

(Confirmed minutes)
(Translation)

Sai Kung District Council
Minutes of the Second Meeting in 2020

Date: 3 March 2020 (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 CHUNG Kam-lun (Chairman) | 9:30 a.m. | 3:30 p.m. |
| Mr CHAU Yin-ming, Francis, BBS, MH (Vice-Chairman) | 9:30 a.m. | 3:30 p.m. |
| Ms CHAN Ka-lam, Debby | 9:30 a.m. | 3:30 p.m. |
| Mr CHAN Wai-lit | 9:30 a.m. | 3:30 p.m. |
| Mr CHAN Yiu-chor, Andrew | 9:30 a.m. | 3:30 p.m. |
| Mr CHENG Chung-man | 9:30 a.m. | 3:30 p.m. |
| Mr CHEUNG Chin-pang, Edwin | 9:30 a.m. | 3:10 p.m. |
| Mr CHEUNG Mei-hung, Chris | 9:30 a.m. | 3:01 p.m. |
| Mr CHEUNG Wai-chiu | 9:30 a.m. | 3:30 p.m. |
| Mr CHOI Ming-hei | 9:30 a.m. | 3:30 p.m. |
| Mr CHUN Hoi-shing | 9:30 a.m. | 3:30 p.m. |
| Mr FAN Kwok-wai, Gary | 9:30 a.m. | 3:30 p.m. |
| Ms FONG Kwok-shan, Christine | 9:30 a.m. | 3:10 p.m. |
| Mr FUNG Kwan-on | 10:54 a.m. | 3:30 p.m. |
| Mr HO Wai-hong, Stanley | 9:30 a.m. | 3:30 p.m. |
| Mr LAI Ming-chak | 9:30 a.m. | 3:30 p.m. |
| Mr LAI Wai-tong | 9:30 a.m. | 3:30 p.m. |
| Mr LAM Siu-chung, Frankie | 9:30 a.m. | 3:30 p.m. |
| Mr LAU Kai-hong | 9:30 a.m. | 3:15 p.m. |
| Mr LEE Ka-yui | 9:30 a.m. | 3:30 p.m. |
| Mr LEE Yin-ho, Ryan | 9:30 a.m. | 3:30 p.m. |
| Ms LEUNG Hin-yan | 9:30 a.m. | 3:30 p.m. |
| Mr LEUNG Li | 9:30 a.m. | 3:30 p.m. |
| Mr LUI Man-kwong | 9:30 a.m. | 3:30 p.m. |
| Mr LUK Ping-choi | 9:30 a.m. | 3:30 p.m. |
| Mr OR Yiu-lam, Ricky | 9:30 a.m. | 3:30 p.m. |
| Mr TSE Ching-fung | 9:30 a.m. | 3:30 p.m. |
| Ms WONG Cheuk-nga, Valerie | 9:30 a.m. | 3:30 p.m. |
| Mr WONG Shui-sang | 9:30 a.m. | 11:05 a.m. |
| Mr YIP Brandon Kenneth | 9:30 a.m. | 3:30 p.m. |
| Mr YU Tsun-ning | 9:30 a.m. | 3:30 p.m. |
| Miss LAU Tang, Moira (Secretary) | Senior Executive Officer (District Council), Sai Kung District Office | |

In Attendance

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|----------------------------|---|
| 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 |
| Mr CHENG Chi-wing, Ken | 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 LAM Shu-tsook, Kitty | Senior Town Planner/Tseung Kwan O, Planning Department |
| Ms LUI Siu-ying, Mickey | 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 CHAN Hei-lun | Patrol Sub-Unit Commander (1) (Tseung Kwan O), Hong Kong Police Force |
| Mr CHOI Tung-tsoi | District Commander (Wong Tai Sin), Hong Kong Police Force |
| Ms SHUM Pok-yu | Divisional Commander (Sai Kung), Hong Kong Police Force |
| Mr CHENG Chun-tung, Seann | Police Community Relations Officer (Wong Tai Sin), Hong Kong Police Force |
| Mr LAM Kwok-keung | Assistant Police Community Relations Officer (Wong Tai Sin), Hong Kong Police Force |
| Ms WONG Ka-wai | OC District Intelligence Squad Wong Tai Sin District, Hong Kong Police Force |
| Mr LO Sai-pak, Sunny | Chief Engineer/E1, Civil Engineering and Development Department |
| Ms LING Kuk-yi | Chief Manager/Management (Kowloon West and Sai Kung), Housing Department |
| Mr WONG Chak-kwan, Byon | Chief Transport Officer/Goods Vehicle, Transport Department |
| Ms HEUNG Ching-yee, Alice | Chief Leisure Manager (New Territories East), Leisure and Cultural Services Department |
| Ms KONG Po-yee, 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 |
| Mr MA Hon-yim, Francis | District Lands Officer/Sai Kung, District Lands Office, Sai Kung |
| Ms NG Kit-yi, Gemma | Administrative Assistant/Lands (Acting), District Lands Office, Sai Kung |

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|-----------------------|--|------------------------------|
| Mr FUNG Kin-ip, Kevin | Senior Engineer/Kowloon District East (South), Transport Department | } For agenda item V(B)(1) |
| Mr Chan Lun-ming | Senior Engineer/6(E), Civil Engineering and Development Department | |

The Chairman said a quorum was present and the meeting commenced officially.

2. Mr Edwin CHEUNG expressed to the Chairman his protest against the fact that he himself, Mr Chris CHEUNG and Ms Christine FONG had only been informed of being assigned to other seats on the day of the meeting. He recalled that at the first meeting of Sai Kung District Council (SKDC) on 2 January 2020, Sai Kung District Office (SKDO) had assigned seats to Members according to their surnames. According to the past practice, if Members could not reach a consensus on the seating arrangement, the seats would be assigned according to their surnames or by drawing lots. He officially requested SKDO and the Chairman of SKDC to assign seats by drawing lots or by their surnames in accordance with the past practice.

3. The Chairman suggested deciding on the seating arrangement by voting.

4. Mr Edwin CHEUNG disagreed that a vote should be taken and pointed out that suppression of some minority Members was an issue involving human rights. He considered that even if there was only one voice of opposition in the Council, it should still be respected. Hence, he suggested following the fair principle of arranging seats by Members' surnames or by drawing lots.

5. Mr Chris CHEUNG recollected that he and Mr Edwin CHEUNG had expressed their request to the Chairman after the first full council meeting that they would like to retain the same seats as in the past term, and the Chairman had made a response to the matter at that time. Although two ex officio Members had requested the three of them to exchange their seats with them, he had expressed his disagreement to the suggestion. Unfortunately, they had been forcibly assigned to other seats without further notification. He opined that it was not only a matter of seating arrangement, but a matter of handling problems and whether Members were respected. He reiterated that even if SKDC had been dominated by the Democratic Alliance for the Betterment and Progress of Hong Kong in the past term, the views of minority Members had still been respected. He opined that the practice adopted by the Chairman was authoritarian and overbearing.

6. The Chairman explained that at the first full council meeting, he had invited Members to discuss the seating arrangement after the meeting. Even though Mr Chris CHEUNG had already made known his preference, he had left the venue immediately after the meeting, and he himself could not participate in the discussion of seating arrangement as he had to handle other matters. Subsequently, he had tried to slightly adjust the seating arrangement with other Members. However, the three Members of Professional Power and the two ex officio Members had left before reaching a consensus. To avoid delaying the handling of the matter, he had to adopt the proposal agreed by other Members after discussion. He continued that although Mr Chris CHEUNG had made known his preference, but like taking a flight, passengers were not guaranteed to be allocated the same seat they had occupied in their

outbound flight for their return flight.

7. Mr Edwin CHEUNG pointed out that in the context of taking a flight, seats were allocated on a first-come-first-served basis. If the same principle applied, he would arrive earlier before every meeting to select a seat.

8. Mr Chris CHEUNG commented that the incident involved a procedural matter and reference should be made to the past practice. He asked the two ex officio Members to express their views.

9. Ms Christine FONG said the Council had assigned seats according to Members' surnames in the past.

10. The Chairman reiterated that as a matter of procedure, Members should have discussed the seating arrangement together after the meeting on 2 January and the arrangement had been made according to the past practice. In response to Ms Christine FONG's remarks, he explained that based on his understanding, the practice of assigning seats according to Members' surnames had been adopted only before the Conference Room of SKDC had been relocated to Tseung Kwan O. He suggested that the current seating plan be endorsed.

11. Ms Christine FONG remarked that the practice adopted by the Chairman was not democratic and Members could not enjoy basic rights, the situation in the Council was even worse than that in the past.

12. The Chairman said Members had the responsibility to negotiate the seating arrangement among themselves and it was difficult for him to offer assistance. He suggested starting the discussion of the agenda.

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

- Mr Ken CHENG, Senior Liaison Officer (1), Sai Kung District Office, who had taken over the duties of Miss MAK Wai-man, Sandy on transfer.
- Miss Kitty LAM, Senior Town Planner/Tseung Kwan O, Planning Department, who attended the meeting on behalf of Ms TAM Yin-ping, Donna, District Planning Officer/Sai Kung & Islands.
- Ms Gemma NG, Administrative Assistant/Lands (Acting), District Lands Office, Sai Kung (DLO/SK), who attended the meeting on behalf of Mr CHAN Yuk-cheung, Administrative Assistant/Lands, DLO/SK.
- Mr CHOI Tung-tsoi, District Commander (Wong Tai Sin), Hong Kong Police Force (HKPF), who had taken over the duties of Ms TSANG Yim-sheung, Anna on transfer.
- Mr Seann CHENG, Police Community Relations Officer (Wong Tai Sin), HKPF, who had taken over the duties of Mr HO Lik-hang.
- Ms WONG Ka-wai, OC District Intelligence Squad Wong Tai Sin District, HKPF.
- Mr CHAN Hei-lun, Patrol Sub-Unit Commander (1) (Tseung Kwan O), HKPF.

14. The Chairman thanked, on behalf of SKDC, the representatives of departments who had

retired or on transfer for their contributions to the district.

15. The Chairman said Mr Brandon YIP had notified the Secretariat on 29 February that he would make an oral statement in connection with SKDC(M) Paper Nos. 61/20 and 62/20 at this meeting. The oral statement was scheduled to be made during the discussion of the relevant motions.

16. Mr LUK Ping-choi said according to the practice, the oral statements made by Members were normally read at the beginning of the meeting or during discussion of Any Other Business, but they were not inserted during the discussion of motions or other papers.

17. The Chairman explained that the oral statement to be made by Mr Brandon YIP was related to the matters to be discussed later, and he had also made reference to different practices in the past.

I. Confirmation of Minutes of the 1st Sai Kung District Council (SKDC) Meeting held on 2 January 2020 and the 1st Special Meeting held on 16 January 2020

18. The Chairman declared that the Secretariat had not received any proposed amendments before the meeting. There being no other proposed amendment, the Chairman declared that the above two minutes of meetings and the voting result were confirmed.

II. New Items

(A) Departmental Annual Programmes 2020-21
(SKDC(M) Paper No. 37/20)

19. Mr Chris CHEUNG hoped that the District Officer would respond to the controversy. He considered that the meeting should not commence if the matter of seating arrangement was left unresolved.

20. The Chairman opined that the seating arrangement of SKDC should be handled by the Council itself.

21. Mr Chris CHEUNG commented that SKDO had the responsibility to ensure the meeting being conducted in an orderly manner. Regardless of whether a vote would be taken, SKDO should make a response.

22. Mr David CHIU, District Officer (Sai Kung), SKDO, said since the Conference Room of SKDC had been relocated to Sai Kung Tseung Kwan O Government Complex, SKDO assigned seats according to the alphabetical order of Members' surnames at the first full council meeting of each new term of SKDC. After the meeting, the Chairman and Members negotiated and confirmed the seating arrangement. Given the constraint imposed by the design of the Conference Room, the seating arrangement might not be perfect for everyone. He considered that the ways to handle the matter might include reshuffling the seating plan, deciding on the existing arrangement by voting or carrying out negotiation on swapping individual seats. SKDO noted that some Members were dissatisfied with the existing seating

arrangement and would defer it to SKDC Chairman for a final decision. SKDO would respect the decision of the Chairman.

23. Ms Christine FONG opined that the existing seating plan was not properly made as there had been no negotiation. She hoped that the District Officer would co-ordinate the matter and requested the group of Members in the majority in SKDC not to neglect other minority representatives of public opinion. Besides, she expressed strong dissatisfaction with the arrangement of requesting 31 Members to take a group photo on 1 March as they had been forced to take off their masks before taking the group photo, which had caused a number of Members to feel worried. She remarked that the situation of COVID-19 was currently severe, and there were some confirmed cases in Tseung Kwan O, Tiu Keng Leng and Bauhinia Garden. Members were very concerned about the health of members of the public, but contrarily, all of them had taken off their masks together for taking a group photo, which had increased the risk of infection. At the meeting of the Working Group on Hiram's Highway Improvement Project held earlier, a Member had not put on a mask. She opined that if the basic anti-epidemic measure could not be implemented in the Conference Room, SKDC would fail to live up to the expectations of the public. Moreover, she considered that Members' request for proper assignment of seats was a fundamental human rights issue. She also asked the Chairman or the Secretariat to explain why arrangement had been made for Members to have taken a group photo on 1 March during the epidemic.

24. The Chairman noted that Members still held different opinions about the existing seating arrangement and invited all Members to express their views on how to work out the seating plan.

25. Mr LAI Ming-chak said according to the experience of pervious term SKDC, all Members would discuss the seating arrangement after the first full council meeting of the term. After the end of the meeting on 2 January, ex officio Members had stayed behind to discuss the seating arrangement. Although the three Members of Professional Power had voiced their requests, they had not stayed behind for discussion. Even though the seating arrangement could not satisfy every Member, Members had reached a consensus except the three Members of Professional Power due to their absence. He was of the view that even if the Council had to make arrangements for re-assigning the seats, the Secretariat should not be required to handle the matter as SKDC was an independent entity and Members should not undermine the dignity of the Council. It was suggested that the Council should make an official decision on whether to endorse the seating plan. Regarding the arrangement of taking a group photo, the Secretariat had informed all Members by email on 12 February. In the past, some Members had not been able to attend the photo-shooting session, but the Secretariat could still make arrangements for cropping an individual photo and pasting it into the group photo. He believed that it was a personal decision of Members on whether to take a group photo. If Members hoped to make contribution during the epidemic, they should discuss important matters at the meeting, which were also the concerns of the public.

26. Mr CHEUNG Wai-chiu remarked that he was also a member of the minority faction in SKDC. Since the seating arrangement was not satisfactory for all Members, he suggested that the seating plan be endorsed by voting.

