the whole story, causes and future vision of the incident to give explanation to people in Hong Kong”.

205. The Chairman announced that the voting result was as follows: 14 votes for the amended motion, 12 votes against it, and 2 abstentions. The Chairman declared that the amended motion was endorsed. SKDC would convey the request to the Chief Executive’s Office and SB in writing.

(13) Request the Hong Kong Police Force to explain the searches of passers-by in a rude manner in King Lam Estate and the attacks on passers-by near a subway in King Lam Estate by the anti-riot squad, and to report the details to the Council

(The motion was amended as “Request the Police to give an account of the inspection involving passers-by in King Lam Estate as well as the cases of obstructing Police officers and reported injuries of residents on 4 August, and to report the details to the Council”)

(SKDC(M) Paper No. 227/19)

206. The Chairman said the motion was moved by Mr LUK Ping-choi and seconded by Mr TSE Ching-fung.

207. Mr WAN Kai-ming said he agreed in principle to request the Police to give a detailed account of the incident occurred that night to the Council. However, the original motion contained words including “rude” and “without reasons”, etc. As the incident was still under investigation and had entered legal proceedings, subjective and biased words should be avoided as far as possible. Therefore, he moved an amended motion, namely: “Request the Police to give an account of the inspection involving passers-by in King Lam Estate as well as the cases of obstructing Police officers and reported injuries of residents on 4 August, and to report the details to the Council”.

The amended motion was seconded by Mr CHONG Yuen-tung.

208. Hon Gary FAN said he needed to consider whether he supported the amended motion, as the amended motion moved by Mr WAN Kai-ming also included subjective wording such as “cases of obstructing Police officers”, etc. He considered that given the support of objective facts and the occurrence of the incident, a more accurate description could enable Members to vote on the original motion or the amended motion. He found it difficult to agree with the wording in the amended motion moved by Mr WAN Kai-ming.

209. Mr CHONG Yuen-tung considered that the wording of the amended motion had taken into account the views of both sides. On one hand, some protesters might have obstructed the police officers in the execution of their duties, and this was not the final offence. On the other hand, from the perspective of residents, some of them might be injured because of inappropriate methods used by the Police in handling the incident. Therefore, he considered that the wording of the whole motion was objective and rational.

210. Mr CHAN Kai-wai understood that the wording of the motion needed to reflect the facts. However, he had no idea about the incident occurred that day. Therefore, he asked whether the mover and the seconder of the original motion and the mover of the amended motion had witnessed the incident on the day. Otherwise, he would have difficulty in making a decision on the two motions with wordings of completely different meanings.

211. Mr WAN Kai-ming said he was not present at the time, and he only understood the whole incident through third party media and members of the public. As he had said just now, the incident was still under investigation, and he did not know the truth of the incident. Therefore, it was difficult to point out at this stage which side had expressed the fact.

212. Mr TSE Ching-fung said he had nothing to add.

213. The Chairman invited Members to vote on the amended motion of Mr WAN Kai-ming.

214. The Chairman declared that the voting result was as follows: 19 votes for the amended motion, 0 vote against it and 8 abstentions. The Chairman declared that the

amended motion was endorsed. SKDC would convey the request to SB in writing.

(14) Strongly condemn the Police for adopting a permissive attitude over the beating of members of the public by the triad, and frequently using excessive force during demonstrations, as well as to request the Government to establish an independent committee of inquiry to fully investigate the cause and course of events subsequent to the proposed amendments to the Fugitive Offenders Ordinance and suggest for improvement

(The motion was amended as “Urge the Police to recount the details of the recent dispersal operations and arrests of violent protestors, to explain the legal grounds for clarification purposes, and to announce the upcoming plans to strengthen the Police manpower and improve the law and order in the Police District, and request the Government to establish a Commission of Inquiry after quelling the unrest to investigate and give an account of the entire matter, its causes and the way forward to Hong Kong people”)

(SKDC(M) Paper No. 228/19)

215. The Chairman said the motion was moved by Mr LUI Man-kwong and seconded by Hon Gary FAN, Messrs LEUNG Li, CHUNG Kam-lun, LAI Ming-chak and Frankie LAM.

216. Mr Edwin CHEUNG said the performance of the Police in the “721 incident” had deviated greatly from the expectations of the general public, causing tremendous hostility towards the Police in the society at the same time as well as causing much harm to the law and order and stability of Hong Kong. To allow Hong Kong to regain momentum and to rebuild confidence of the public in the Government and the Police, he strongly supported establishing an independent committee of inquiry, and the functions and duties of independent committee of inquiry could be discussed later. In addition to submitting reports to the public, the independent commission of inquiry would also make recommendations with regard to the incident. He pointed out that some residents of his constituency supported Police enforcement, while others considered that the Police used excessive force. Therefore, he hoped to move a fair amended motion, namely: “Strongly condemn the Police for adopting a permissive attitude over the occurrence of violence on 21 July 2019 and request the Government to respond to public demands and to resolve the hostility towards the Police in the society by establishing an independent commission of inquiry immediately to investigate the allegation of the use of excessive force by the Police during demonstrations as well as give an account to the public and suggest for improvement”.

The amended motion was seconded by Ms Christine FONG.

217. Mr Philip LI said many members of the public had only noticed the course of the “721 incident” through the media and might not be able to fully grasp the facts of the whole incident. The Police had made arrests in relation to the incident, and the Police would also explain in detail at its daily press conference. As legal proceedings were in progress, the incident was not suitable for further discussion or comments. Therefore, he suggested the Police to recount the details of the recent dispersal operations and arrests of violent protestors, to explain the legal grounds for clarification purposes, and to announce the plans to strengthen the Police manpower in the Police District. He considered that the Police should not be condemned at this stage. Therefore, he moved an amended motion, namely: “Urge the Police to recount the details of the recent dispersal operations and arrests of violent protestors, to explain the legal grounds for clarification purposes, and to announce the upcoming plans to strengthen the Police manpower and improve the law and order in the Police District, and request the Government to establish a Commission of Inquiry after quelling the unrest to investigate and give an account of the entire matter, its causes and the way forward to Hong Kong people”. The amended motion was seconded by Mr WAN Yuet-cheung.

218. Mr WAN Yuet-cheung said very violent acts often appeared on the television recently, and he believed that everyone present and all Hong Kong residents were downhearted and grievous. He opposed all forms of violence. Violent acts, such as arson, throwing of petrol bombs, assaults, violent treatment of overseas journalists and tourists with different views, etc., could be seen through the media. Since Hong Kong was an international city and a civilised society, he considered that Hong Kong people would not wish to see the above acts. Besides, as the protestors did not comply with the injunction order of the airport, the Hong Kong Bar Association had issued a declaration on 2 September to condemn such acts. He condemned the violence of various parties.