27. Mr Gary FAN said after the first full council meeting of SKDC, different parties of Members had carried out negotiation on the seating arrangement according to the past practice. The seats of individual Members might not be the same as in the past term. However, the three Members of Professional Power had refused to stay behind for negotiation and had only stated their preferences before leaving. Consequently, they had given up their rights. After the full council meeting on 16 January, Members had arranged a second round of negotiation on the seating arrangement. At that time, only a Member of Professional Power, Mr Chris CHEUNG, had been present and he had merely continued to reiterate his preference. Mr Gary FAN considered that they would use other justifications to accuse and attack other people as long as the result was not what they expected. Such practice could not facilitate the proceeding of the meeting in an orderly manner. Therefore, he suggested the Chairman to maintain the existing seating arrangement, which adhered to procedural fairness. Another appropriate practice was to endorse the seating plan by voting in the Council. He commented that the Council should spend more time on discussing matters and motions involving major principles, people's livelihood, fundamental stance and values.

28. Mr LUK Ping-choi said the Concern Group for Tseung Kwan O People's Livelihood only had two Members in SKDC in the past term, the then Chairman, Mr NG Sze-fuk, George, had asked about their preferences regarding the seating arrangement, and their only request had been to sit beside one another. After the seats had been assigned, no official notification had been given to him or Mr TSE Ching-fung. He opined that it was acceptable for the seats to be assigned according to Members' surnames, the current proposal or by voting and suggested handling the matters in the agenda as early as possible.

29. Mr Chris CHEUNG responded that he had participated in the last round of negotiation and had clearly conveyed to the Chairman their preferences. Yet, the Chairman had not expressed that the seating arrangement would be decided immediately. Although Ms Christine FONG and Mr Edwin CHEUNG had not participated in the negotiation, the Chairman's practice of exchanging their seats with those of ex officio Members without notifying the two Members was not fair. Hence, he had to enquire about the views of the two ex officio Members. Lastly, he did not object to voting, but he considered that SKDO should co-ordinate the seating arrangement of Members before the meeting, instead of notifying Members when the meeting began. He opined that the veteran Members could explain the past practice.

30. Mr TSE Ching-fung asked the three Members of Professional Power to explain the actual impact of the existing seating arrangement on them to such an extent that so much meeting time was needed to discuss the seating arrangement. He believed that if other Members agreed that the concerns raised by the three Members would indeed affect them, they would not mind adjusting the existing seating arrangement. Contrarily, if they could not provide sufficient justifications, adjustments would not be necessary.

31. Mr Ricky OR expressed that it should be decided at the moment whether the seating arrangement should be further discussed at the meeting or after the meeting, and he was of the view that the Council still had sufficient time for discussion after the meeting. If individual Members insisted on handling the seating problem before discussing the matters in the agenda, solutions had to be examined or the Chairman had to make the decision.

32. Mr Edwin CHEUNG expressed that he had not been informed of the need to discuss the seating arrangement after the meeting on 2 January; besides, he and Mr Chris CHEUNG had stated their requests to the Chairman. He and the other two Members had no request as to their seat locations, just that they felt they were not respected. He considered that the Council was currently operated in a black box, and such culture was not desirable. He enquired why two seats in the middle of the first row in the Conference Room were vacant and suggested other Members move slightly towards their current locations, so that the three of them could be moved closer to the entrance of the Conference Room.

33. Mr Brandon YIP considered that the Members of Professional Power were wasting the meeting time.

34. Mr LEE Ka-yui also commented that the discussion on the seating arrangement had wasted too much meeting time and suggested that the matter be discussed in the item “Any Other Business” or after the meeting.

35. Mr LAI Wai-tong said the Council had discussed the seating arrangement for nearly half an hour and opined that the controversy had arisen from individual Members not having stayed behind to discuss the seating arrangement. He asked the Chairman to make a ruling as soon as possible or the Council to vote in order to avoid wasting additional time.

36. Mr CHENG Chung-man suggested that a vote be taken on the proposal to assign seats according to Members’ surnames and the proposal after negotiation on 2 January to avoid the accusation of the Council being operated in a black box and other consequent problems.

37. Mr Ryan LEE opined that the discussion on the seating arrangement was very time-consuming and suggested that if the three Members were still dissatisfied with the seating arrangement, they might try to leave the Conference Room.

(Note: Ms Christine FONG, Messrs Chris CHEUNG and Edwin CHEUNG left the meeting at this juncture.)

38. The Chairman suggested voting by a show of hands.

39. Mr CHENG Chung-man suggested that the vote be taken after Ms Christine FONG, Messrs Chris CHEUNG and Edwin CHEUNG returned to their seats.

40. The Chairman opined that the three Members had known that the Council would vote on the matter. Hence, Members were asked to vote whether to endorse the seating plan arranged after negotiation on 2 January.

41. There being no objection from Members, the Chairman declared that the seating plan was endorsed.

42. The Chairman asked Members to note the above paper (SKDC(M) Paper No. 37/20) and to discuss the Departmental Annual Programmes 2020-21.

43. The Vice-Chairman expressed that the Social Welfare Department (SWD) planned to offer a wide spectrum of new services in the newly constructed social service building at Yung Ming Court and to provide new facilities at Sai Kung District Community Centre. He asked the representatives of SWD to provide more relevant information. Besides, he asked the representatives of Transport Department (TD) to give a supplementary response on the Tseung Kwan O Tunnel Bus-bus Interchange (BBI) to facilitate the Traffic and Transport Committee to carry out follow-up work.

44. Ms Micy LUI, District Social Welfare Officer (Wong Tai Sin/Sai Kung), SWD, expressed that there were new facilities at Yung Ming Court including a Neighbourhood Elderly Centre (NEC). SWD had already invited relevant non-government organisations (NGOs) of the sector to submit service proposals on the new facilities having regard to the construction progress and was carrying out vetting of the proposals. SWD would request the awarded service operators to make arrangements for the contractors to carry out fitting-out work as early as possible and hoped that the new facilities would come into operation progressively in the next financial year.

45. The Vice-Chairman knew that the service building at Yung Ming Court included an Integrated Family Service Centre (IFSC) and other units, and the operation of the NEC was awarded to Po Leung Kuk. However, he had no information about the specific arrangements for other services. Besides, he hoped that the Housing Department (HD) would give an account of the resident intake schedule of the relevant subsidised housing development.

46. Ms Micy LUI of SWD said the progresses of the NEC and other new facilities were about the same and some of them were re-provisioning projects. The re-provisioning projects had received allocations from the Lotteries Fund to finance the fitting-out work of the new premises. Moreover, the existing Tseung Kwan O (East) Integrated Family Service Centre operated by SWD at King Lam Estate would be re-provisioned to the new building. HD would arrange fitting out for the new premises; if the progress was satisfactory, SWD expected to take over the facilities from April to June in the next financial year.

47. Mr Byon WONG, Chief Transport Officer/Goods Vehicle, TD, said TD had been closely following up the works progress of BBI with the Civil Engineering and Development Department (CEDD). Depending on the works progress, TD was co-ordinating with the bus companies to conduct bus trial run, to install passenger facilities as well as essential preparatory work to strive for the commissioning of BBI as early as possible. He noted that the site inspection arranged by SKDC earlier had to be rescheduled due to epidemic of novel coronavirus. He added that TD would introduce operational arrangements to Members in the site visit.

48. Mr TSE Ching-fung asked the representatives of SWD about the estimated time for the commencement of services of IFSC and the Integrated Children and Youth Services Centre (ICYSC).

49. Ms Micy LUI of SWD said the IFSC and ICYSC were re-provisioning projects and they were still in operation at the moment. HD was carrying out renovation at the new premises of

IFSC while an allocation from the Lotteries Fund had been granted for renovation at ICYSC. SWD hoped that the renovation would be completed by mid-2020 and relocation could be arranged subsequently. Besides, the new facilities had been gradually passed to the service operators. NGOs concerned had been granted funding to carry out fitting-out works and it was hoped that the services would be progressively run in 2020.

50. The Chairman asked the representatives of SWD to give a supplementary response regarding the facilities at the former Sai Kung Central Primary School in Ho Chung.

51. Ms Micy LUI of SWD said the site of the former Sai Kung Central Primary School involved delineation of private land and public land, and the problem had been overcome in the past year. SWD had entrusted Haven of Hope Christian Service (HOHCS) to carry out conversion works at the school premises through an allocation from the Lotteries Fund. After the works were completed, a few units operated by HOHCS would be reprovisioned to the new premises in Ho Chung, and SWD would also invite NGOs to submit service proposals for the new services. It was expected that the conversion project would be completed with services commencing operation in 2021-22.

52. The Chairman asked the representatives of SWD to clarify whether the facility to be reprovisioned to Yung Ming Court was ICYSC or District Youth Outreaching Social Work Service as the office of the latter also provided a Special Child Care Centre, Early Education and Training Centre, etc.

53. Ms Micy LUI of SWD clarified that the unit to be reprovisioned should be the District Youth Outreaching Social Work Service.

54. Mr LEUNG Li recalled that at the first special meeting of SKDC, CEDD had mentioned that the works of BBI would be completed from March to early April 2020, and temporary traffic measures would be implemented by then, so as to start using the BBI for one of the bounds of traffic. He continued to enquire the latest commissioning schedule of BBI.

55. The Chairman said representatives of CEDD would join the meeting later to discuss matters related to the BBI. He suggested discussing those matters by that time.

56. Ms Christine FONG said SKDC had discussed the Hiram's Highway Improvement Stage 2 Project at its first special meeting. At the meeting of the Working Group on Hiram's Highway Improvement Project on 27 February 2020, the Working Group had agreed that the gist of the discussion should be reflected to the Transport and Housing Bureau (THB) in writing. She considered that the proposal to adopt two-lane two-way traffic had significant impact on Hiram's Highway, and some residents had mentioned that they had not been informed of being affected by the land resumption plan. She pointed out that today was the closing date for submitting comments on the dualling of Hiram's Highway from Marina Cove to Sai Kung Town. Therefore, she enquired whether a letter would be written to THB in the name of SKDC.

57. The Chairman said the Council would discuss the Progress Report of the Working Group on Hiram's Highway Improvement Project later and the suggestion raised by Ms Christine FONG would then be discussed together.

58. Ms Christine FONG asked the representatives of the Leisure and Cultural Services Department (LCSD) about the works progress of the first phase of Tiu Keng Leng Park, which had been endorsed by the previous term District Facilities Management Committee (DFMC).

59. Ms Alice KONG, District Leisure Manager (Sai Kung), LCSD, said LCSD had been following up the design proposal with the consultant regularly. In the most recent public consultation, different public views on the design of the sitting-out facilities had been received and LCSD was reviewing the comments.

60. The Chairman opined that Members could follow up the matter by having detailed discussion on the sitting-out facilities in Tiu Keng Leng at the meetings of DFMC.

61. Mr CHENG Chung-man said it was mentioned in the report by the Police that: “Uniform Branch to tackle vehicle obstruction and illegal parking at identified locations”. He enquired whether the Police had included different locations in “identified locations” or illegal parking black spots as he had discovered that traffic congestion often occurred near Ngan O Road and Pui Shing Road.

62. Mr LAI Wai-tong said the illegal parking problem in Tseung Kwan O South was very serious, including Tong Chun Street, Tong Tak Street, Tong Yin Street and Chi Shin Street. According to the report by the Police, tackling vehicle obstruction and illegal parking was a work priority of the Police. He asked the Police to provide a more detailed plan for tackling illegal parking to SKDC, such as target operation time, number of operations and the details of “identified locations”.

63. Mr CHUN Hoi-shing was concerned about whether law enforcement actions against illegal parking were consistent as he had witnessed the Police using a loudhailer to call on motorists to drive away before taking law enforcement actions, but sometimes the Police would issue penalty tickets immediately.

64. Mr LAI Ming-chak said HKPF might have conflicts with the public due to execution of duties, but members of the public supported the Police in handling the illegal parking problem. Therefore, he asked the Police to enhance law enforcement work at bus stops or public transport interchanges to avoid obstruction during boarding and alighting of passengers of public transport vehicles. Moreover, he suggested introducing cycling patrol in Tseung Kwan O and asked the Police to reflect his view to the relevant department, so that the problem that had experienced delay in handling could be improved as soon as possible.

65. Mr LUI Man-kwong said the law enforcement manner of the Police had been subject to controversial debates recently, but seldom would people object to their work in handling illegal parking; hence, the Police should deploy more manpower and increase the number of Traffic Wardens to handle the problem. He also enquired whether Tong Tak Street and Tong Yin Street were locations identified by the Police for tackling illegal parking.

66. Mr Ricky OR pointed out that the problem of illegal parking at Sheung Tak bus stop was increasingly acute and many local residents had made calls to the Tseung Kwan O Police

Station to lodge complaints. He hoped that the Police would deploy more staff to arrive at the scene to request motorists to drive away or to institute prosecutions. However, the Police often could not handle the complaints due to insufficient manpower and other reasons. After realising the situation, he had called the Fire Services Department (FSD) and pointed out that some illegally parked vehicles had obstructed the emergency vehicular accesses of Sheung Tak Estate and Kwong Ming Court, that buses could not enter Sheung Tak bus terminus. Later on, FSD had referred the issue to the Police for follow-up work and the Police had deployed staff to arrive at the scene to request motorists to drive away their illegally parked vehicles after some ten minutes, and they had also used the licence plate number to obtain vehicle owners' contact information in order to locate owners at relevant residential units to make appeals or issue penalty tickets. He said lodging complaints to the Police through different people or government departments might result in different handling approaches and efficiency levels. As such, he hoped to understand the approach to and rules for handling telephone complaints adopted by the Police.

67. Mr Frankie LAM said in the small hours on 17 February, a person had been suspected of being kidnapped. He had made an enquiry by calling the Police Community Relations Office on that day, and the Police expressed that a member of the public had called the Police for assistance at around 1 a.m. on that day. The Police had then deployed a patrol car to stop vehicles at the site, and the kidnapped person had been found eventually. He had asked the Police how they had been able to confirm the identified person was indeed the kidnapped person and if the vehicle involved had been found.

68. Mr TSE Ching-fung said the problem of illegal parking at Tong Chun Street and Chi Shin Street in Tseung Kwan O was very serious, but the Police often could not handle the problem immediately due to insufficient manpower. He had called the Police requesting them to handle the illegal parking problem, but the Police had only arrived at the scene an hour later. As the Chief Executive would allocate additional resources to the Police, he asked whether the Police would use the resources to strengthen the efforts in tackling illegal parking, such as deploying more resources in handling the problem at Tong Chun Street, Chi Shin Street and Tong Yin Street, or if the Police would only use the resources in other work areas improperly, such as creating great nuisance during congregation of large numbers of people, or even barging into residential areas due to matters irrelevant to the Police. Members had been assisting the Police in handling illegal parking by different means, including hanging banners and placing publicity flyers at vehicles' windshields to call on vehicle owners to refrain from parking illegally. He asked the Police to address squarely the illegal parking problem in Tseung Kwan O South.

69. Mr Stanley HO said due to the recent epidemic, many residents went to Sai Kung rural areas and country parks. In the past two to three weeks, several Members had constantly received illegal parking complaints from villagers in Sai Kung, and the locations included Sai Kung Town, Tsiu Hang and Pak Tam Chung roundabout. He asked the Police to step up its efforts in tackling the illegal parking problem and to deploy more Traffic Wardens to carry out law enforcement operations on Sundays and public holidays. Besides, he asked the Food and Environmental Hygiene Department (FEHD) to explain the definition of "grey area" and he was very concerned about the problem of FEHD's cleaning workers not having adequate protective equipment. Hence, he suggested enhancing the protective equipment of cleaning

workers through FEHD's District Action Plan.