219. Mr Stanley TAM said the original motion was a serious accusation to the Police. When the society was still filled with hatred, such wording would only aggravate the confrontation and did not help to end the incident. He considered that Members should not deepen hatred in the society. On one hand, members of the public could see the violence of some protestors through different video clips, and it was necessary to correct the mistakes. On the other hand, some police officers did not exercise restraint when performing their duties. Therefore, an independent commission of

inquiry was needed to be established to carry out investigation. In case the Police had used force abusively, such cases must be followed up and investigated in accordance with the law to achieve fairness. Although some members of the public considered that there was an actual need for the Police to make a massive arrest, it was difficult for frontline police officers to exercise restraint under emotional disturbances, which further triggered public resentment indirectly. Therefore, he suggested that the Police must think twice before acting. Besides, although he considered that violent acts needed to be investigated, it might not be necessary to pursue or make arrests at this moment. He hoped that both parties could exercise restraint and allow the incident to cool down. He did not wish that the confrontation of the society would reach the level of either black or white lest it would deepen hatred and cause continuous damages to both sides.

220. Mr Francis CHAU said he agreed with the views of Mr Stanley TAM. He himself was a “peaceful, rational and non-violent” person, and had participated in processions and demonstrations, including that on 9 June. He believed that everyone loved Hong Kong, only that the ways of expression were different. Recently, he had stood between the protestors or the general public and the Police several times, and learnt in the process that the views of the two sides were very different. The protestors did not know each other before. As they attached great importance to the values of Hong Kong, they had a feeling of brotherhood. He considered that it was worthy of understanding by all Members present, however, he was also sympathetic with the Police at the same time. Besides, during the procession and demonstration in Tseung Kwan O on 4 August, although the frontline police officers had brought tear gas rounds with them, they did not fire any tear gas round when they had an alternative, which made Tseung Kwan O to be the first place in the 18 Districts where the Police did not fire any tear gas round during the processions and demonstrations. This proved that the police officers of Tseung Kwan O Police District were very restrained, and their performance deserved appreciation. Besides, some members of the public had gathered at MTR Hang Hau Station on 31 August. He arrived at the scene and found that the police officers responsible for handling the emergency were verbally abused by the protestors. Those police officers told him that they had been called to the scene by members of the public for four consecutive times and they also hoped to leave early. He himself had always respected the Hong Kong Police, and the public had always been proud of the favourable law and order situation of Hong Kong. Therefore, he did not wish to see police officers being harmed indiscriminately in recent days, and also did not wish to see frontline police officers being forced to be the enemies of the public and the Government, which would make the mending of the relationships difficult. He

hoped that the communication with each other could be strengthened.

221. Mr LAI Ming-chak said if everyone wished to end the incident, fuel should not be added to the situation. As the amended motion moved by Mr Philip LI would add fuel to the incident, he opposed the motion. In fact, many members of the public had doubts about the law enforcement by the Police. In addition to the “721 incident”, members of the public were always outraged by the operations of the Police, which included firing tear gas rounds at Kwai Fong Station in August, shooting at close range and pushing protestors on escalators onto the ground at Tai Koo Station as well as indiscriminately attacking members of the public at Prince Edward Station, etc. Apart from that, some frontline police officers were emotionally unstable recently. They kept scolding members of the public and reporters, and described the protestors as cockroaches. Enhancing the manpower of the Police and stepping up inspections alone to keep members of the public out of the streets or to stop them from gathering was not a way for restoring law and order. Hong Kong had always been a city with a favourable law and order situation. Apart from the efforts of the Police, the public also highly respected the Police. If the public lost confidence in the Police, the problem could not be solved. Citing the 1967 riots as an example, many members of the public supported those who launched the riots at that time. They hated the Police so much that they dropped objects from height. Enhancing the manpower of the Police alone might result in the reoccurrence of such incident and the real problem could not be solved. On the contrary, to stop all violence, the Police must be condemned and prevented from using excessive force. He pointed out that the last paragraph of the declaration issued by the Hong Kong Bar Association on 2 September with regard to the violation of injunction order of the airport had requested the Government to formally withdraw the proposed amendments to the Fugitive Offenders Ordinance and to establish an independent commission of inquiry. He believed that if the Government accepted the views of the Hong Kong Bar Association, the turmoil could have then been subsided. There might be problems with the law enforcement of the Police, which might be due to problems relating to frontline officers, the relevant guidelines or monitoring, etc., and the independent commission of inquiry would not only conduct investigations against frontline police officers. He also handled the gathering of residents in the vicinity of Hang Hau on 31 August. He witnessed that the Police had kept scolding the protestors while chasing after them. After the protestors had left the scene, the Police still shouted repeatedly, which made him difficult to believe that enhancing their equipment alone could solve the problem. On the contrary, the problem could only be solved given that everyone faced it together. Besides, there were grey areas relating to the law enforcement actions of the Police,

and such actions were also not fully disclosed to the public. For example, whether the truth was that nothing had happened at the San Uk Ling Holding Centre as the Police had described, or some protestors suffered bone fractures after being beaten as some healthcare practitioners had described. He considered that the Police must fully explain the incident to address the concerns of the public, otherwise, members of the public would have persistently unsettling and unstable emotions.

222. Mr CHONG Yuen-tung said he considered that moving this motion would only aggravate the hatred under the current tense atmosphere. The content of the original motion was biased and only condemned the Police. On the contrary, no Member had moved any motion to condemn the radical protestors for charging police stations, vandalising MTR Po Lam and Hang Hau Stations, as well as storming and damaging the Legislative Council Complex, etc. He condemned all forms of violence. Hong Kong was a rational society that respected the rule of law, and everyone hoped that Hong Kong could return to be rational and peaceful as soon as possible so that the society could continue to move forward. Besides, the first half of the original motion condemned the Police, while the second half requested for establishing an independent commission of inquiry, which associated the establishment of the independent commission of inquiry with the investigation against the Police. Under such presumption, the independent commission of inquiry would be unable to be open and impartial. He said in accordance with different media and online video clips, apart from the “721 incident” that some persons might have to be responsible or to make improvements, some radical protestors had always been storming and vandalising in different places. He believed that the Police was only forced to make massive arrests, and even if the Police did nothing, it did not mean that the protestors would not charge the cordon line of Police. Therefore, he hoped that Members could analyse fully and comprehensively, and handle the incident in an open and impartial manner. He considered that a particular party should not be condemned on a single incident, otherwise, the situation would be similar to “passing judgment without a trial”.