70. Mr LAI Wai-tong said according to the service standards of the Operations Wing of HKPF, the average response time of the emergency calls on Hong Kong Island and in Kowloon should be nine minutes. He asked the Police how to ensure that police officers could arrive at the scene in nine minutes after receiving emergency calls from the public. He said at around 12 midnight on 1 March, his office had called the Police to request deployment of staff to handle the illegal parking problem near Tong Chun Street and Chi Shin Street, but the Police had only arrived at the scene 16 minutes later, and in some situations, it had taken 39 minutes or above. He expressed that the Police often deployed police vehicles for patrols in Tseung Kwan O South, and police vehicles were sometimes parked outside MTR Tseung Kwan O Station. However, police officers would not issue any penalty tickets or request motorists to drive away even with illegally parked vehicles near the police vehicles. He asked the Police to explain the reasons for not taking law enforcement actions. Besides, he had discovered that FEHD had not made arrangements for cleansing some streets in Tseung Kwan O South and FEHD had admitted that currently some streets were not cleansed often. Hence, he asked FEHD to give an account of how the overall street cleansing work in Tseung Kwan O South could be enhanced.

71. Mr LEUNG Li expressed that the roundabout at Kan Hok Lane near Ming Yu House was an illegal parking black spot. The location was a public place, which was beyond the purview of the housing estate management. He hoped that the Police would step up prosecution to avoid affecting the safety of school children. On 26 February, Police Traffic Kowloon East of HKPF had conducted operations against illegal parking. At that time, the Police had mentioned that the number of penalty tickets issued in Tseung Kwan O was the highest in Kowloon East, which proved that the Police should strengthen operations against illegal parking in Tseung Kwan O. He said the Chief Executive planned to allocate more resources to the Police and therefore the Police should better utilise the resources to take actions that were advantageous to the public.

72. Mr LUK Ping-choi said Tong Tak Street near Beverly Garden was a serious illegal parking black spot, where even double parking was seen at night. Drivers of some large vehicles making delivery had had conflicts with other vehicle owners due to parking problems, and honked their horns continuously, which had caused huge disturbance to residents nearby. He very much hoped that the Police would seriously take law enforcement actions against illegal parking, especially at locations where greater nuisance to residents might be caused.

73. Ms Valerie WONG said given the recent shortage of masks, many residents had fallen victim to fraudulent online sale of masks. The Police had only passed those cases to the miscellaneous enquiries section for handling; contrarily, crime units had been assigned to handle unlawful assembly incidents. Hence, she requested the Police to deploy more staff to handle mask scams that involved up to millions of dollars.

74. Mr LEE Ka-yui said the passageways at Sheung Tak Estate bus terminus were very wide, which were main accesses for residents in Sheung Tak Estate and Kwong Ming Court. It was found that there were illegally parked vehicles and the distance between vehicles was too narrow for pedestrians to pass through; hence, it was understandable why residents had no expectation of law enforcement by the Police as the Police could not even solve the illegal

parking problem properly.

75. Mr CHOI Ming-hei enquired how the Environmental Protection Department would follow up the problem of disposal of industrial waste near Tsui Lam Road and asked how FEHD and other relevant departments would handle the problem of refuse accumulation at slopes near Po Lam Road North.

76. Ms Debby CHAN said the problem of illegal parking in Sai Kung Town on weekdays, weekends and public holidays was very severe and even triple parking was found. She pointed out that on 9 February, some anti-riot police suddenly raised a blue flag in front of residents who had been strolling in Sai Kung. When she approached the police officers at the scene to understand the incident, anti-riot police started to charge headlong. When she asked the police officers why they had to barge into a residential estate, they started to beat people up and a revolver had dropped onto the ground without anyone picking it up. She tried to ask the police officers why they had to act like that, but there was no response. Although the Police had conveyed that they hoped to communicate with stakeholders and gain trust and support from the public, local people had been arrested continuously. While claiming to fight crime and violence, the Police was the most violent party and did not listen to the voice of the people. She pointed out that the Police did not even attempt to handle the least challenging problem of illegal parking which happened in Sai Kung every day.

77. Mr CHENG Chung-man said given that the epidemic was currently in a critical situation and tear gas canisters had been fired at schools causing environmental pollution, he hoped that the Education Bureau, FEHD or other relevant departments would obtain the recent cleaning work schedule and other relevant information from schools. He considered that after primary and secondary schools resumed classes, infections would not be stamped out completely; hence, monitoring of the hygiene condition in class was needed.

78. Mr CHUN Hoi-shing said problems to be handled by inter-departmental co-ordination were not mentioned in the report, such as illegal disposal of construction waste in the district, which fell beyond the purview of FEHD. Another example was a problem related to slopes, FEHD could not handle the problem of refuse on slopes as slopes were managed by different departments. He hoped that FEHD would address squarely the environmental hygiene problems which were required to be handled by inter-departmental co-ordination in the work plan of the coming year, and would not neglect the matter or allow the inaction of not referring the matter to other departments as it was not within FEHD's purview.

79. Ms LEUNG Hin-yan was concerned about the situation of a few trees at Sai Kung waterfront. It was difficult to prune the trees as they were very tall, and she was worried that branches might fall off and injure passers-by. She asked the Tree Management Office of Development Bureau or relevant departments whether inspection of trees in Sai Kung would be arranged in the coming year or if they would consider planting trees of other species. Besides, the illegal parking problem in Sai Kung Town was very acute to the extent that other vehicles could not get access, and the tailbacks reached Hiram's Highway. She asked the Police whether effective measures would be implemented to tackle illegal parking or whether there was a heavier penalty to achieve deterrent effect. Besides, some anti-riot police officers arrived at Tin Hau Temple in Sai Kung in the evening on 4 February. After that time, she had

requested mediation and communication with the Deputy Commander of the division in the police vehicle for many times but to no avail. Hence, she hoped to understand how the Police could communicate with local people and maintain law and order. She had also recently discovered that even if no incident had happened, anti-riot police officers were often found patrolling in Sai Kung Town. She commented that the arrangement caused great nuisance to local residents and suggested the Police take appropriate actions with tackling the illegal parking problem as the priority task.

80. Mr CHAN Wai-lit provided the Police with two illegal parking black spots, namely the taxi stand at Choi Ming Street near the roundabout and Tong Ming Street near Po Leung Kuk Wong Wing Shu Primary School. He had attempted to contact the Police to handle the illegal parking problem, but they had only suggested Members and the public contact the divisional police station instead. However, telephone calls to the divisional police station were always unanswered. On the other hand, a group of anti-riot police often appeared in Sheung Tak Estate at night. He queried whether police officers only targeted at members of the public but ignored the problem of illegal parking in nearby areas. He further opined that anti-riot police officers at the scene could also handle the problem of illegal parking in peripheral areas at the same time. He said when Members were carrying out their duties in the district, the Police would regard their behaviour as illegal acts and they would then be arrested. Therefore, he doubted if there was any room for communication between Members and the Police.

81. Mr CHEUNG Wai-chiu said there were many hygiene black spots in King Lam Estate near the bus stop at Po Lam Road North. Among them, some Buddhist statues and ancestral tablets were wrapped in plastic bags. In the response from FEHD, it was pointed out that some frontline cleaning staff might not be able to handle those items due to religious concerns. As such, he asked FEHD the ways to handle the matter.

82. Ms Debby CHAN asked FEHD or relevant departments whether the cleaning workers were well-equipped and well-trained to handle the problem of improper disposal of masks. Apart from disposal of masks, she discovered that clearance of other refuse in villages was not frequent. Therefore, she asked which department was responsible for the task. Besides, many villagers worried about the overgrowth of trees in villages, which might fall and damage facilities in villages during typhoon attack, affecting the power supply and fresh water supply. However, she had not spotted any relevant measures on preparedness for typhoon attack and post-typhoon relief work in the report. She remarked that everyone should be concerned about the intensifying typhoon strength in future arising from climate change. It was suggested that the relevant departments should formulate plans in response to floods and typhoon attacks in summer so as to handle the problems of refuse disposal and tree maintenance in villages.

83. Mr Stanley HO said a sad and violent incident had happened in Pak Kong Village recently, but the way of handling by the Police was very disappointing. Despite that a member of the public had called the Command and Control Centre and requested the Police to handle the incident, the Police had not shown up at the scene in the end. In the report by the Police, it was mentioned that the Police would professionally handle and investigate all reports of domestic violence. He solemnly enquired the Police about the actions taken against domestic violence cases.

84. The Chairman said he had been a Member of the Sai Kung District Fight Crime Committee (SKDFCC) last year. At the last meeting he had attended, he had noted that burglary cases in Tseung Kwan O had been on the rise. He hoped to enquire the types of criminal cases that had been increasing in the past period of time and the ways to reduce crime.

85. Mr Mark Ronald ANSTISS, District Commander (Tseung Kwan O), HKPF, gave a consolidated reply as follows:

Illegal parking

- He acknowledged that the illegal parking problem in Tseung Kwan O was very serious, especially outside Sai Kung Tseung Kwan O Government Complex and in Tseung Kwan O South. Since illegal parking occurred 24 hours every day, the Police would tackle illegal parking through traffic enforcement priorities and would give prime consideration to the safety of pedestrians and drivers.
- As to the obstruction to the emergency vehicular access in Sheung Tak Estate, the Police would make arrangements in accordance with the priorities and manpower available. Most of the law enforcement operations were conducted by the Police during daytime to reduce the impact of illegal parking on pedestrians and students. Since there were fewer people during night time, illegal parking had relatively less impact on the public.
- The major cause of illegal parking was limited space on roads and shortage of parking spaces in Tseung Kwan O. Relying on law enforcement alone could not solve the problem, SKDC had assessed the shortage of parking spaces in the district in the last term. Hence, he suggested that SKDC may continue to follow up the shortage of parking spaces in the district and to search for appropriate locations for provision of additional parking spaces.
- Whenever vehicle owners of illegally parked vehicles noted that the Police would take law enforcement actions, they would drive their vehicles away and circulate around the area nearby. Therefore, the operation would only aggravate the congestion on roads and affect other motorists. The Police adopted a flexible approach by taking appropriate actions to urge relevant vehicle owners to quickly move their illegally parked vehicles away where the illegal parking situation had affected the safety of pedestrians and motorists.
- Regarding the illegal parking situation at bus stops or public transport interchanges, it would inhibit the boarding and alighting of bus passengers, especially affecting the disabled; hence, the Police would strengthen efforts in tackling the problem.
- The Police would step up efforts in tackling illegal parking situation at some locations, especially those where students were affected.
- The Police was officially rolling out a new scheme by listing the locations of serious illegal parking. Upon receiving complaints related to illegal parking and if the locations were on the list, although the Police might not necessarily take immediate law enforcement actions, efforts would be stepped up to enhance regular patrols in tackling illegal parking at locations on the list. The Police hoped that the illegal parking problem would be improved with more systematic law enforcement operations.
- Regarding a Member's proposal to tackle the illegal parking problem by anti-riot police officers, he explained that police officers were equipped with anti-riot

equipment in order to prepare for special circumstances where they were potentially subject to violence threats, and their priority was to handle threats and protect themselves. He believed that Members would agree that the Police could expedite in deploying manpower to handle problems like illegal parking if social order could be gradually restored.

- In the past eight to nine months, there had been a shortage of manpower at Tseung Kwan O Police Station as some police officers had been temporarily redeployed to execute other duties, which had caused a lack of manpower in tackling illegal acts in the district like illegal parking. Given that social sentiments had been improving in the past few months, the Police would arrange more manpower to handle the illegal parking problem.
- Although the Government would allocate more resources to the Police, he had yet to know the purpose of the resource allocation. If additional resources were allocated to Tseung Kwan O Police District to handle the illegal parking problem, the Police would make use of the relevant resources.
- Regarding the Police's service pledge of arriving at the scene after receiving a call for assistance, the pledged response time of nine minutes was applicable to emergency situations. However, road obstruction was not an emergency situation and the performance pledge was not applicable.

86. Mr CHOI Tung-tsoi, District Commander (Wong Tai Sin), HKPF, gave a consolidated reply as follows:

- The Police was aware of the illegal parking problem in Sai Kung Town and the Police would make flexible deployment of manpower. In addition to issuing penalty tickets in the past week, the Police had also arranged for towing away illegally parked vehicles in Sai Kung town centre and Pak Tam Chung.
- For cases involving domestic violence, Wong Tai Sin Police District and Sai Kung Division had a total of two Designated Domestic Violence Units tasked with handling serious domestic violence cases, such as those involving serious injuries and use of weapons. Besides, cases that had been identified as high-risk cases would be passed to criminal investigation units for follow-up work, and the Police would definitely make their best endeavour in investigation. The Police would conduct professional investigation into each case in an impartial manner.
- On liaison with Members, rioters had been breaching peace in society in different areas since June 2019, including hurling patrol bombs, setting a man alight and assaulting police officers. He hoped that elected members would join hands with the Police in combating serious violence crime and condemning the violent behaviour of rioters.

87. Mr Mark Ronald ANSTISS of HKPF elaborated on the report submitted by the Police to SKDFCC and said the crime rate in Tseung Kwan O Police District had a rapid downward trend in the period from January to June 2019 and had reached a historic low. In the latter half of 2019, a significant number of police officers had been redeployed to execute other duties and therefore the overall crime rate in Tseung Kwan O had risen by 17.5% when compared with that in 2018. Excluding the crime cases related to the recent social unrest, the overall rate of other crime cases in 2019 had only increased by 4.9% when compared with that in 2018. On

burglary cases, there were a total of 40 burglary cases in Tseung Kwan O in 2018 and 41 burglary cases in 2019, with some cases being directly linked to the recent social unrest, including arson and criminal damage cases in connection with ward offices and different organisations. Meanwhile, the burglary cases that had occurred in village houses had significantly dropped by 12 cases (-34.3%).

88. The Chairman asked Mr Mark Ronald ANSTISS to respond to Mr Frankie LAM's enquiry and considered that the case was related to a suicide by jumping from height that had happened within Yan Ying constituency.

(Post-meeting note from HKPF: According to the records of the Police, no report of "Kidnapping" had been received on 17 February 2020, but the Police had received a report of "Dispute" at around the same time and place. After arriving at the scene, a 26-year-old man (the subject) had been found outside Serenity Place. After investigation by the Police, the subject had confirmed that he had had monetary dispute with a few friends who had been in a white vehicle earlier. During the dispute, the subject had slipped on the ground and had sustained slight injury. The Police had confirmed the safety and identity of the subject. In the early morning on 17 February 2020, a case of "Person Fell From Height" in Yan Chung House of Yan Ming Court was reported and the subject was a 67-year-old man. The two cases had no correlation.)

89. Mr Wilson NG, District Environmental Hygiene Superintendent (Sai Kung), FEHD, gave a consolidated reply as follows:

- FEHD's public cleansing service contracts provided that contractors should comply with all laws related to the execution of service contracts, including Occupational Safety and Health Ordinance (Cap. 509) and its subsidiary legislation, and should provide sufficient protective clothing, equipment, safety training, appropriate work arrangements, etc. for their employees. FEHD staff also conducted surprise inspections regularly to assess the service performance of contractors.
- "Grey areas" referred to unallocated Government land or slopes not within the purview of any government departments. Slopes were categorised as "grey areas" due to their extensiveness and not having the need to carry out cleansing work every day. FEHD would not provide daily cleansing service in "grey areas" and would carry out the work according to actual needs.
- If FEHD received complaints from Members or the public, which involved slopes within the purview of other government departments, the matter would normally be handled in accordance with the management responsibility for land concerned.
- Regarding cases that required inter-departmental co-ordination, FEHD would liaise with other government departments to follow up the problem and would carry out corresponding work for different cases.
- As to the cleaning problem of individual locations, FEHD would liaise with relevant Members to follow up the matter after the meeting.

90. Ms Alice KONG of LCSD said aside from trees at recreational venues under LCSD, LCSD was also responsible for taking care of roadside trees and would arrange tree teams to inspect the growth of roadside trees regularly. If Members considered that trees at certain

locations had some issues, they could contact LCSD immediately. If the relevant trees were not managed by LCSD, the department would refer the cases to relevant departments for follow-up work.

91. The Chairman asked the Police to respond to the enquiry about mask scam.

92. Mr Mark Ronald ANSTISS of HKPF said the Police had received a considerable number of reports of mask scams on online shopping platforms. As online scams were different from fraudulent face-to-face transactions, the Police could not arrest online scammers immediately and had to carry out investigation. One of the effective ways to investigate online scams was to search for the social media account. Although the Police could search for the relevant account information, it did not mean that the account holder was the scammer. Difficulties were encountered when handling those cases and they would be referred to a designated team to conduct investigation in the most effective manner.

93. Mr Ricky OR said someone had published a short video on an online platform. The video was recorded at 10:45 p.m. on 19 February in Tseung Kwan O Sports Centre, which showed that two private cars suspected of belonging to the Police with plate numbers TX2475 and TY3572 had braked suddenly. After the cars had stopped, some police officers in plain-cloth had got off the cars and kidnapped a man by taking him to one of the cars. The above two cars were proven to be private cars of the Police in December on an online platform “Tseung Kwan O Beacon Tower” (translation), which were often parked inside Tseung Kwan O Police Station. The video became hard evidence of Hong Kong Police kidnapping people on the roads and also explained why there were sudden “forced disappearances” or even “forced suicides” of young people. He asked the Police for their explanation of the short video and response to such a grave accusation.

94. Mr Gary FAN said he had reservations about the appeal of Mr CHOI Tung-tsoi, District Commander (Wong Tai Sin), for SKDC to join hands with the Police to condemn rioters. The discussion of SKDC had focused on the illegal parking problem in the district and handling illegal parking was one of the duties of the Police. Although it might be effective for TD to improve road planning, such as painting double yellow lines along roadsides, the Police in fact had negligence in execution of their duties. When Members had requested the Police to shoulder their responsibility of fulfilling their duties, it was regrettable that the Police had attempted to educate Members in response and emphasised that Members should understand the arrangements of the Police; moreover, the Police had linked the matter with the social movement, he considered the accusation inappropriate. The Commissioner of Police, Mr TANG Ping-keung, Chris, had expressed on 2 March that the Police had received approximately some 1 600 complaints about police brutality, among them more than 120 cases were under investigation and police officers in 21 cases were reprimanded. He enquired the number of cases that had happened in Sai Kung district among the total of some 1 600 cases. Based on his understanding, some 7 000 Hong Kong people had been arrested during the social movement in the past eight months, and Tseung Kwan O was one of the heavily hit areas.

(Post-meeting note from HKPF): There were three police districts in Sai Kung district which recorded 22 cases of Reportable Complaints and 14 cases of Notifiable Complaints. Reportable Complaints had dropped by 14 cases (-39%) when compared with 36 cases in 2018,

while Notifiable Complaints had dropped by 10 cases (-42%) when compared with 24 cases in 2018.)

95. Mr LUI Man-kwong said regarding the Police's view of hoping Members to assist police officers in executing their duties during public gatherings, he pointed out that he had stood alone opposite the Police with a road in between during a public gathering. Although he had expressed to the Police that he had been executing his duties as a DC Member to observe what had been happening in the district, police officers had still charged at him and driven him away. When he asked a police officer for the operational call sign, the police officer ignored him and said to him that, if he continued to stay at the scene, he would be arrested. He opined that when the Police requested Members to offer assistance, maybe they should also respect Members. To move on to another matter, rodents were seen running around, but different plots of land were managed by different government departments. He asked FEHD whether effective inter-departmental operations could be conducted to handle the rodent problem near Tong Ming Court and on the government land in Tseung Kwan O South.

96. The Chairman reminded Members that if matters could be discussed at committee meetings, it was not necessary to discuss them immediately at full council meetings.

97. Mr FUNG Kwan-on said with respect to the Police's request for SKDC to condemn criminal acts, he hoped to point out that SKDC was very concerned about the occurrence of crime, especially the types of crime mentioned by the Police. He asked the Police whether resources would be deployed in future to train frontline police officers to observe the code of practice. For instance, in the evening on 28 February, an anti-riot squad had recklessly intruded into a private place and damaged private property. The Police indicated that SKDC Members who had been monitoring at the scene had been inhibiting police officers from executing their duties, but he queried whether Members had been in fact inhibiting police officers from enforcing the law or from breaking the law. With regard to the above incident, Members had lodged a complaint with Complaints Against Police Office (CAPO) based on live webcast and some photos. It was hoped that the Police would handle the matter impartially and take practical steps to follow up the situation of breach of law, rules and regulations by police officers.

98. Mr CHEUNG Wai-chiu said many elected Members had regarded the monitoring of police brutality as the most critical concern in their election platform in order to respond to people's urgent demand. The Police had spared no effort and had proactively handled conflicts arising from various social problems at the scene, in the sense that when SKDC Members carried out on-site negotiation, they would be arrested or beaten up, and he queried how they could co-ordinate with the Police to handle incidents. Moreover, shortage of manpower was not a reasonable justification for the Police not to fulfil other duties. Only when the Police had to handle conflicts would they deploy manpower from other police districts. It was believed that manpower could still be deployed to handle routine duties.

(Post-meeting note from HKPF: During the recent social unrest, the manpower of the three police districts in Sai Kung district had been redeployed to execute duties outside the district, which had led to reduction in manpower for conducting operations to tackle illegal parking.)

99. Mr LAI Ming-chak said in one evening, the Police had set up a cordon line at a location farther away from the intersection in Sheung Tak. At that time, he had been at a location with considerable distance from the Police's cordon line, explaining to residents about the Police setting up a cordon line in front and calling on them to avoid going ahead. Yet, some residents had insisted on walking towards the cordon line and had been treated by the Police in an unfriendly manner, and the Police had also rushed to where he had been to scold him. When he had hoped to negotiate the cordon line location with the police officers, the Police had not made any response, and some anti-riot police had attempted to pull him behind the cordon line. One of the duties of Members was to avoid conflicts, but the Police did not allow Members to make co-ordination at the scene and threatened Members that they would be arrested. In that case, it was questioned how Members could reduce the risk of conflicts. Even though the Police claimed that they hoped to co-operate with Members, he queried whether both parties could have any genuine co-operation. Besides, when a Member had tried to ask a police officer for the operational call sign, he would have been pulled behind the Police's cordon line once he had stopped moving. He hoped that if similar situations happened again, the Police would not antagonise Members and the public.

100. Mr Ryan LEE said he had been at the intersection in Sheung Tak in one evening, where suddenly a group of people in plain-cloth and equipped with sticks had started beating up people. At that time, he had been attacked by pepper spray and his assistant had been shot near the abdomen with a tear gas canister causing bruises and burns. He hoped to understand whether the practice complied with Chapter 29 of the Police General Orders, which provided guidelines on the use of force. Besides, he had witnessed a police officer pointing his revolver at the head of another person within ten metres and queried whether the act amounted to murder. He could not distinguish between the Police and the terrorists in the Middle East, and he believed that terrorists were more disciplined than the Police.

101. Mr LUK Ping-choi said many members of the public were arrested by the Police from the night on 8 February to the small hours on 9 February. At that night, a huge group of anti-riot police officers rushed into Beverly Garden. He asked the police officers at the scene about the reasons for arresting members of the public in the capacity of the Chairman of The Incorporated Owners of Beverly Garden and the Member of the respective constituency and stated that no crime had occurred in the estate, but the police officers did not make any response. Subsequently, he witnessed police officers taking actions targeting at a number of young people off Beverly Garden Block 10. At that moment, he reiterated that no crime had occurred in the estate and asked the police officers to leave, but he was treated in an impolite manner. A police officer pointed out that someone had been assembling unlawfully, but when he asked whether the members of the public had formed an unlawful assembly within or beyond the precincts of the estate, none of the police officers responded. After investigation, he discovered that the number of people gathering within the precincts of the estate had not constituted an unlawful assembly. Many residents reflected to him that they had been disturbed by the Police, and most of them hoped that the Police would not enter the estate and cause nuisance. Therefore, he asked the Police to further explain the reasons for entering the residential estate and arresting members of the public.

102. Mr TSE Ching-fung supplemented that when the anti-riot police officers entered the precincts of Beverly Garden on that day, he had immediately joined Mr LUK Ping-choi to

communicate with the police officers at the scene through a peaceful and rational dialogue. Shortly afterwards, the Police started arresting people at the scene and shot tear gas canisters without any warning. He was also injured for that reason and some Members at the scene were arrested and injured as well. As a resident of Beverly Garden, he was only moving around within the precincts of the estate at that time. Since Beverly Garden was a private residential estate, the Police should follow the relevant guidelines on entering a private residential estate. He enquired about the reasons for the Police to have entered Beverly Garden on that day. On one side, the Police conveyed that they hoped to communicate with Members; on the other side, when Members made enquiries in a friendly manner, not only did the Police not respond at all, they also treated Members in an impolite manner. He did not consider that it was the way to communicate. He asked the Police whether there were any guidelines allowing police officers to commit such acts within the precincts of a private residential estate and whether a search warrant had been obtained at that time.

103. Mr YU Tsun-ning believed that many Members present had been attacked by tear gas canisters fired by the Police. Earlier at the meeting, the District Commander (Wong Tai Sin) had appealed for co-operation between SKDC and the Police, he hoped to understand the Police's expectations and how they would co-operate with Members. Did that include swearing and pointing revolvers at Members?

104. Ms Valerie WONG said Members had only raised concerns about livelihood, but the Police had suddenly raised other questions. Even though the Police used the Operational Call Sign Card, the card was made of a very reflective material. When Members asked the police officers about the operational call sign, the police officers would refuse to answer or even spray pepper spray at Members. She could not comprehend if the Police hoped to communicate with Members or if the Police considered that force was necessary for communicating with Members. In the past, the Police had been requesting assistance from Members at the scene during a social movement; yet, they aimed "laser guns" and pepper spray at Members or even treated Members with batons. She opined that it was not the proper attitude for seeking assistance, not to mention that the levels of force of both parties were incomparable.

105. Mr LEE Ka-yui said he himself had been sprayed by pepper spray at the scene during conflicts on a number of occasions or even shot in the forehead with a pepper ball gun, and the situation was very precarious. He hereby strongly condemned the extremely violent acts of the Police and remarked that Members had given a very vivid account of political issues and scenes of conflicts. If the situation persisted, both parties could only meet at the battlefield again.

106. Mr CHOI Ming-hei said five SKDC Members were arrested in Tseung Kwan O during execution of duties on 9 February, including he himself, and more than a hundred of members of the public had been arrested as well. This was what we called "police brutality" and he doubted why the Police had to do that. He continued that at that night, he saw a police officer put his knee on Mr CHAN Wai-lit's neck for no reason where there was no resistance. He queried that such act was not a reasonable act of law enforcement.

107. Mr CHOI Tung-tsoi of HKPF said the Police certainly respected Members. He appealed to Members for joint co-operation with the Police in condemning violence and acts of

rioters. He responded to the case mentioned by Mr LUK Ping-choi and pointed out that the Police were willing to assist in the peaceful and orderly conduct of the assembly and procession. However, when an unlawful assembly occurred, he hoped that Members would not appear at the scene as the Police would have reason to believe that anyone at the scene of an unlawful assembly could be one of the outlaws. As for the law enforcement operation conducted within the precincts of a private residential estate, the responsibilities of the Police included preserving the public peace according to the Police Force Ordinance (PFO), which explained why the Police had to take enforcement actions in accordance with the law in times of unlawful activities. Apart from Tseung Kwan O, the Police had also taken law enforcement actions within the precincts of private residential estates in other areas. According to Cap 232 sections 50(3) and (4) of PFO, if any police officer had reason to believe that any person to be arrested had entered into or was in any place, the Police would request all persons in charge of such place to assist them to gain ingress. If no assistance was rendered by relevant persons-in-charge, the Police still had the right to enter into the place and take law enforcement action, which was an authority prescribed in the law. He continued that the use of force by the Police was a prudent decision after thorough consideration. In the past few months, the Police had been placed in a passive position, and when unlawful incidents involving serious violence had occurred, the Police had needed to take law enforcement actions after considering different factors within a short period of time in order to avoid aggravating the situation at the scene. The Police emphasised that if members of the public could carry out public events in a peaceful, lawful and orderly manner, the Police would not need to use any force.

108. The Chairman said Members hoped to assist residents at the scenes of conflicts, including avoiding aggravation of the incident, and hoped that the Police would respect the right of the persons in charge of a private premises to enquire about the justifications of the Police's operation.

109. Mr FUNG Kwan-on queried which regulation in PFO the Police relied on that had allowed them to gain ingress to the precincts of the private residential estate and to cause damage on 28 February. The Police had mentioned that should there be any reasonable doubts, they could enter private places including shopping malls, residential estates and MTR premises. If a person had committed crime, the Police had the right to enter the relevant location to make an arrest. However, no arrest had been made by the Police on that day. The Police claimed that they had arrived at the scene after receiving a report, he pointed out that the assistance from the Police had not been sought according to the persons in charge of the shopping arcade. He asked for the Police's response to this law enforcement operation. If information was not available to make an immediate response, it was hoped that the Police would submit a detailed written response to SKDC after the meeting. He continued that Members had zero tolerance of violence and they definitely would not allow situations where armed police officers committed violent acts.