223. Mr CHEUNG Mei-hung considered that it was hard to draw a line between justice and evil in many aspects of this incident. Humans were very complex individuals, and were not as simple as either black or white. Although many people and the Professional Power supported setting up an independent commission of inquiry, he felt struggled whether to use the wording of “condemn”. He had attended many peaceful protests, processions and assemblies with a Letter of No Objection issued by the Police. Even if he was dissatisfied with the operations of the Police, he never used insulting words to scold them. This incident would eventually end, however, when there was

such a fierce conflict between the Police and the community, he was worried that the repair of the relationship between the two parties would not be possible. He pointed out that before the occurrence of the incident, various Members had requested for increasing the Police manpower of Tseung Kwan O Police Station and solving problems such as law and order problems as well as noise problems in the district. As the Police was the companion of Members when the society was peaceful, he was struggled whether wordings such as “strongly condemn”, etc. needed to be used. Secondly, it could be seen from media reports or statements of fact that the performance of the Police indeed deviated greatly from the expectations of the public, which made the public query the reason for the Police to deploy security measures territory-wide, including Cheung Chau, Central and Tin Shui Wai, etc., several days ago, while no police officer handled the incident for several hours on the day of the “721 incident” and some police officers even left the scene when some white-clad men were obviously provocative. He considered that this practice was difficult to be accepted by the public. Thirdly, in the operation of the Police on 31 August, some police officers were unable to control their emotion that no arrest had been made after beating members of the public. Such facts were obvious to all. Therefore, some behaviours of the Police were indeed worthy to be condemned or of further investigation. On the other hand, the frontline police officers in Tseung Kwan O were very restraint on the day of the procession in Tseung Kwan O on 4 August. The police officers not only did not fire tear gas rounds, but also allowed the protestors to block roads arbitrarily. He thus considered that there was no need to condemn the police officers in Tseung Kwan O. In this regard, he absolutely supported the establishment of an independent commission of inquiry to independently address the incidents occurred in the last three months. He said Members should thoroughly consider the need to strongly condemn all police officers, and suggested amending the wording to “condemn some police officers” or “investigate some police officers” instead of all police officers as protestors were also divided into violent ones and “peaceful, rational and non-violent” ones, making it impossible to generalise. Therefore, he considered that Members should provide constructive suggestions on the incident, instead of further aggravating the hatred between members of the public and the Police.

224. Mr CHAN Kai-wai said he had stayed in the housing estate for 14 hours on 4 August because of the need to consider whether persons dressed in black, white or blue or the Police, etc. should be allowed to enter the housing estate. From the perspective of the Owners’ Corporation or a Member of SKDC, members of the public were only classified into residents and non-residents. Police officers purposefully conducting investigations with a search warrant could enter the housing estate, while

those without sufficient justifications would not be allowed to enter. He said frontline police officers might have inadequacies, as some police officers said they would break through the gates and informed the housing estate that the damage could be claimed from the Government afterwards, given that the housing estate did not allow police officers to enter. He considered that this practice would only aggravate public grievances, but he did not lodge a complaint as he understood the difficulties faced by the Police. Besides, as a snake was spotted within the areas of the housing estate by some residents on 1 September, some police officers had entered the area, which had caused him to be scolded by the residents. Subsequently, a household of a residential unit had called the Police for assistance due to a domestic dispute and an assault incident occurred at night; coincidentally, a dispute with the protestors had occurred at MTR Tiu Keng Leng Station at that time. Some residents misunderstood that the Police came to arrest the protestors and opposed them from entering the areas of the housing estate, so he needed to arrive at the scene for mediation. He considered that the current situation had become polarised, and that the facts could only be either black or white. Being a Member of SKDC, since the society was already full of grievances and disputes, moving such a motion at this moment might not be necessary in order not to worsen the incident. As the facts of the incident had not been proven, an independent commission of inquiry was therefore needed to be established for understanding the truth. He continued that after receiving reports from the housing estate, the Police would now respond that many housing estates did not welcome the entrance of the Police. If cases did not involve personal safety, the Police would not accord priority to such cases, which made him very helpless. He said some Members accused police officers of being “black cops” on one hand, and requested for strengthening the manpower of the Police on the other hand, which was self-contradictory. Therefore, he considered that the incident should not be handled in an across-the-board manner.

225. Mr YAU Yuk-lun said he opposed the original motion and supported the amended motion moved by Mr Philip LI. He considered that violence was violence and could not be covered up. Open and righteous persons did not need to wear face masks. All persons who were pro-independence and caused damages to the Government were hypocritical, and those who advocated “Taiwan Independence” were also hypocritical and were not for the good of Hong Kong. Blocking roads and disrupting MTR services were not just. He condemned those who wore face masks but accused police officers of being “black cops” and considered that they should take off their masks in order to be convincing. He pointed out that “black reporters” had also accused police officers of being “black cops”. Although most members of the public did not voice out, it did not mean that those who voiced out were correct. He hoped that the persons

concerned could call a halt to this massacre and dissociate with those evil persons. In particular, LegCo Members should fulfil their responsibilities to attend meetings and grant funding approvals to public works projects for improving people's livelihood and increasing employment.

226. Mr WONG Shui-sang objected to part of the wording of the original motion, as Members had no right to determine who belonged to a triad, and he also did not understand the reason for the Police to adopt a permissive attitude towards the triad. He queried that whether those who vandalised MTR stations should also be regarded as triads if triads were defined as persons who damaged the society. Besides, as legal proceedings were in progress, no discussion on the incident would be necessary.

227. Hon Gary FAN supported the original motion. He considered that Members must clarify the facts first. As Members and representatives of the public, Members should not use the pretext that the Council had no room to discuss political issues. In fact, if the Council could reflect views to the Government and make political decisions, social disputes caused by mistakes could be stopped. Some Members accused LegCo Members of not attending meetings. However, in fact, if the incident could be solved at the meeting of LegCo in May that the Government could listen to the views of the representatives of the public of LegCo instead of promoting the proposed amendments to the Fugitive Offenders Ordinance, the subsequent problems would not have occurred. He considered that it would be difficult for Messrs YAU Yuk-lun and WONG Shui-sang to further debate if they did not even know about the facts. Secondly, when discussing the amendments to the Fugitive Offenders Ordinance, LegCo Members of the pro-establishment and pro-Government camps said members of the public did not need to be worried about being affected if they did not commit any crime. Based on the above logic, if the Police did not abuse their power and use excessive force, there was no need to worry about establishing the independent commission of inquiry, which would carry out investigations on the incident in a fair manner and then make suggestions for improvement. Therefore, all Members who had opposed the original motion were in fact conniving and harbouring the police officers from using excessive force in the past two months when performing frontline duties. He considered that the purpose of stopping the Police from continuing to abuse their power was to prevent them from making mistakes continuously, and the best approach was to establish an independent commission of inquiry. Besides, in response to the statement of Mr Stanley TAM that both parties had irregularities and the statement of Mr WAN Yuet-cheung that he condemned all forms of violence, Hon Gary FAN said institutional violence was also a form of violence. As the levels of force of the protestors and the Police were not