110. Mr CHOI Tung-tsoi of HKPF said the Police absolutely would not allow police officers to use force unlawfully.

111. Mr Mark Ronald ANSTISS of HKPF responded to Mr Ricky OR's assertion that he had seen a video on the Internet showing police officers in plain-cloth kidnapping a man and taking him into a police vehicle, he clearly stated that the Police was a law enforcement agency and

was not committing any crime. In response to the claim about some police officers kidnapping a member of the public, someone had intentionally created a scandal. He indicated that Mr OR should feel ashamed and commented that his argument presented earlier at the meeting was far short of the level expected of a district councillor. Mr OR had not provided any concrete evidence. If Mr OR had solid evidence of someone having been kidnapped, he asked Mr OR to come forward by providing information and giving statement to the Police. However, if Mr OR had made groundless accusation and a statement on a public occasion like during the SKDC meeting, he regarded that as entirely inappropriate. He continued to respond to Mr Gary FAN's enquiry about the complaint figures in Tseung Kwan O that were related to the opposition to the proposed legislative amendments of the Fugitive Offenders Ordinance (FOO). He said the figures had been provided by the Commissioner of Police earlier, but the data from the police districts was not available. Overall speaking, the complaint figures of Tseung Kwan O Police District had been decreasing in recent years.

112. The Chairman said there had not been much communication between the Police and SKDC in the past period of time, Members had raised a lot of substantive questions at the meeting today, which were also doubts about the law enforcement procedures of the Police. He hoped that representatives of the two police districts would address the doubts seriously. Since many operations before the Chinese New Year had been conducted by the Quick Reaction Force of the Regional Headquarters, he and the Vice-Chairman had joined the Chairmen and Vice-Chairmen of Wong Tai Sin District Council and Kwun Tong District Council to express their hope for meeting with the Commander of the Regional Headquarters in order to effectively handle the problems of communication, how police officers used force at the frontline and how they comprehended the role of Members as mediators at the scene. He looked forward to the response and explanation from the Police.

113. Mr Mark Ronald ANSTISS of HKPF said he could reflect the request for meeting with the Commander of the Regional Headquarters on behalf of SKDC Chairman and Vice-Chairman.

114. The Chairman said the Commander of the Regional Headquarters had declined the request for a meeting; hence, he considered that the representatives of HKPF had to study the mechanism for handling problems with the Region.

115. Mr Mark Ronald ANSTISS of HKPF said the discussion at the meeting had lasted for nearly two hours and had covered many areas. He suggested SKDC state the actual matters that required the Police's response in writing. He remarked that some matters had been debated for rhetorical purposes while some matters required a response from the Police.

116. The Chairman said for that reason, SKDC needed to set up a working group to consolidate the questions of members of the public collected by Members.

117. The Vice-Chairman said in November 2019, he had written to the Commissioner of Police about the protocol on use of force, pepper spray, tear gas, etc., but he had only received a reply indicating that his request had been referred to CAPO and he had been invited to give statement. The Chairman had mentioned that the three DCs in Kowloon East hoped to work out some coordination by seeking to meet with the Commander of the Regional Headquarters.

If the Commander could not join the discussion due to a busy schedule, SKDC welcomed the Commanders of the two divisions to conduct a brief, official or unofficial meeting. Hence, he hoped that the Chairman would invite the representatives of Wong Tai Sin and Tseung Kwan O Police Districts to discuss the matters. He continued that the new term of SKDC was very concerned about the situation in the district. He suggested the District Officer (Sai Kung) to consider discussing with the District Commanders about the provision of information on crime figures in the district at the meeting of SKDFCC. He understood that those figures were restricted information or for internal reference, therefore, he asked Members to use the information for internal reference only in order to follow up the situation in the district and achieve Police-public co-operation.

118. The Chairman hoped that the Police would provide information on the breakdown of crime cases for Members' reference.

119. Mr David CHIU, District Officer (Sai Kung), SKDO, said SKDFCC would commence operation starting from 1 April in the new term. In the past, the Police had provided crime figures of the district for SKDFCC. Individual Members had been appointed as Members in their personal capacity and therefore would be able to obtain relevant information. He opined that the practice of the Police passing the crime figures submitted to SKDFCC to SKDC could be discussed, and he also noted the request of SKDC for such arrangement. The crime statistics of SKDFCC had a detailed breakdown. As to matters such as whether Members would like to obtain such detailed information or a consolidated summary, they could be further discussed as well.

(B) Updated Membership List of the Committees / Working Groups established under SKDC
(SKDC(M) Paper No. 38/20)

120. There being no objection from Members, the Chairman declared that the above updated membership list was endorsed.

III. Matters Arising

(A) Follow-up on motions of the 1st Special Meeting of SKDC held on 16 January 2020 and the 2nd Special Meeting of SKDC held on 11 February 2020

121. The Chairman said 4 questions had been discussed at the first special meeting in 2020; 10 motions and 8 extempore motions had been endorsed as well as 3 questions had been discussed at the second special meeting in 2020. SKDC had expressed its aspirations regarding the questions and endorsed motions to relevant organisations and government departments in writing. Responses from departments to the discussion at the second special meeting were still pending as government departments had implemented special work arrangements for a period of time and had not resumed normal operation due to the epidemic.

122. The Chairman continued that the Secretariat had forwarded the replies to all Members by email, which had also been uploaded onto the website of SKDC. SKDC would continue to observe the development of the matters and the corresponding agenda items would be deleted

at the next meeting. Among them, the motions, extempore motions and questions discussed at the second special meeting had been referred to the Education, Health and Social Welfare Committee (EHSWC) for follow-up work. The Hospital Authority would also send representatives to attend the meeting of EHSWC on 16 March to brief Members on the work on handling COVID-19. Apart from Members of EHSWC, other Members might also attend the meeting but they did not have the right to vote.

IV. Report Items

(A) Financial Position of the District Council Funds as at 17 February 2020 (SKDC(M) Paper No. 39/20)

123. Members noted the above paper.

(B) Progress Report of the District Council Committees

- (1) Education, Health and Social Welfare Committee
(SKDC(M) Paper No. 40/20)
- (2) District Facilities Management Committee
(SKDC(M) Paper No. 41/20)
- (3) Traffic and Transport Committee
(SKDC(M) Paper No. 42/20)
- (4) Housing, Planning and Development Committee
(SKDC(M) Paper No. 43/20)
- (5) Environmental Hygiene, Climate Change, Agriculture and Fisheries Committee
(SKDC(M) Paper No. 44/20)
- (6) Community Building and Social Innovation Committee
(SKDC(M) Paper No. 45/20)
- (7) Finance and Administration Committee
(SKDC(M) Paper No. 46/20)

124. Members endorsed the above reports.

125. The Chairman said the Sub-committee on Public Education on Rehabilitation of Labour and Welfare Bureau would allocate an amount of \$53,000 to each DC in the next financial year for implementing “2020-21 Public Education/Publicity Activities on Rehabilitation”. The Sub-committee on Public Education on Rehabilitation would also allocate an additional funding of \$200,000 to a maximum of four DCs, with an additional maximum amount of \$50,000 for each of the DCs for organising large-scale promotional activities in the district to promote the *Convention on the Rights of Persons with Disabilities*. If DCs were interested in applying for the additional subsidy of \$50,000, information on the proposed activities had to be completed by mid-March. With reference to the expenses of the relevant activities in the district in the previous years, the funding of \$53,000 had been sufficient. With a tight schedule, it was suggested that only the funding of \$53,000 would be accepted, and SKDC would not apply for the additional subsidy of \$50,000. Following the past practice, the matter would be referred to EHSWC for follow-up work and the activity proposals would be vetted directly as appropriate.

126. There being no objection from Members, the Chairman declared that the above proposal was endorsed and the Secretariat would reply to the Sub-committee on Public Education on Rehabilitation to indicate acceptance of the funding of \$53,000.

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

(1) Working Group on Hiram's Highway Improvement Project
(SKDC(M) Paper No. 47/20)

127. Ms LEUNG Hin-yan said it was mentioned in the above progress report that the problem of traffic congestion on Hiram's Highway stemmed from the shortage of parking spaces in Sai Kung Town. However, at that time, she had been referring to Po Tung Road instead of Hiram's Highway. She hoped that the Secretariat would make an amendment.

128. The Chairman said the view of Ms LEUNG Hin-yan would be reflected in the minutes of the meeting.

129. Ms Christine FONG said the closing date for submission of notices of objection to Hiram's Highway Improvement Stage 2 Project was 3 March. After that date, the voices of Sai Kung residents whose houses and land were to be resumed by force as well as Pak Sha Wan and Sai Kung residents who were affected by changes to lanes along the road would not be heard. The Convenor of the Working Group agreed that the views collected at its meetings would be consolidated and reflected to THB in writing. She hoped that SKDC would convey its views to THB in writing, including other alternatives to two-lane two-way traffic like the proposal of a short tunnel proposal, put forward only by Professional Power in the last DC term. She considered that the information provided by government departments at that meeting was not adequate.

130. The Chairman supplemented that Highways Department (HyD) could not provide detailed information in response to many questions at the meeting of the Working Group on that day. Although different views on various proposals had been expressed at the meeting, Members had agreed to raise objection in the hope that HyD would handle the matter. He thanked the Convenor of the Working Group on Hiram's Highway Improvement Project for having written to THB to request extension of the closing date for submission of comments, but it was noted that the suggestion was not adopted. He asked the Secretariat to immediately pass the submission of the Working Group to Members for reference and to vote on the matter before the end of the meeting.

131. Ms Christine FONG once again expressed condemnation of Mr Brandon YIP for having not worn a mask throughout the meeting of the Working Group on Hiram's Highway Improvement Project. She also hoped to inform other Members that Mr WONG Shui-sang had caught a cold after taking a group photo of SKDC yesterday, and she was worried about it. With the unreasonable arrangement made by the Chairman, Members had been forced to take the group photo. Meanwhile, a Member had pointed out that photos of Members absent could be cropped and pasted into the group photo, she regarded it as putting the cart before the horse. Mr Brandon YIP was still not wearing a mask, which showed his disrespect for the Council.

She requested the Chairman to handle the matter immediately.

132. The Chairman asked Mr Brandon YIP to put on a mask.

133. The Vice-Chairman said the discussion at the meeting of the Working Group on Hiram's Highway Improvement Project consisted of divergent views expressed by Members. For some matters, some Members had shown support while other Members had expressed oppositions. The proposal to introduce two-lane two-way traffic and the tunnel proposal had been discussed. According to the recommendation made by him at that meeting, the Secretariat had sent the slides of one of the presentations made by the consultant engaged by HyD at a meeting of the Working Group in the last term to Members of the Working Group by email last Friday. The presentation slides included some information of the tunnel proposal, and he asked the Secretariat to send the presentation slides to all Members by email. He continued that the Hiram's Highway Improvement Stage 2 Project was very crucial to the district, and Members should handle the matters prudently. He expressed regret about the failure to extend the gazettal period due to adherence to the law. He hoped that SKDC would express views on behalf of the local community during the gazettal period.

134. Members endorsed the above report.

(D) Annual Report/Progress Report of the Committees under Sai Kung District Office

- (1) Sai Kung District Management Committee
(SKDC(M) Paper No. 48/20)
- (2) Sai Kung District Building Management Promotion Committee
(SKDC(M) Paper No. 49/20)
- (3) Active Retirement Programme Committee
(SKDC(M) Paper No. 50/20)
- (4) Sai Kung District Youth Programme Committee and the Youth Network of Sai Kung
(SKDC(M) Paper No. 51/20)
- (5) Sai Kung District Civic Education Promotion Committee
(SKDC(M) Paper No. 52/20)
- (6) Sai Kung District Fire Safety Committee
(SKDC(M) Paper No. 53/20)
- (7) Sai Kung District Fight Crime Committee
(SKDC(M) Paper No. 54/20)
- (8) Sai Kung, Tseung Kwan O (North) and Tseung Kwan O (South) Area Committees
(SKDC(M) Paper No. 55/20)

135. Ms LEUNG Hin-yan hoped that the number of participants and the total expenditures of the activities would be listed in the Progress Report of Active Retirement Programme Committee.

136. The Chairman said the activity information should be listed in the progress reports of all committees under SKDO for SKDC's reference.

137. Members noted the above reports.

V. Motions Raised by Members:

(A) The 10 motions raised by Members:

- (1) **Carrying out a comprehensive review of government sites in Tseung Kwan O, providing the timetable on the provision of public markets in Tseung Kwan O and implementing a temporary bazaar in Wan Po area as soon as possible**
(The motion was amended as “Urge the Government to carry out a comprehensive review of government sites in Tseung Kwan O, provide the timetable on the provision of public markets in Tseung Kwan O and release idle spaces in the community for organising local bazaars to meet the needs of different groups in community living and production and consumption, rebuild the community bonds, reflect district characteristics and develop a diversified economy, as well as implement temporary bazaars in Tseung Kwan O and Wan Po area as soon as possible in view of the monopolisation of shopping centres and markets under the hegemony of LINK in recent years”)
(SKDC(M) Paper No. 56/20)

138. The Chairman said the motion was moved by Ms Christine FONG and seconded by Messrs Edwin CHEUNG and Chris CHEUNG.

139. Members noted the written responses from the Lands Department and FEHD (SKDC(M) Paper Nos. 73/20 and 80/20).

140. Mr Gary FAN said HD had been selling shopping centres and car parks under its management since 2007. Later, LINK even further divested those properties, posing much hardship on people’s livelihood. Therefore, SKDC and community groups had always been striving for the construction of more public markets and even temporary bazaars to counteract the dominance of LINK and to rebuild the community bonds, reflect district characteristics and develop a diversified economy at the same time. He considered that these concepts and demands should be conveyed to the Government through passing the motion, and last year’s Policy Address also mentioned that a market would be constructed in Tseung Kwan O. He moved an amended motion that read: “Urge the Government to carry out a comprehensive review of government sites in Tseung Kwan O, provide the timetable on the provision of public markets in Tseung Kwan O and release idle spaces in the community for organising local bazaars to meet the needs of different groups in community living and production and consumption, rebuild the community bonds, reflect district characteristics and develop a diversified economy, as well as implement temporary bazaars in Tseung Kwan O and Wan Po area as soon as possible in view of the monopolisation of shopping centres and markets under the hegemony of LINK in recent years”.

141. The amended motion was seconded by Mr LAI Wai-tong, Ms Valerie WONG and Mr LEUNG Li.

142. Mr LAI Wai-tong said many bazaar concern groups had requested the Government to compile a guide to bazaars in the community or a list of bazaar sites at the public hearings of

the Legislative Council (LegCo). He pointed out that the existing policies on bazaars were overlapping, and there was fragmentation of responsibilities and lack of assistance provided by the Government. Great difficulties were encountered in seeking for bazaar sites alone. Therefore, he enquired whether the departments concerned would streamline the application procedures and provide a list of bazaar sites in Sai Kung district for reference by groups or members of the local community interested in setting up bazaars.

143. Ms Christine FONG said her original motion was simple in wording, which genuinely sought for a public market in Tseung Kwan O by carrying out a comprehensive review of government sites in Tseung Kwan O, providing the timetable on the provision of public markets in Tseung Kwan O and implementing a temporary bazaar in Wan Po area as soon as possible. However, a petty Member had amended the motion with a lengthy wording. She considered that the Member could move a motion on his own as such a patchy fix was meaningless. Nevertheless, being a decent Member, she would not argue about that. She supported all motions related to a serious search for a public market in Tseung Kwan O.

144. The Chairman asked the departments concerned to submit papers to the relevant Committee to enable members of the public in the district to be informed of the application procedures. He invited Members to vote on the amended motion.

145. There being no objection from Members, the Chairman declared that the amended motion was endorsed.

(2) Condemn MTR for failing to restore all equipment and facilities up to now, request MTR to provide the progress of repair works for all stations along the Tseung Kwan O Line

(The motion was amended as “Condemn MTR for failing to restore all equipment and facilities up to now, request MTR to provide the progress of repair works for all stations along the Tseung Kwan O Line and disband the MTR Special By-laws Enforcement Team”)

(SKDC(M) Paper No. 57/20)

146. The Chairman said the motion was moved by Ms Valerie WONG and seconded by Messrs Ryan LEE, Andrew CHAN, CHENG Chung-man, LUK Ping-choi, Ricky OR, TSE Ching-fung and LEE Ka-yui.

147. Members noted the written response from MTR Corporation Limited (MTRCL) (SKDC(M) Paper No. 74/20).

148. Ms Valerie WONG said many residents were unable to know the fare as MTRCL had not yet repaired the screens on the ticket gates up to now. She queried the reason for MTRCL not having included the screens in the facilities to be repaired listed in the paper, and hoped that MTRCL would respond to when the damaged screens would be repaired.

149. Mr LUI Man-kwong requested MTRCL to provide information on whether there was a timetable for repairing the facilities; otherwise MTRCL would only provide a similar response every time. According to the written response, the escalator pending repair works should be

the one at Exit B of Tseung Kwan O Station. He queried the reason for failure in collecting all spare parts after such a long period of time. He hoped that MTRCL would submit a timetable for the expected completion of repair works, and the public also needed to be informed of the repair progress of other facilities.

150. Mr Gary FAN supported the motion and considered that MTRCL's performance warranted condemnation. In addition to the inconvenience caused by the prolonged delay in repairing the facilities and problems related to MTR lines, MTRCL had complemented the Police's work by forcibly closing the stations in view of the peaceful processions initiated by Hong Kong people in other areas including Kwai Fong and Kwun Tong on 24 and 25 August 2019 despite Letters of No Objection had been issued, thus bearing the "offence" of "Metro of the Communist Party". MTRCL was subsequently found having been deployed by the Police as a "troop carrier" and having provided places for police officers. Some even suspected that police officers disguised as demonstrators had merged into the crowd in Sheung Shui Station. He continued to point out that various incidents had caused the public to question that MTRCL had not fulfilled the responsibility of providing a mass transit system for Hong Kong people. He urged MTRCL to return to its main line of business, instead of serving as a tool of the Police for discharging their duties or even complementing the Government to implement de facto curfews in early October 2019.

151. Mr Brandon YIP said in addition to causing inconvenience to members of the public due to failing to repair the facilities, MTRCL had also consumed substantial resources to set up the Special By-laws Enforcement Team, the major work of which was to handle fare evasion behind and beyond ticket gates and in the stations. For example, the Special By-laws Enforcement Team would request students to enter the Station Control Room and point out that they had no ticket or used concessionary tickets, etc., obstructing students from taking transport and wasting their time. Therefore, he moved an amended motion that read: "Condemn MTR for failing to restore all equipment and facilities up to now, request MTR to provide the progress of repair works for all stations along the Tseung Kwan O Line and disband the MTR Special By-laws Enforcement Team".

152. Mr Andrew CHAN said as social movements occurred during the weekends, he considered that it was understandable for MTRCL to deploy the Special By-laws Enforcement Team on grounds of passenger safety. However, he had received many complaints from residents that during peak hours or even after peak hours on weekdays, taking Hang Hau Station as an example, the station had only made two ticket gates available for public use but with ten staff members of the Special By-laws Enforcement Team standing beside the gates, which had made passengers feel like being monitored as if they were prisoners. He had asked the staff members of the Special By-laws Enforcement Team some simple questions, such as the routes to take in the event of emergencies, etc. but they were uncertain about most of the questions. He did not object to the existence of the Special By-laws Enforcement Team provided that there was actual safety need, but he considered that they should do their part well, and MTRCL should also provide them with adequate training.

153. Mr LAI Wai-tong said there was no visiting book inside the visiting book boxes of the Railway District in MTR stations. He enquired whether the Railway District was still operating and whether police officers still performed patrol duties in the stations along the

Tseung Kwan O Line. Besides, some passengers had once seen police officers sleep or sit on the floor of the passenger waiting area on train platforms when they had been travelling on trains and passing individual closed stations, and train stations seemed to have become resting stations of the Police. He enquired whether the Police had guidelines on deploying train stations as resting stations, and also enquired about the operational needs that necessitated the Police ordering MTRCL to close the stations. As the incident involved station security, he hoped that the Police could provide an explanation.

154. Mr LUK Ping-choi said the amended motion of Mr Brandon YIP was completely irrelevant to the original motion. He suggested Mr Brandon YIP move a comprehensive motion at the next meeting and provide information on the background and detailed wording of the motion, etc. as he considered that this should be the proper practice. He continued that he agreed with the suggestion of Mr Brandon YIP, but having no proper explanatory statement was not beneficial to SKDC or even the public.

155. Mr Ricky OR said the maintenance of ticket gates might be carried out by MTRCL itself, and that of Octopus add-value machines might be conducted by Octopus Cards Limited. However, the maintenance of escalators must be undertaken by the manufacturer. Some conditions should have been included in the relevant service contract, which stipulated that the maintenance work was required to be completed within a specified or reasonable time period, and the manufacturer could not delay or refuse to carry out the repair works because of reasons such as lack of spare parts, etc. He pointed out that, as he himself was engaged in property management services, he understood that the original manufacturer must have sufficient spare parts, manpower and resources for normal maintenance and the maintenance would not be delayed for such a long period of time. He was puzzled that the escalators in some MTR stations, in particular Tseung Kwan O Station, still had not been repaired. He queried whether a penalty would be imposed if the outsourced service contractor violated the conditions of the contract, such as failing to complete the repair works within reasonable time, and if the penalty was provided in the service contract. It was hoped that MTRCL would provide a formal response in this regard.

156. The Chairman supplemented that MTRCL was willing to attend the meeting of Traffic and Transport (TTC) to discuss the matter with Members if the motion was endorsed.

157. Mr CHAN Wai-lit agreed with the concern about the Special By-laws Enforcement Team raised by Mr Brandon YIP. He considered that MTRCL had expended substantial manpower and resources for setting up the Special By-laws Enforcement Team but had no funding for maintenance of facilities, which was completely against the expectations of the public. He asked whether TD would take corresponding actions or even express condemnation in view of MTRCL's slow progress of repair works and failure to meet the demands of the public.

158. Mr LAI Ming-chak considered that although MTRCL did not send any representative to the meeting, he hoped to inform MTRCL of Members' views on performance of duties by the Special By-laws Enforcement Team through the minutes of meeting. He said the Special By-laws Enforcement Team would often request the passengers concerned to enter the Station Control Room or even other inconspicuous areas when handling simple situations, such as

passengers' improper use of Octopus cards, or even sometimes requested the assistance from police officers. He considered that the Special By-laws Enforcement Team could actually record the information and issue penalty tickets on the spot, and then allow the member of the public to leave with a view to reducing public distrust in MTRCL and the Police as well as rebuilding mutual trust.

159. Mr LEE Ka-yui said as the operation of the Special By-laws Enforcement Team should have expended substantial resources of MTRCL, he hoped that TD would explain to Members the principles on the use of financial resources of MTRCL, and whether SKDC or TD was empowered to influence the principles on the use of the funding or expenditure of MTRCL. Although the Government held a substantial number of shares in MTRCL, its operating principles were the same as those of private companies. Furthermore, the amended motion involved the use of financial resources of MTRCL. With a higher level of complexity and more categories involved, the amended motion was different from the original motion, the latter of which was concerned with the progress of repair works. Therefore, he suggested that the amended motion should be handled by moving a new motion.

160. Ms LEUNG Hin-yan said she had once seen a passenger collapse at the concourse of Hang Hau Station due to feeling unwell and was in need of assistance. However, the Special By-laws Enforcement Team had only been watching with folded arms. At the time, she had requested the Team to provide assistance, and the staff of the Team had replied that they were volunteers. She considered that the Special By-laws Enforcement Team was widely regarded as remunerative work. Therefore, she hoped that MTRCL would provide detailed information on the composition of the Special By-laws Enforcement Team, whether volunteers were included, the hourly rate of the staff, terms of reference of the Team and the training received by the staff.

161. Mr CHEUNG Wai-chiu hoped that MTRCL would provide a written response on matters related to the Special By-laws Enforcement Team and repair works at stations discussed at the meeting. Besides, he enquired whether the Government had allocated funding to assist in the repairs, and also enquired about the respective repair works for which the outsourced maintenance company and maintenance staff hired by MTRCL were responsible.

162. The Chairman said as the discussion earlier mentioned about the Railway District, deployment of stations, using MTR trains to discharge police duties, etc., he enquired whether the representatives of HKPF had any supplementary responses.

163. Mr Mark Ronald ANSTISS of HKPF suggested the Chairman liaise with the Railway District directly.

164. The Chairman said he would follow up the matter with the Railway District directly through TTC. He also asked whether the representatives of HKPF could stay in the meeting until the discussion of the next motion.

165. Mr Byon WONG, Chief Transport Officer/Goods Vehicle, TD, said with regard to railway services, the Government mainly monitored the operation and safety management of MTRCL, including train frequency and service level of station facilities under normal

circumstances. In the Government, the major duty of TD was to oversee the performance of the railway network to ensure that the services provided by MTRCL were proper and efficient. In general, TD would oversee whether the train service arrangements of MTRCL were appropriate and in line with the service level by examining the returns regularly submitted by MTRCL on its service performance and conducting site inspections, etc. The Government would also maintain close communication with MTRCL about the railway service arrangements to work out suitable arrangements for adjusting its services. The daily operation of MTRCL, which included setting up the Special By-laws Enforcement Team for discharging duties, was part of the routine work of MTRCL in accordance with the relevant legislation and its management practice.

166. Ms Debby CHAN, Messrs CHAN Wai-lit and CHEUNG Wai-chiu seconded the amended motion moved by Mr Brandon YIP.

167. The Chairman invited Members to vote on the amended motion.

168. Ms Valerie WONG said although she agreed with disbanding the Special By-laws Enforcement Team, the original motion was related to the repair works of MTRCL and request for providing a timetable for the repairs, while the amended motion of Mr Brandon YIP involved manpower arrangements. Therefore, she suggested Mr Brandon YIP move an extempore motion and she was also willing to second the extempore motion. However, she would cast a vote against the amended motion.

169. Mr Brandon YIP said he did not understand the reason for some Members to oppose the motion raised by him. Based on the original motion, the amendment was made for serving the public and condemning MTRCL likewise.

170. Mr CHEUNG Wai-chiu considered that the Special By-laws Enforcement Team was relevant to the repairs to facilities as they were both related to the use of resources and the repairs also involved manpower arrangements. If resources were allocated to a work area improperly, those resources should be allocated to maintenance work instead.

171. Mr CHENG Chung-man agreed with the views raised by Messrs CHEUNG Wai-chiu and Brandon YIP. However, he considered that Mr Brandon YIP could write the wording of the motion and provide the content of the motion on his own. As the content of the original motion was completely irrelevant to the Special By-laws Enforcement Team, he considered that Mr Brandon YIP's rash amendment to the wording of the motion was confusing one thing with another. He hoped that Mr Brandon YIP would move an extempore motion on opposing the Special By-laws Enforcement Team.

172. Ms Debby CHAN said she seconded the amended motion as she considered that the two matters referred to the same matter and the amendment was also reasonable. Although the Special By-laws Enforcement Team was not mentioned in the content of the original motion, the response of MTRCL pointed out that the Special By-laws Enforcement Team was set up to handle fare evasion as the facilities could not be repaired, which proved that the two matters were correlated. Splitting every matter into different motions would give rise to numerous administrative issues. As for whether SKDC had the authority to discuss some matters, she

considered that questions should still be raised even if being queried whether those matters were not included in their terms of reference.

173. Mr LUK Ping-choi did not object to disbanding the Special By-laws Enforcement Team. However, he considered that associating every matter with resource issues would enable Members to infinitely overplay the importance of the matter as staffing and various types of repair works also involved resources. He suggested Members to move extempore motions or to move motions at the next meeting and provide information on the background of the motion in a more holistic manner, which would certainly be beneficial to SKDC and the public. He continued that the Chairman was empowered to judge whether to accept the amended motion, and enquired whether the Secretariat could handle the matters separately provided that the content of the amended motion was completely irrelevant to that of the original motion.

174. The Chairman considered that moving an extempore motion to deal with the matters separately would be a better way to handle the situation. However, if he was required to make a ruling, he could not rule that the amended motion was inappropriate as both matters were related to MTRCL's handling of the incidents relating to the opposition of the proposed legislative amendments to the FOO, and the Secretariat was only following the instructions of the Chairman.

175. Mr Brandon YIP queried why the condemnation expressed by some Members could be regarded as a condemnation, while that amended by him could no longer be regarded as a condemnation. Although some Members had expressed that they supported the matter mentioned in the amendment when delivering their speech, they opposed the amendment proposed by him. He considered that this was contradictory and unwarranted.

176. Mr CHEUNG Wai-chiu said some Members considered that the matters were correlated while some other Members considered that they were not. From his point of view, Members who considered that the matters were not correlated and should be handled separately could oppose the amended motion when voting.

177. Mr Ricky OR said Members were discussing a livelihood issue instead of a major political issue. He considered that the disagreement among Members about livelihood issues would be minimal. Although he opined that this amended motion might be procedurally unusual and handling the matters separately would certainly be the most ideal way, he would support this amended motion if the ruling of the Chairman was to handle it as a whole. He did not hope to affect the livelihood issues or tarnish the image of SKDC due to the arguments at the meeting.

178. Mr CHENG Chung-man said he could express support for the amended motion. However, he suggested that moving an extempore motion was a compromised solution.

179. Mr LAI Ming-chak said in accordance with SKDC Standing Orders, an extempore motion could be included in the agenda subject to the agreement of over half of the Members of SKDC, which would then be voted and endorsed by Members. However, extempore motions would normally be followed up under the item "Any Other Business". He himself also hoped to move an extempore motion in response to the matters related to the Government's

distribution of the \$10,000 cash payout and the expenditure of the Police. He suggested handling the voting of the amended motion first, and then moving to the next motion in accordance with the agenda.

180. The Chairman enquired whether Mr CHENG Chung-man still requested that an extempore motion be moved.

181. Mr CHENG Chung-man hoped that the matter would be handled separately, which could fulfil both stances on the one hand and minimise controversies on the other hand. He pointed out that Members should aim their spears at MTRCL and TD.

182. The Chairman once again invited Members to vote on the amended motion.

183. There being no objection from Members, the Chairman declared that the amended motion was endorsed. SKDC would convey the request to MTRCL in writing and the matter would be referred to TTC for follow-up work.

(3) **Request SKDC to set up a “Police Powers Monitoring Scheme”**
(SKDC(M) Paper No. 58/20)

184. The Chairman said the motion was moved by Mr LEE Ka-yui and seconded by Messrs Ricky OR, Ryan LEE, CHENG Chung-man, Ms Valerie WONG, Messrs CHOI Ming-hei, Andrew CHAN, TSE Ching-fung and LUK Ping-choi.