equivalent and the Police were holding weapons that could kill (such as rubber bullets, tear gas rounds, bean bag rounds, etc.), the public needed to participate in street struggle when the Government enacted a draconian law and the issue could not be solved in LegCo. No one hoped that the situation would arise. Therefore, the Police must be morally condemned and it was necessary to request them to stop the use of excessive force and to establish an independent commission of inquiry to prevent the Police from making mistakes continuously, which could truly stop violence and curb disorder, thus solve the political issue at source. He considered that political issues must be solved with political means. Under such a dangerous situation, everyone must distinguish between black and white. For example, Members could reflect their views to the Government at the Council, and if the Government was willing to implement the views of Members, more Hong Kong people, including the Police, protestors and young people would not be hurt continuously. He asked Members not to use nationalism on the cheap and strategies of political parties as an excuse since the society was facing a matter of principle. Hon CHAN Kin-por, who made remarks on the “harvest period”, also said the Hong Kong version of the “4 June incident” needed to be avoided. The “anti-extradition to China” movement did not involve sovereignty. He certainly knew that Hong Kong was in the midst of an upsurge of the trade war between China and the United States, however, the Government could take practical actions to prevent blood shed from happening again. He considered that Members needed to be constrained by public opinion, and that political issues should not be solved on the street by the public and the Police.

228. Mr KAN Siu-kei considered that as Hon Gary FAN created trouble at LegCo by climbing up on others’ shoulders and seizing the microphone, he did not discharge his duties as a Member of LegCo. He also did not follow the rules and had confounded right and wrong. He had pushed young people to “have a death pact”, and had repeatedly obstructed the Police in performing their duties in accordance with the law instead of being a mediator. When he condemned Hon Gary FAN last time, Mr LAI Ming-chak said the Hong Kong Federation of Trade Unions was the forerunner of the 1967 riots. He did not know what had happened at that time, and considered that the incident had become history even if there were wrongdoings. The protestors now repeated the same mistakes, throwing petrol bombs and using catapults as weapons. If the riots were to be stopped, young people should be advised to go back to school instead of being mobilised to create trouble on the street and letting children sacrifice. Besides, batons were only 60 centimetres long, while some rioters attacked the feet of police officers with iron poles of seven feet long. However, Hon Gary FAN did not condemn such act.

229. The Chairman asked Members to respect each other when delivering a speech, and declared that the meeting would be adjourned for ten minutes.

(The meeting was resumed at 2:55 p.m.)

230. The Chairman invited Members to vote on the amended motion moved by Mr Philip LI, namely: “Urge the Police to recount the details of the recent dispersal operations and arrests of violent protestors, to explain the legal grounds for clarification purposes, and to announce the upcoming plans to strengthen the Police manpower and improve the law and order in the Police District, and request the Government to establish a Commission of Inquiry after quelling the unrest to investigate and give an account of the entire matter, its causes and the way forward to Hong Kong people”.

231. Before the showing of the voting result, Ms Christine FONG said she herself had voted against the amended motion.

232. The Chairman declared that the voting result was as follows: 15 votes for the amended motion, 12 votes against it (including the vote of Ms Christine FONG) and 1 abstention. The Chairman declared that the amended motion was endorsed. SKDC would convey the request to SB in writing.

(The Vice-Chairman temporarily took the chair of the meeting.)

(B) Two questions raised by Members:

(1) Request the departments concerned to properly handle the damaged street lights on Po Lam Road South near the Heritage Hiking Trail, and to make arrangements for repairing the street lights as soon as possible to provide sufficient illumination there to safeguard pedestrian safety

(SKDC(M) Paper No. 229/19)

233. The Vice-Chairman said the question was raised by Mr CHAN Kai-wai, Ms Christine FONG, Messrs CHEUNG Mei-hung and Edwin CHEUNG.

234. Members noted the written response from the Sai Kung District Office (SKDO) (SKDC(M) Paper No. 241/19).

235. Mr CHAN Kai-wai agreed with the suggestion of SKDO. The issue was referred

to the District Facilities Management Committee for following up.

(2) Request for introducing a public warning system for instant dissemination of information on natural disasters

(SKDC(M) Paper No. 230/19)

236. The Vice-Chairman said the question was raised by Ms Christine FONG.

237. Members noted the joint written response from SB, the Hong Kong Observatory and TD (SKDC(M) Paper No. 238/19).

238. Ms Christine FONG said the Government should adopt new technology, disseminate information on typhoon timely and formulate contingency plan for natural disasters to reduce the loss of Hong Kong brought about by such disasters.

VI. Any Other Business

(A) Interrupted fresh water supply of Tseung Kwan O Plaza

(Extempore motions: (1) In response to problems of impurities being found in fresh water and the water turning yellowish in many housing estates in Tseung Kwan O, request for installation of water strainers for housing estates including Park Central, Tseung Kwan O Plaza, Tong Ming Court, etc., and replacement of the aged water mains as soon as possible with a view to solving the water quality problem completely (2) Strongly request the Water Supplies Department to give an account of and resume the normal operation of water supply system at Tseung Kwan O Plaza, and give compensation for the loss (3) Request the Water Supplies Department to solve the pollution problem of fresh water in Tseung Kwan O at the root, to strengthen the monitoring of the relevant works, to replace the ageing water mains, and to install strainers at the inlet side of water mains as soon as possible)

239. The Vice-Chairman said the fresh water supply of Tseung Kwan O Plaza had been suspended for several consecutive days last week, and WSD had taken the initiative to send representatives to the meeting. He welcomed:

- Mr CHAN Kwok-tai, Chief Engineer/NTE, WSD
- Mr LAM Kwok-chuen, Senior Engineer/NTE 2, WSD
- Mr Andrew WONG, Senior Engineer/NTE 4 (Acting), WSD

240. Mr CHAN Kwok-tai, Chief Engineer/NTE, WSD, said a fresh water pipe with a diameter of about 150 mm at the junction of Po Hong Road and Ling Hong Road needed emergency repair works on 27 August this year. To avoid an extensive disruption in

water supply in Tseung Kwan O town centre, WSD had redeployed the water supply network. From that night to the next morning, WSD had received reports from some residents and the management company of Tseung Kwan O Plaza respectively, pointing out that the water supply had become yellowish and black spots had appeared. After receiving the reports, WSD immediately made three arrangements: (1) to provide temporary water supply by means of water wagons and water tanks to the housing estate concerned; (2) to flush the water supply network in the vicinity of Tseung Kwan O Plaza and Po Yap Road for removing impurities in the water as soon as possible; and (3) to assist the management company in comprehensively cleaning the sumps, intermediate fresh water tanks and rooftop fresh water tanks (a total of 20 water tanks) in the eight buildings of Tseung Kwan O Plaza to drain away fresh water with impurities and to import fresh water again as soon as possible. Subsequently, as the quality of fresh water was not yet stable, WSD decided on 30 August to construct new fresh water pipes directly connecting to the four sumps of Tseung Kwan O Plaza and to assist the management company to supply fresh water to the intermediate fresh water tanks and rooftop fresh water tanks, and then to the households. As time was needed for resumption of water supply, he apologised for the inconvenience caused by the incident.