185. Mr LEE Ka-yui said the motion had clearly offended the Government and the Police, and the representatives of HKPF had left the meeting for this reason. As a matter of fact, the five motions put forward by the Concern Group for Tseung Kwan O People’s Livelihood were targeted at the regime, including the motions on memorial parks, lennon walls and large-scale murals. By reflecting public views, the motions had challenged the regime and underlined its disgrace. Unfortunately, there were some obstructions in submitting the motions for discussion at the SKDC meeting. He described that HKPF had blatantly abused its powers, making SKDO quite unwilling to facilitate the discussion, and the Secretariat allegedly unable to handle the motions. The numerous obstructions had reflected that the motion was indeed a knotty problem for the totalitarian government, an eyesore and a thorn in its side. If Members claimed themselves as pro-democrats standing against the totalitarian regime, they should absolutely support the motion, as well as monitor, disapprove of, and condemn “police brutality”. They should not merely discuss the issue in the Council, but also be present at the scenes to monitor and confront the police officers. Even if the Police were condemned at the meeting for ten thousand times, people would still be beaten up outside, and all of them would possibly be arrested by then. As such, he believed that it was worthwhile for SKDC to endorse the motion.

186. Mr David CHIU, District Officer (Sai Kung), SKDO clarified that SKDO was not pressurised by the Police. In reiterating the Government’s position towards the motion, he said SKDO considered that the content of the motion was incompatible with the functions of District Councils (DCs) as laid down in section 61 of the District Councils Ordinance (DCO), given that monitoring police powers was not a function set out in the Ordinance. DCs could

advise the Government on specific subject areas, just as Members had raised a number of comments on the Police's enforcement actions against illegal parking in the district. However, not only opinions were raised in the motion, but certain actions were also involved, including the appointment of observers or the use of DC funds for follow-up actions. He pointed out that the Police's enforcement actions were applicable across the territory without special conditions for individual districts, and that the series of social events in recent times had taken place not in Tseung Kwan O only. He continued that it was stated in the content of the motion to appoint certain persons to monitor the Police and make records, to take subsequent follow-up actions, to procure relevant equipment and provide allowances with DC funds, etc. These were all incompatible with the functions of DCs or the guidelines on the use of DC funds.

187. Mr LAI Ming-chak pointed out that the Yuen Long Police District had promised that the DC Members of the constituencies concerned could have access to police stations to provide assistance to local residents in handling criminal charges. The Police had made the arrangements indeed. In the meantime, Members did not know whether the Scheme proposed in the motion, if endorsed, could be implemented because SKDO considered it incompatible with the DCO. In this regard, he suggested Mr LEE Ka-yui to add the following paragraph to the motion: "Request the Police to respect the District Councils Ordinance and allow DC Members to observe the behaviour of policemen and record the incident at the scene of conflict, to advise the Police on its operations in Sai Kung District, and to have access to Police Stations to provide assistance to the residents arrested; request government department(s) concerned to set up a database on the conduct of policemen and submit relevant report on a regular basis". He hoped that the Government could be forced to make further compromises in different aspects after the paragraph was added. Even though SKDO did not agree to this Scheme, SKDC could still reflect its views to the Police, hoping that the Police could agree to the proposal as they did so in other DCs.

188. Mr Edwin CHEUNG said the wording of the motion alone was acceptable to him, but he hoped that the mover could provide additional background information. As said by District Officer (Sai Kung), problems might arise from the implementation of the motion. The salaries of Members' assistants could be covered by the Operating Expenses Reimbursement (OER). Members and their assistants could therefore exercise monitoring on their own if deemed necessary. As the procurement of photographic equipment was also covered by OER, it might be unfair to provide special funding. The Police Powers Monitoring Scheme would have positive functions. With different voices in the society, different conclusions could be drawn from the same incident in different perspectives. He said he respected facts. Any kinds of violence, including violent acts of the Police and protesters, were improper. Hence, he supported the Scheme. However, he was very concerned about the details of its implementation, especially its funding, including the party responsible for the recruitment exercise and the party engaged to implement the Scheme.

189. Mr LAI Ming-chak said if Mr LEE Ka-yui was willing to add the above wording to the motion and give details of the actual arrangements, Members would not have to amend the motion. It would also be more convenient to write to SKDO or HKPF in future for making the arrangements.

190. Mr LEE Ka-yui said he agreed to add the content just proposed by Mr LAI Ming-chak to the motion as there was no conflict between the proposal and the motion. He continued that the focus of the Scheme was to make good use of the identity of DC Members and DC funds, and monitor “police brutality” at the scene of conflict with the powers and identity conferred by the Council to Members. To condemn “police brutality” at the meeting was a duty, but “police brutality” would continue at the scene of conflict after condemnation, thus the motion was moved in the hope that Members and those who were likely to be appointed could perform the duty assigned by the Council at the scene in person. Damage to the equipment purchased with DC funds was equivalent to vandalism of public property. Therefore, to challenge the Government in respect of the atrocities it committed with this Scheme could further highlight what the Council could do.

191. Mr David CHIU, District Officer (Sai Kung), SKDO said the wording proposed by Mr LAI Ming-chak suggested the Police to respect Members and allow Members to take up certain roles or even ask for data and so on, but the motion mentioned that designated persons would be assigned as representatives of the Council or Members to monitor the Police on its operation at the scene of conflict, which was incompatible with the functions conferred by the DCO. The motion also included purchase of photographic equipment as well as recognition and protective equipment, which did not conform to the guidelines on the use of DC funds. Under this condition, even if the wording proposed by Mr LAI Ming-chak was added, the whole motion was still incompatible with the terms of reference of the Council. The motion, if endorsed, could not be implemented. The Secretariat would not be able to provide follow-up support.

192. Mr CHEUNG Wai-chiu asked whether the act of giving comments on the Police’s law enforcement actions in Sai Kung district by Members would be inconsistent with the powers conferred by the DCO.

193. Mr Andrew CHAN cited the judgment handed down by the former Judge of the Court of First Instance of the High Court Mr Michael John HARTMANN in Chan Shu Ying v The Chief Executive of the HKSAR, the functions exercised by the Council, despite not directly related to legislative or executive powers, should at least have real influence on public affairs. In his view, Mr LEE Ka-yui’s proposal of sending representatives assigned by the Council to perform their duties at the scene of conflict and monitor whether the Police’s law enforcement was impartial would genuinely have real influence on public affairs. Therefore, he did not think that the remarks made by District Officer (Sai Kung) were reasonable and pointed out that the motion was compatible with the functions of DCs.

194. Mr CHAN Wai-lit asked if the Secretariat would record what Mr LAI Ming-chak had said, which included, Members performing their duties at the scene of conflict, monitoring the Police’s behaviour, having access to police stations to provide assistance to arrestees, and requesting the Police to allow Members to provide assistance to arrestees. He asked whether these acts would be inconsistent with the DCO. He considered that the functions of DCs included providing advice to the Government and protecting the well-being of the people in the district, so it was absolutely appropriate to provide assistance to arrestees.

195. The Chairman hoped that Members could illustrate at the district level what the Council would like to achieve via the Scheme in the wording of their motion with collective wisdom. He asked Members whether they would propose any amendment. If not, the original motion would be handled. He also reminded the Member who moved the motion that no amendments could be made to the motion put forward by him.

196. Mr CHAN Wai-lit asked District Officer (Sai Kung) whether the statements just made by Mr LAI Ming-chak were inconsistent with the DCO. He continued to ask if some of the background information in the motion provided by Mr LEE Ka-yui, which was considered in violation of the DCO, was replaced by the paragraph Mr LAI had just proposed in the same motion wording, whether the statements were inconsistent with the DCO.

197. Mr LUK Ping-choi said, according to District Officer (Sai Kung), it was not the case that the Council, although restricted by law, could do nothing. He asked the Chairman whether their views could be reflected to HKPF even though the motion might not be taken forward. In his opinion, no matter whether the motion was endorsed or not, the views raised at the meeting should be reflected to HKPF, and he considered that this approach would be better than making amendments to the motion.

198. Mr Ricky OR said the focus had been put on the compatibility with the DCO, but pro-democratic Members had put forward motions like “vindicating the 4 June incident” over the past years. He queried if it was necessary to verify whether “vindicating the 4 June incident” was compatible with the DCO and the functions of DCs before the motion was moved. Nevertheless, this had never been a practice before. He said the most ideal practice was to put the endorsed motion into implementation, but it did not mean that the motion could not be put forward even though it could not be put into implementation at this stage. Apart from the feasibility of implementing the motion, it was also important to convey the Council’s views or public requests.

199. Mr David CHIU, District Officer (Sai Kung), SKDO said it was certainly compatible with the scope of functions set out in the DCO that Members advised government departments on district matters including district administration. Members had earlier raised a number of concerns and suggestions to the departmental representatives at the meeting for their consideration, including HKPF. The Secretariat was also willing to relay the specific views to the departments concerned after the meeting. As individual Members hoped that the Council could do solid work, even if the motion was not endorsed, the comments raised by Members at the meeting, including the amendments proposed by Mr LAI Ming-chak, would be duly recorded. The minutes of the meeting would also be provided to the departments concerned after the meeting for information. However, since the motion itself was incompatible with the DCO, it could not be put into implementation even if it was endorsed. As such, he urged that due consideration should be given on how to handle this motion.

200. The Chairman announced that the meeting would be adjourned for five minutes.

(The meeting resumed at 1:20 p.m.)

201. The Chairman invited Members to vote on the original motion.

202. There being no objection from Members, the Chairman declared that the motion was endorsed.

203. Mr LUI Man-kwong said in view of the aspirations expressed by various Members earlier, he hoped that the Secretariat would write to the departments and include those suggestions in particular and request them to respond to the suggestions, including the feasibility of the suggestions, how they could be implemented, how to support the work of the Council, etc.

204. Mr David CHIU, District Officer (Sai Kung), SKDO said notwithstanding the motion was endorsed eventually, as mentioned earlier, the Government's position was that the motion was incompatible with the functions of the Council. Therefore, the Secretariat would not follow up the motion. Nevertheless, comments had been raised for HKPF's consideration in the earlier discussion on the issue. The comments would be recorded in the minutes of the meeting, which would be provided to the Police for information. Hence, the objective of forwarding the relevant comments to the Police for consideration was attained. He reiterated further that the Secretariat was unable to follow up this endorsed motion any further.

(4) Request SKDC to set up “lennon walls” in suitable locations in the community, and to allocate funding for the setting up, daily management and maintenance of these walls

(SKDC(M) Paper No. 59/20)

205. The Chairman said the motion was moved by Mr Ryan LEE and seconded by Messrs Ricky OR, LEE Ka-yui, CHENG Chung-man, Ms Valerie WONG, Messrs Andrew CHAN, CHOI Ming-hei, TSE Ching-fung and LUK Ping-choi.

206. Members noted the consolidated written response from various bureaux/departments (SKDC(M) Paper No. 81/20).

207. Mr Chris CHEUNG said suitable locations might be selected, such as areas near the Chairman's office or Conference Room on the third floor of Sai Kung Tseung Kwan O Government Complex. Public controversies and management problems could be reduced if these areas were selected. He hoped that public consultation would be conducted in a fair, open, just, transparent and thorough manner. He continued that the spirit of lennon walls was freedom of speech, hence, different opinions should be respected and people with political stances represented by different colours should be allowed to post their views.

208. Mr LAI Ming-chak said lennon walls should be set up at conspicuous locations with a greater flow of passers-by. He did not consider that areas near the Conference Room of SKDC or the Chairman's office were suitable locations and supported the search for more suitable locations in the district. He was worried that the Government would cause some good happenings to become meaningless, for instance, the selected site for the bazaar was situated in a place away from the town centre. Furthermore, he hoped that government departments or law enforcement departments would treat everyone fairly and equally and avoid the situation of some people being protected while others being arrested.

209. Mr LUI Man-kwong expressed approval of the proposal to set up lennon walls because many members of the public considered that it was necessary to set up lennon walls in the district. He opined that from an administrative perspective, members of the public might not be able to gain easy access to areas near the Conference Room or the Chairman's office to post their views, and the areas were therefore not suitable.

210. Mr LAU Kai-hong said he would abstain from voting on this motion.

211. The Chairman asked Members to vote on the motion.

212. The Chairman said except that Mr LAU Kai-hong had abstained from voting and there being no objection from Members, he declared that the motion was endorsed.

213. The Chairman said the following motion would be handled before discussing how to follow up the matters together.

(5) **Request SKDC to allocate funding for providing large-scale murals in suitable locations in the community**
(SKDC(M) Paper No. 60/20)

214. The Chairman said the motion was moved by Mr TSE Ching-fung and seconded by Messrs LUK Ping-choi, LEE Ka-yui, CHENG Chung-man, Ms Valerie WONG, Messrs Andrew CHAN, Ricky OR and Ryan LEE.

215. Members noted the consolidated written response from various bureaux/departments (SKDC(M) Paper No. 81/20).

216. The Chairman invited Members to vote on the motion.

217. There being no objection from Members, the Chairman declared that the motion was endorsed.

218. The Chairman said motions (4) and (5) would be referred together to the Community Building and Social Innovation Committee (CBSIC) for follow-up work, and CBSIC would be assigned to handle the ways to enable members of the public to express their views.

(6) **Request SKDC to rename the Tong Ming Street sitting-out area as CHOW Tsz-lok Memorial Park, and to use SKDC funding to provide the relevant facilities in the park for commemoration**
(SKDC(M) Paper No. 61/20)

(7) **Request for naming the sitting-out facilities to be completed in Area 72 of Tseung Kwan O as CHAN Yin-lam Memorial Park, and to use SKDC funding to provide the relevant facilities in the park for commemoration**
(SKDC(M) Paper No. 62/20)

219. The Chairman said Mr Brandon YIP informed the Secretariat on 29 February that he would like to make an oral statement on SKDC(M) Paper No. 61/20 and SKDC(M) Paper No. 62/20 at the meeting. The Chairman reminded him that the oral statement should not take more than five minutes and must be compatible with the functions of the Council.