241. Mr TSE Ching-fung asked WSD about the ways to follow up on the fresh water problem of Tseung Kwan O Plaza. At present, apart from the fresh water problem of Tseung Kwan O Plaza, black spots and impurities were also found successively in the fresh water of nearby housing estates, including Beverly Garden, Bauhinia Garden, Park Central and those in the vicinity of Tseung Kwan O South. He hoped to understand whether the fresh water problem of housing estates in the vicinity of Tseung Kwan O South was caused by the waterworks on 27 August, and whether WSD would adopt any remedial measure.

242. Mr LUI Man-kwong said he had received complaints from many residents since 29 August that black spots were found in the fresh water of Park Central. Although he had immediately followed up and handled the situation with the representatives of WSD, he still received complaints from residents of Tong Ming Court afterwards. He pointed out that black spots and impurities were found in the fresh water of Park Central in April this year, and a similar problem occurred again at present. He said he himself had moved a motion on the fresh water problem of Park Central and had followed up with WSD in May this year, and had suggested WSD to install strainers for the water pipes involved during the time. He hoped that WSD could conduct a thorough investigation into the causes of black spots in fresh water, ageing of fresh water pipes, spalling of the anti-corrosion coatings and explore long-term solutions to effectively

solve the problem of impurities in fresh water in the long run. He also asked whether WSD would install strainers for Park Central and Tseung Kwan O Plaza.

243. Mr LAI Ming-chak said a spontaneous residents meeting would be held tonight. As the Chief Engineer of WSD had agreed to attend the meeting, he hoped that the Chief Engineer could provide detailed information to residents at the meeting on the current situation of fresh water pipes in the district. He had submitted a joint letter from residents to WSD before the meeting. As for the contents of the letter, apart from requesting WSD to provide information on the incident of impurities in fresh water, residents also hoped that WSD could prevent similar incidents from happening again. A similar incident had occurred in Park Central in April this year. Although the causes of the two incidents might not be the same, they both affected the daily lives of residents. Therefore, he hoped that WSD would adopt effective measures to prevent the recurrence of the incident. Besides, as the suspension of water supply lasting for several days had seriously affected the lives of residents, they hoped that WSD could formulate compensatory options or provide an official letter to give a full account of the incident for them to make insurance claims. In the long term, he hoped that WSD could set up a channel for residents to express views. Besides, he hoped that WSD could provide water meters cleaning service for the residential units concerned to improve the fresh water problem as far as practicable.

244. Mr WAN Yuet-cheung said it had been eight days since the fresh water problem of Tseung Kwan O Plaza had occurred on 27 August, but the water supply had not fully resumed. Therefore, he hoped that WSD could give a clear account of the latest situation and when the water supply would resume normal. He pointed out that, in addition to disrupting water supply, the impurities in fresh water would also damage electrical appliances such as gas geysers and washing machines, etc. Residents needed to arrange for maintenance by themselves, which seriously affected their lives. Besides, although SKDO and LCSD had arranged for extending the opening hours of sports grounds and the Velodrome to allow residents in need to use the shower-rooms at those venues, such arrangements were inconvenient to the residents. As such, he hoped that WSD could resume water supply as soon as possible.

245. Mr CHAN Kai-wai said after the fresh water problem of Park Central was revealed in April, he had immediately contacted WSD to understand the situation. He considered that this incident was very similar to the last one. However, WSD did not learn from experience, causing problems to the water supply again. He asked whether WSD had the confidence to guarantee that a similar incident would not happen again

for the third time in the future. He pointed out that the contaminated fresh water tanks needed to be filtered slowly in order to drain away all impurities. Besides, he hoped that WSD could seriously handle the future water main repair works in the vicinity of Tiu Keng Leng to avoid the unfortunate incident from happening for the third time. He pointed out that after the occurrence of the water supply problem of Tseung Kwan O Plaza, although the departments concerned had immediately arranged to open the shower-rooms of the Velodrome for public use, members of the public sweated again after going home on foot due to the hot weather. Therefore, he hoped that WSD would expedite the deployment of water wagons and strengthen other support. In addition, complaints about fresh water had also emerged in other housing estates, including Tseung Kwan O Plaza, Park Central, Tong Ming Court, Twin Peaks, Bauhinia Garden, Capri, etc. He continued to ask WSD about the reason for the Hong Kong and China Gas Company Limited to assist in solving the fresh water incident of Park Central last time but not this time.

246. Mr Francis CHAU said he had received many complaints about the fresh water problem from the public. The desalination plant project would be discussed at the meeting to be held next Tuesday. As laying of water mains would be necessary for the works concerned, he was worried that the fresh water supply in the district would thus be affected and hoped that WSD could learn from experience. At present, the fresh water problem was mainly confined to Tseung Kwan O South, and Members were worried that the problem would be spread to other places such as Hang Hau or Tiu Keng Leng, etc. He suggested WSD to deploy contingency arrangements as soon as possible after listening to the views of SKDC.

247. The Chairman said he had also received many complaints about the fresh water problem from the household owners and residents in Tseung Kwan O. WSD mentioned earlier that the existing water supply system had been disconnected by the waterworks and was connected to other water pipes, thus resulting in this incident. As he believed that the source of the problem was not the pipes of the housing estate concerned, he enquired whether WSD had identified the source of the problem. He said some residents had complained that in addition to affecting household electrical appliances, this incident also resulted in allergic conditions after bathing. He thanked WSD for proactively providing information to SKDC and for the inter-departmental cooperation with SKDO and LCSD to solve the problem for the residents.

248. Mr CHAN Kwok-tai of WSD thanked Members for their valuable views. He reiterated that this incident was different from that occurred in Park Central in April and

was not related to water mains connection works. He cited for illustration that in order to participate in the Quality Water Supply Scheme for Buildings, consumers needed to regularly clean the rooftop fresh water tanks. Similarly, the large service reservoirs of WSD also needed to be cleaned regularly. He clarified that, similar to rooftop fresh water tanks and large service reservoirs, the occurrence of deposits in fresh water was caused by the prolonged use of water mains instead of contamination by external source. He emphasised that the quality of fresh water supplied by WSD fully met relevant standards for drinking water of the World Health Organisation. After this incident, WSD had collected water samples at different locations in Tseung Kwan O. The test results revealed that all samples were suitable for drinking and did not exceed the limit. At present, the water supply to Tseung Kwan O Plaza had resumed normal. WSD had arranged for a group of staff members to set up a temporary counter near Tseung Kwan O Plaza since last week to handle reports from individual households on the low water supply pressure, no water supply or continued presence of black spots in fresh water. During the period, no large-scale report on the malfunction of electrical appliances such as washing machines or gas geysers, etc. had been received. In response to this incident, WSD had formulated corresponding short-term, medium-term and long-term plans. In the short term, WSD would keep monitoring the water quality and clean the large service reservoirs regularly, as well as flush fresh water pipes by high speed flow in a timely manner in accordance with the condition of water quality in the hope that the impurities would be flushed out. WSD would not only flush the fresh water pipes at Tseung Kwan O Plaza or Po Yap Road, but also regularly flush the whole water supply network in Sai Kung and Tseung Kwan O to ensure clean water. Besides, WSD would also prioritise the installation of strainers at suitable locations where incidents often occurred, such as Tseung Kwan O Plaza and Park Central, after conducting risk assessments, which was estimated to be completed in the next few days. In the long term, WSD would continue to monitor the spalling of internal bitumen protective lining of water pipes in the district and replace damaged pipes in stages. At the same time, WSD would explore with universities and large water agencies on the ways to address the spalling of internal bitumen protective lining. WSD had a strong research and development team, which was supported by consultants and world-class national water companies, such as those of the United Kingdom, European and American countries, etc. Besides, WSD would organise the International Water Association Asia Pacific Regional Group Conference and Exhibition, exchanging in-depth views with experts from regions such as European and American countries, Singapore, Japan, Mainland, Taiwan, etc. The conference would be held in Hong Kong in November. He said the ultimate goal of WSD was to provide the public of Hong Kong with quality drinking water through the provision of professional services, and hoped that Members could

appreciate the work of WSD.

249. Mr LUI Man-kwong said Park Central had repeatedly experienced fresh water problem. As he noted that the diversion works for fresh water pipes would be carried out in the fourth quarter of this year, he hoped that WSD could ensure water safety after the diversion works for water pipes. Although this incident occurred in Tseung Kwan O Plaza, similar problems had also repeatedly occurred in Park Central. Therefore, he hoped that WSD could also provide strainers to Park Central at the same time. He hoped to move an extempore motion jointly with Mr LAI Ming-chak, namely: “In response to problems of impurities being found in fresh water and the water turning yellowish in many housing estates in Tseung Kwan O, request for installation of water strainers for housing estates including Park Central, Tseung Kwan O Plaza, Tong Ming Court, etc., and replacement of the aged water mains as soon as possible with a view to solving the water quality problem completely”. The extempore motion was seconded by Hon Gary FAN.

250. Mr WAN Yuet-cheung requested for moving another extempore motion.

251. Mr TSE Ching-fung asked WSD whether the black spots or impurities in the fresh water were caused by spalling of bitumen protective inner coatings and whether the water was still suitable for drinking. He pointed out that water pipes with spalled bitumen protective inner coatings needed to be replaced. Besides, he enquired whether WSD had formulated practical and emergency measures to solve the problem of drinking water safety.

252. Mr CHAN Kai-wai said yesterday was the due date for submitting motions to the Social Services & Healthy and Safe City Committee (SSHSCC). As he had moved a motion on the relevant matter before the due date, he considered that other Members did not need to move extempore motions at this meeting and that the matter could be discussed at the meeting of SSHSCC to avoid duplication.

253. The Vice-Chairman said the extempore motion moved by Messrs LUI Man-kwong and LAI Ming-chak would be handled first before handling the extempore motion moved by Mr WAN Yuet-cheung.

254. Mr WAN Yuet-cheung said he had just called the residents of Tseung Kwan O Plaza to ask whether the water supply had resumed normal, and they reflected that black spots and impurities were still found in fresh water. Therefore, he requested for

moving another extempore motion, namely: “Strongly request the Water Supplies Department to give an account of and resume the normal operation of water supply system at Tseung Kwan O Plaza, and offer compensation for the loss”. The extempore motion was seconded by Mr WAN Kai-ming.

255. Mr CHAN Kai-wai enquired whether he needed to withdraw the motion moved at the meeting of SSHSCC and move an extempore motion at this meeting instead.

256. The Secretary said that similar situations had also occurred in the past. Mr CHAN Kai-wai had submitted the meeting paper before the due date, and the matter had not been discussed at SSHSCC, i.e. SKDC had not made a decision on the relevant motion. Under the circumstances, even if other Members had moved extempore motions on the relevant matter at this meeting, the Chairman would normally allow the motions submitted before the due date to be discussed at the committees.

257. The Vice-Chairman said in accordance with the Standing Orders, extempore motions could only be included in the agenda subject to the agreement of over half of the Members present at the meeting. He asked Members for their views on the three extempore motions one by one.

258. There being no objection, the Vice-Chairman declared that the extempore motion jointly moved by Messrs LUI Man-kwong and LAI Ming-chak and the extempore motion moved by Mr WAN Yuet-cheung would be included in the agenda respectively.

259. Mr CHAN Kai-wai moved another extempore motion, namely: “Request the Water Supplies Department to solve the pollution problem of fresh water in Tseung Kwan O at the root, to strengthen the monitoring of the relevant works and to replace the ageing water mains. The extempore motion was seconded by Mr Edwin CHEUNG.”

260. There being no objection, the Vice-Chairman declared that the extempore motion moved by Mr CHAN Kai-wai would be included in the agenda.

261. The Secretary said in accordance with the written wording provided by the Members concerned, the wording of the extempore motion jointly moved by Messrs LUI Man-kwong and LAI Ming-chak and seconded by Hon Gary FAN was: “In response to problems of impurities being found in fresh water and the water turning yellowish in many housing estates in Tseung Kwan O, request for installation of water

strainers for housing estates including Park Central, Tseung Kwan O Plaza, Tong Ming Court, etc., and replacement of the aged water mains as soon as possible with a view to solving the water quality problem completely”.

262. The Vice-Chairman invited Members to vote on the above extempore motion. There being no amendment, objection or abstention, the Vice-Chairman declared that the extempore motion was endorsed.

263. The Secretary said in accordance with the written wording provided by the Member concerned, the wording of the extempore motion moved by Mr WAN Yuet-cheung and seconded by Mr WAN Kai-ming was: “Strongly request the Water Supplies Department to give an account of and resume the normal operation of water supply system at Tseung Kwan O Plaza, and give compensation for the loss”.

264. The Vice-Chairman invited Members to vote on the above extempore motion. There being no amendment, objection or abstention, the Vice-Chairman declared that the extempore motion was endorsed.

265. The Secretary said in accordance with the written wording provided by the Member concerned, the wording of the extempore motion moved by Mr CHAN Kai-wai and seconded by Mr Edwin CHEUNG was: “Request the Water Supplies Department to solve the pollution problem of fresh water in Tseung Kwan O at the root, to strengthen the monitoring of the relevant works, to replace the ageing water mains, and to install strainers at the inlet side of water mains as soon as possible”.

266. The Vice-Chairman invited Members to vote on the above extempore motion. There being no amendment, objection or abstention, the Vice-Chairman declared that the extempore motion was endorsed.

267. The Vice-Chairman asked the representatives of WSD to note the views of Members and to follow up on the contents of the motions, and said they could leave the meeting first.

268. The chairmanship of the meeting was passed back to the Chairman.

(B) The suspension of service by MTR in response to public activities
(Extempore Motions: (1) Request the MTR Corporation Limited to formulate and handle unexpected incidents with contingency plans to ensure the safety

of the public who go out (2) Condemn the Transport and Housing Bureau for allowing the suspension of service by MTR Corporation Limited (MTRCL) without reasonable cause or making arrangement for alternative means of transport; request MTRCL to submit a clear and highly transparent standard on suspension of service and make special arrangements for carrying passengers; and to apologise and give compensation to the public for the suspension of services of the Kwun Tong Line and Tsuen Wan Line on 24 August and 25 August respectively (3) SKDC opposes the suspension of service by MTR Corporation Limited in response to public processions and meetings on its own initiative)

269. Mr Peter LAU said, at the special meeting of TTC held on 26 August, the suspension of MTR service was mentioned by Members. He pointed out that since the outbreak of disturbances arising from the opposition to the amendments to the Fugitive Offenders Ordinance, MTR stations had been the target of attack by the protesters time and again. In response, MTR successfully obtained the granting of temporary injunction from the Court, and closed the stations in close vicinity to large-scale assembly to protect the safety of passengers. He considered that the positive action taken by MTR should be recognised because it not only protected the safety of passengers, but also sent to the society the message of its determination to dissociate from violent behaviours. He also pointed out that MTR's arrangement of special trains to carry protesters was being queried. He continued that it was doubtless that the closure of MTR stations would cause inconvenience to the general public, who should not bear the consequences brought about by the rioters, therefore, MTR should formulate contingency plan to arrange shuttle buses to carry members of the public who needed to go out, or to cooperate with the telecommunication companies to notify the public of the latest service situation through SMS to facilitate the public to plan before going out. More importantly, MTR should consider how to protect the safety of passengers when the radical protesters carried out revenge at MTR in the form of violent acts, he suggested that when preparing the contingency plan, MTR should actively communicate with the Police and government departments so that they could match with each other for protecting the safety of passengers. He raised an extempore motion, the wording of which was: "Request the MTR Corporation Limited to formulate and handle unexpected incidents with contingency plans to ensure the safety of the public who go out". The extempore motion was seconded by Mr CHONG Yuen-tung.

270. Mr CHAN Kai-wai said at the last special meeting of TTC, the TTC Chairman

suggested discussing a motion about MTR at the full council meeting of SKDC. Since the motion was not included in the agenda of this meeting, he would like to raise an extempore motion, the wording of which was: “Condemn the Transport and Housing Bureau for allowing the suspension of service by MTR Corporation Limited (MTRCL) without reasonable cause or making arrangement for alternative means of transport; request MTRCL to submit a clear and highly transparent standard on suspension of service and make special arrangements for carrying passengers; and to apologise and give compensation to the public for the suspension of services of the Kwun Tong Line and Tsuen Wan Line on 24 August and 25 August respectively”. The motion was submitted to the Secretariat on 26 August. Mr CHEUNG Mei-hung seconded the extempore motion.

271. Hon Gary FAN said, at the last special meeting of TTC, Members had put forward at least two motions related to the problems caused by the shutting of gates and closure of stations by MTR, and hoped that those motions could be discussed at that meeting. However, those motions were not discussed because Mr Peter LAU considered that the special meeting was convened to discuss issues related to the bus-bus interchange opposite Tseung Kwan O Tunnel. He was worried that MTR might close the MTR stations in response to the demonstrations that the Police had issued No Objection Letter, or the possible chaos arising from such demonstrations, he considered there was an acute need for discussing the motions related to MTR at this full council meeting for public interests. Besides, he said the motion moved by Mr Peter LAU intended to include two to three motions raised by Members at the last meeting, but it might not be able to accurately express the views of each Member. He hoped that the Chairman would allow other Members to put forward motions and vote on them.

272. Mr CHUNG Kam-lun would like to move the extempore motion he had raised at the special meeting of TTC again at this meeting. The wording of the motion was: “SKDC opposes the suspension of service by MTR Corporation Limited in response to public processions and meetings on its own initiative”. He pointed out that Mr Peter LAU moved the motion in the hope that MTR would formulate contingency plan to cope with unexpected incidents, however, MTR had stopped the train service in response to the processions staged in Kwun Tong district on the Saturday two weeks ago when no one had disturbed the station. Similarly, the train service of Tseung Kwan O Line was suspended last Saturday when no station was being disturbed, no contingency plan was implemented also. He considered that under the circumstances that the demonstrations during the last two Saturdays had not posed obvious disturbances and threat to train service, the preventive measures and suspension of train

service adopted by MTR was not proportional.

273. Mr Frankie LAM seconded the motion.

274. The Chairman said, three Members had moved extempore motions related to the closure of MTR stations. STH had responded on this issue at the cross departmental press conference held on 26 August. STH pointed out that some members of the public had destroyed the facilities in Yuen Long, Kwai Fong and Tai Koo Stations maliciously, some of them even attacked the Station Control Room, which posed threat to the safety of MTR staff and passengers. After making risk assessments, both the Government and MTR considered that the processions staged in the vicinity of Kwun Tong, Tsuen Wan and Kwai Tsing might constitute danger. In order to safeguard railway safety, the Government agreed with MTR's taking measures proactively by closing the stations and suspending the train service. STH considered that such arrangements were made after thorough consideration. It was a difficult decision made with the safety of passengers, staff and railway as top priorities. In addition, STH said TD had been closely monitoring the condition of surface land transport during the closure of MTR stations, it had also requested the bus companies to provide additional services to carry passengers. TD would also disseminate the latest traffic news for information of the public through different channels. STH said the government departments and MTR would continue to accord top priority to the safety of members of the public, they would also review and make appropriate train service arrangement from time to time.

275. The Chairman asked Members whether they agreed with the inclusion of the three extempore motions in the agenda one by one.

276. There being no objection from Member, the Chairman declared the inclusion of the three extempore motions in the agenda.

277. The Secretary repeated the extempore motion moved by Mr Peter LAU and seconded by Mr CHONG Yuen-tung, the wording of which was: "Request the MTR Corporation Limited to formulate and handle unexpected incidents with contingency plans to ensure the safety of the public who go out".

278. There being no objection from Members, the Chairman declared that the extempore motion was endorsed. SKDC would convey the request to the Transport and Housing Bureau (THB) and the relevant government department in writing.

279. The Secretary repeated the extempore motion moved by Mr CHAN Kai-wai and seconded by Mr CHEUNG Mei-hung, the wording of which was: “Condemn the Transport and Housing Bureau for allowing the suspension of service by MTR Corporation Limited (MTRCL) without reasonable cause or making arrangement for alternative means of transport; request MTRCL to submit a clear and highly transparent standard on suspension of service and make special arrangements for carrying passengers; and to apologise and give compensation to the public for the suspension of services of the Kwun Tong Line and Tsuen Wan Line on 24 August and 25 August respectively”.

280. Mr YAU Yuk-lun opposed the above motion. He declared that he was holding shares of MTR. Besides, he considered that the closure of MTR stations could ensure that protesters could not disturb the stations.

281. Mr CHONG Yuen-tung said given that the Chairman had read out the response of THB, and the content of extempore motion moved by Mr CHAN Kai-wai was that MTR had shut the gates unreasonably, he considered the content of the motion prejudiced and not reflecting the fact, he opposed endorsing the motion. According to records, MTR stations were among the first to be destroyed in all demonstrations, he considered the closure of MTR stations a protection of the facilities in the stations, a guarantee of passengers’ safety, which could also avoid affecting the future operation of railway.

282. Mr WAN Yuet-cheung said the Chairman had read out the response of THB regarding the reasons for closure of MTR stations. It was also reported in the TV media that MTR stations were closed for protecting the personal safety of passengers. He considered that if Mr CHAN Kai-wai would delete the word “condemn” in his extempore motion, he might consider voting for the motion, otherwise, he would vote against it.

283. Mr CHAN Kai-wai said Members did not understand the content of his motion, their focuses were wrong. He clarified that the content of his motion was not accusing MTR of closing the stations involved. He gave an example, on the day when an incident occurred at Kowloon Bay, the stations that needed to suspend train service extended to seven stations beyond, i.e. Po Lam station, which indicated that MTR did not have a clear guideline on suspension of train service. He asked if there was a demonstration in Admiralty, whether MTR needed to close the stations from Kennedy

Town to Tai Koo. He considered that as a public enterprise, MTR should have social conscience and social responsibility, it should not close the stations not being affected by the processions hastily. He also declared that he held one share/odd lot of MTRCL. He reiterated that the content of the motion was not to prohibit MTR from closing the affected stations, but not to close other stations not being affected by processions or demonstrations unreasonably.

284. Ms Christine FONG pointed out that the sudden suspension of train service by MTR was a livelihood but not political problem. They had made a complaint against the problem to MTR. She said, in general, the conflict would not occur in the morning, if MTR closed the stations too early, it would have far reaching impact on the public. As a female Member, she heard that a pregnant resident was requested to alight the train at about 12:00 noon after she got onto the train at Tiu Keng Leng Station. It was not easy for frontline staff of MTR to handle her case. The senior management of MTR should take responsibility for the incident. She pointed out that MTR should close the stations affected by processions and demonstrations, but service suspension involving extensive area would affect the public, in particular the residents of Tseung Kwan O because they rely on MTR as the main mode of transportation. She continued that given that THB was well aware that No Objection Letter was issued to the processions in Kwun Tong district, and MTR was granted the injunction for protection of safety, THB should be responsible for the failure in arranging special service to assist the affected residents after the suspension of train service. The incident occurred at Tiu Keng Leng also gave the residents the impression that MTR was suspending train service without careful consideration, therefore, she moved an extempore motion and hoped that the Council would support it.

285. The Chairman invited Members to vote on the extempore motion moved by Mr CHAN Kai-wai and seconded by Mr CHEUNG Mei-hung. The voting result was as follows: 13 votes for the extempore motion, 1 vote against it, and 8 abstentions.

286. The Chairman declared that the extempore motion was endorsed. SKDC would convey the request to THB and the relevant government departments in writing.

287. The Secretary repeated the extempore motion moved by Mr CHUNG Kam-lun and seconded by Mr Frankie LAM, the wording of which was: "SKDC opposes the suspension of service by MTR Corporation Limited in response to public processions and meetings on its own initiative".

288. There being no objection from Members, the Chairman declared that the extempore motion was endorsed. SKDC would convey the request to THB and the relevant government department in writing.

VII. Date of Next Meeting

289. The Chairman said this was the last meeting of the current-term SKDC, which would suspend operation from 4 October. On behalf of SKDC, he would like to thank the government departments concerned for supporting the work of SKDC in the past; he also thanked Members for their support in district work all along, which contributed significantly to the development of the community. The minutes of this meeting and those of the Committees and Working Groups meetings held in September and the voting records would be sent to Members by email for endorsement. During the suspension of operation of SKDC, the Secretariat would upload onto the SKDC website on an irregular basis the reply provided by different government departments and organisations in respect of the full council SKDC meetings, and meetings of Committees or Working Groups held, for reference by Members and the public. Members were invited to visit the website on their own.

290. The Chairman continued that for SKDC of the next term, the letter collection boxes and lockers of Members at the Secretariat would be arranged according to the alphabetical order of their names as usual. For the re-elected Members, the Secretariat would move the items they left in the letter collection boxes to the new positions. As for outgoing Members, they were requested to clear their letter collection boxes in December. Besides, all Members, no matter whether they were re-elected or not, were requested to clear the lockers and return the locker key to the Secretariat in December to facilitate the arrangement of lockers. In addition, all Members were requested to return the “Identity Card of District Council Member” of the 5th term DC. Finally, the calendar of 2020 and the souvenirs of the Lunar Chinese New Year would be arranged for distribution after the completion of the District Council election in 2019.

291. The meeting adjourned at 4:10 p.m.

Sai Kung District Council Secretariat
September 2019