220. Mr Brandon YIP said before he made an oral statement, he would like to give “steamed buns dipped in human blood” to Mr LUK Ping-choi and Mr Ricky OR as a souvenir, and considered that the motion they had moved took advantage of the deceased. They had told the media that the deceased’s family members had not been consulted on the matter for fear of causing harm, but moved a motion for discussion at the Council meeting to arouse public awareness, thus bringing hurt to the deceased’s family members and friends to a greater extent and putting them under pressure by their capacity as Members. He considered that Members should be clear about the planning of district facilities, including the sizes, purposes and construction progress of parks. The proposed park in Area 72 was around 400 metres in size only with simple design, rendering it impossible for the congregation of a large crowd of people or provision of any facilities for commemoration. If the park was used to commemorate the two students, it would be equivalent to acceptance of the Government’s position that the death of the two students was attributable to an accident or a suicide without suspicion. He considered that it was necessary to find out the truth and prove that Hong Kong Police had caused harm to them, and only when the deceased had been proven clean should they put forward the proposal of providing memorial parks. He queried why the Members who had moved the motions did not request policemen to investigate the cases, but had reversed the cause and effect to make a request for commemorating the two students. He quoted the example that Taiwan had renamed Taipei New Park as 228 Peace Park in commemoration of the tragic event to illustrate that Taipei City Government had truly achieved “transitional justice” by acknowledging the truth, making compensation to the victims’ families and proving that the victims were clean. He considered it inappropriate to establish any memorial park before achieving any objectives of the protest movement, including the Five Demands, the implementation of dual universal suffrage and the release of all arrested protestors, or else he would not understand the meaning of establishing memorial parks. If a decision was made for the deceased’s families out of their wish, he, as a Member, could imagine the grief they suffered if they thought of their children every time they walked by the parks, therefore he queried if it was proper to use the names of the two students as the name of a landmark park or park. In regard to the Members who had moved the motions, he, as a member of the pro-democracy camp, would like to apologise to the affected people, and expressed great regret over individual Members who “ate steamed buns dipped in human blood” and took advantage of the deceased.

221. The Chairman condemned Mr Brandon YIP for his behaviour just now.

222. The Chairman suggested and Members agreed that the two motions be discussed together. The Chairman said Motion (6) was moved by Mr LUK Ping-choi and seconded by Messrs Ricky OR, LEE Ka-yui, CHENG Chung-man, Ms Valerie WONG, Messrs CHOI Ming-hei, TSE Ching-fung and Ryan LEE. Motion (7) was moved by Mr Ricky OR and seconded by Messrs LUK Ping-choi, LEE Ka-yui, CHENG Chung-man, Ms Valerie WONG, Messrs CHOI Ming-hei, TSE Ching-fung and Ryan LEE.

223. Members noted the consolidated written responses from bureaux/departments.

224. Mr Andrew CHAN moved an amendment to Motion (6), the wording of which was “Request SKDC to rename the Tong Ming Street sitting-out area as Tseung Kwan O 114 Memorial Park, and to use SKDC funding to provide the relevant facilities in the park for commemoration”.

225. Mr Ricky OR enquired whether an amended motion could be seconded by the mover or seconders of the original motion.

226. The Chairman said seconders could second an amended motion as advised by the Secretariat.

227. Mr Ricky OR seconded the amended motion.

228. Mr Andrew CHAN moved an amendment to Motion (7), the wording of which was “Request for naming the sitting-out facilities to be completed in Area 72 of Tseung Kwan O as Tiu Keng Leng 919 Memorial Park, and to use SKDC funding to provide the relevant facilities in the park for commemoration”. The motion was seconded by Messrs LUK Ping-choi, LEE Ka-yui, TSE Ching-fung, CHENG Chung-man and Ryan LEE.

229. Mr Ricky OR said the two original motions were moved to follow the practices of other places to name the two parks near the locations where the incidents took place after the names of the two students respectively, so that the efforts made by these two students would not be easily forgotten. After the motion papers were issued, online comments and media reports pointed out that it was not the best approach to name the parks after people. He and the seconders adopted an open attitude towards the naming. At the early stage of drafting the motions, they had also considered following the approach of Taiwan to name the parks with dates. In addition, by moving the above motions, he and the seconders would like to urge the Government to directly face up to the death of the two students, and the causes and details of their death. In fact, the causes and details of the death of student CHOW and student CHAN had remained a mystery so far. It included whether student CHOW Tsz-lok fell from the carpark or was pushed from the carpark. The causes and details of the missing of student CHAN Yin-lam, the cause of her mysterious death afterwards, and whether her mother was still alive were unknown. Although a television broadcaster had interviewed a person claimed to be student CHAN’s mother, the audience could not clearly see her face as she was wearing a mask. Yesterday, two members from the pro-establishment camp claimed that they were authorised by the mother of student CHAN Yin-lam to hold a press conference, but she was not present. He therefore hoped that Members would clearly understand that the intention behind the two motions moved by him and the seconders was to reveal the truth for the two students.

230. Mr LAI Wai-tong asked the mover of the original motion whether the family and friends of student CHOW Tsz-lok were consulted before submission of the motion paper. He said he was a senior alumnus of student CHOW Tsz-lok, and recalled that he saw his junior alumni and teachers crying hard when he returned to school after the incident. He felt sorry for the naming of the park after the deceased. Even if the park was named with the date of the incident, student CHOW Tsz-lok’s family or acquaintances would hardly forget the incident whenever they walked past the place concerned. He reiterated his request to the mover to explain

whether the consent of student CHOW Tsz-lok's family had been sought before the motion was moved.

231. Mr LUK Ping-choi said the location where student CHOW Tsz-lok fell to his death did not fall within his constituency but his residence when he was alive fell within his constituency. Since 8 November 2019, quite a number of online media had used CHOW Tsz-lok's photo to call for the public to mourn his death. A huge photo of CHOW Tsz-lok was even placed at the altar. Recently, the photos of CHOW Tsz-lok were posted with designed dialogues on the Internet. Nevertheless, no one had questioned in the past few months whether the use of CHOW Tsz-lok's photos was consented by his family. Their purpose of moving the motion was to reveal the truth and to fulfil their election pledge of urging the Government to establish an independent commission of inquiry. Members of the public voted for them, so it was impossible for them to do nothing. He considered that it was good for the public to engage in the discussion on the motions concerned. He and the seconders of the motion held an open attitude towards adopting alternative proposals. He reiterated that he and the seconders did not intend to upset the families of students CHOW Tsz-lok and CHAN Yin-lam but simply hoped to find out the truth, make an accusation of "police brutality" and request the Government to establish an independent commission of inquiry so as to do justice to the two students.

232. Mr CHEUNG Wai-chiu said he had told the movers and the seconders earlier that their approach was not appropriate, and hoped that they would withdraw the motions first and then reconsider adopting a more appropriate method. Unfortunately, they did not listen to the advice, which ended up that the seconders had to make a public apology for the movers' administrative blunder in the arrangements for moving the motions. He hoped that all Members could be a responsible representative. Whenever Members submitted a motion paper, its actual feasibility and the related outcomes should be taken into account. At present, the incident had escalated to the community level. He was not sure whether the seconders were clear about the content of the motion paper or knew whether the movers had contacted the family of student CHOW Tsz-lok. He continued that the parties having set up the altar had known the attitude of student CHOW Tsz-lok's family towards the incident, but the mover still moved the motion forcibly without regard to the wish of student CHOW Tsz-lok's family. As the development of the incident had gone to this stage, student CHOW Tsz-lok's family had suffered to a certain extent. It was not that he did not want to do justice to the deceased, but hoped that the mover could go back to the right track. Even if the team of the mover moved amendments to the motion at present, the family of the deceased would be reminded of the incident by the date and that was why he objected to all the amended motions. If the motions or amended motions concerned were endorsed, he would query whether the team of the mover could consult the family of the deceased without putting pressure on them.

233. Mr CHENG Chung-man said he was also at the scene on the day when the incident of student CHOW Tsz-lok took place. On that day, he had no idea of the occurrence of the incident at first, until first-aiders told him someone had fallen from Sheung Tak Car Park. Later, a friend of CHOW Tsz-lok who was at Sheung Tak Car Park, was suddenly driven out of the car park by many anti-riot police officers, therefore unable to know all details in the end. He was deeply saddened over the sacrifice of student CHOW Tsz-lok. Citing the example of Taiwan's erection of the 228 Monument, he considered that the erection of a monument represented an important process of democratisation in the Republic of China, which also

directly paved way for the Wild Lily Student Movement, and ultimately abolished the Temporary Provisions and ended the operation of the “indefinite extended-term Congress”. The 228 Monument was erected when democratisation was still underway, so they made a comparison with this event and hoped that the 114 Memorial Park, like the 228 Monument, could prompt the Government to make compromises and facilitate democratisation in Hong Kong. Certainly, he knew that many people were still sorrow-stricken by the 114 Incident, including student CHOW Tsz-lok’s family, but he hoped that by advocating the naming of the park, the democratisation process in Hong Kong could be advanced.

234. Mr LEE Ka-yui considered that all the seats and votes of the Members at the meeting were obtained by “eating steamed buns dipped in human blood” and “taking advantage of comrades in protest”. After “taking advantage of comrades in protest”, Members should continue to roll forward the protest at the meeting, yet Mr CHEUNG Wai-chiu neither moved any motions at this meeting, making it difficult to roll forward the protest, nor contributed anything in return after “eating steamed buns dipped in human blood”. It was a rare opportunity for the pro-democracy camp to gain control of the Council, yet they had not demonstrated the courage in governance, fighting against totalitarianism, defence of public opinions and the frontline, and use the name or power of the Council to build a memorial park so as to allow Hong Kong people to commemorate without having to suffer from “police brutality” again. Some Members entered the Council in the name of resistance but did not succeed the spirit of resistance. He believed that those Members truly “ate steamed buns dipped in human blood”.

235. Mr LAI Ming-chak said it was a core issue whether or not the suggestion was supported with the approval of the family of the deceased. Regardless of whether it was the 228 Monument or June 4th Museum, the support from the relevant families of the victims had been obtained. The mover might explain that the motion was moved due to different reasons, strategies or tactics, but in this movement, the following statements often reminded him: He who fights with monsters should look to it that he himself does not become a monster. And if you gaze long into an abyss, the abyss also gazes into you. Therefore, the strategies and tactics overriding the wishes of family and friends were no different from the cold-blooded regime against which they were fighting. The family members of student CHOW Tsz-lok mostly resided in the areas of Beverly Garden and King Ming Court and they might pass by the relevant sitting-out area every day. Naming the park after the deceased without the family’s consent would be equivalent to rubbing salt into their wounds every day. It had just been said, they did not know the motion would have drawn such extensive attention. He responded that DC Members must be accountable to the public in their words and deeds as the speeches of Members in the Council might have an impact on others. Lastly, since the Police could arbitrarily enter private properties such as Sheung Tak Car Park, he queried whether the safety of the public could be guaranteed even when they held commemorative activities in the memorial parks in the future, and whether it might turn into a trap.

236. Mr FUNG Kwan-on hoped that the mover or the Council would take into account the views of the family members concerned before making the decision. In addition, he considered it necessary to reserve some space in the memorial parks for displaying and recording the incidents of “police brutality” and the abuse of power by the Police. Examples included arresting unarmed residents and injuring journalists by firing tear gas canisters from a

close distance. He hoped that the records would be displayed and retained so as to remind Hong Kong people not to forget the incidents as well as to allow the Government and the Police to clearly know that they were accountable to their illegal acts.

237. Mr CHUN Hoi-shing considered that there were problems with the motions both in nature and the manner of handling, therefore he was against the motions. Members objecting to the motions also agreed that it was necessary to commemorate the incidents and that the efforts made by the two students would not be forgotten. However, the manner in which the motions were handled was not proper. The family members of the two students, other Members or the public should be consulted before the motions were moved. The amendments made to the motions at this stage had already caused harm to the family members of student CHOW Tsz-lok. Apart from these, the timing for moving these motions was disputable. Members who agreed with the naming quoted the example of the 228 Peace Park in Taiwan, but he considered that it was not a proper comparison as the incidents of the two students had happened in less than one year. It was totally inappropriate to suggest the provision of facilities for commemoration while their family members were still in grief.

238. Mr Brandon YIP said despite despotic oppression in other countries, “transitional justice” would be realised only after the change of regime. The incidents would be recorded in history books to educate the next generation and review and introduce amendments to their constitutional systems. So far, the Hong Kong Police were still arresting protestors for the offence of unlawful assembly or rioting. Members should appeal for rectification of the regime, governance and oppression instead of expressing the sentiments aroused by the protests through facilities for commemoration. It was just putting the cart before the horse. Some Members claimed that memorial parks could better protect mourners, but he considered that it was still very dangerous to carry out commemorative activities anywhere unless the Police could change their approaches. The mover and his team pointed out on a network radio programme that Members objecting to the motions or adjourning the debate were betrayers and bribed by the Communist Party. He expressed regret that those Members came from the pro-democratic camp.

239. Mr LUI Man-kwong said the wishes and feelings of the family members of the deceased should be taken into account when naming the parks after the two deceased persons as their family members were still living in Tseung Kwan O. Without the expressed consent of their family members, he considered it not an opportune time for establishing the memorial parks. He also agreed that establishing memorial parks might not necessarily safeguard mourners.

240. Mr Edwin CHEUNG stated that he was a resident and a Member of Tiu Keng Leng. When he and the residents learnt about the Members’ proposals of using public funds to establish the memorial parks with strong political implications in Tiu Keng Leng, they were all very angry. It was incomprehensible that the movers had not collected the views of the nearby residents or the Members of the constituencies concerned. Subsequently, he had organised an online signature campaign, and over 23 000 residents’ signatures had been collected as at 7:00 p.m. yesterday in opposition to the two motions. The residents who participated in the signature campaign considered that all persons, regardless their age, social class, race or political views, were entitled to use park facilities for free. If political issues were involved in community parks, it would go against public expectations. He expressed strong opposition

to the above motions on this occasion and the residents were highly dissatisfied that some Members had politicised all livelihood issues and putting their own political interests before people's livelihood or public interests.

241. Mr CHAN Wai-lit considered that the movers had not given due consideration before putting forward the motions, and Mr LUK Ping-choi had admitted earlier that student CHOW Tsz-lok's family had not been consulted before. He added that it was inappropriate to set up any memorial parks before the truth was revealed. Now that the motions concerned had caused harm to the family members of students CHOW Tsz-lok and CHAN Yin-lam, he would object to the motions or any amended motions. He hoped that Mr LUK Ping-choi would make apologies to the family members of the deceased after the meeting.

242. Ms LEUNG Hin-yan said it was more important to seek the consent of the deceased's family members than any public views before putting forward the motions. She said a young friend of her had passed away at Tseung Kwan O Hospital due to acute disease. The death had deeply saddened her that she dared not pass by the hospital for more than half a year. She wished the movers could be empathetic and put themselves in the shoes of the family members of the deceased to consider their feelings if their consent had not been sought before the parks were named after the deceased. Besides representing public opinion, politicians should also have empathy. The movers had put forward the motions without the consent of the deceased's family members and simply made an excuse after receiving criticism that the problem was attributable to administrative blunder. Not only was it a mistake of political judgment, but also "taking advantage of the deceased" which caused infinite harm to their family members. She wished the movers and seconders would explain clearly the reasons for putting forward the motions without seeking the consent of the deceased's family members. In addition, she requested the movers and seconders to apologise to the deceased's family members.

243. Ms Debby CHAN said since the non-elected government was currently operating as usual and the Chief Executive was still in office, she considered that providing a park and then arranging mourners to mourn for the deceased in the park would only undermine democracy and freedom, which were pursued throughout the movement. In addition, it might be argued that not all stakeholders of 28 February incident or June 4 incident were consulted on the erection of monuments or establishment of the memorial museum for the two incidents by the organisations concerned. Nevertheless, the two students just passed away last November. If the movers considered that the family members of the two students would not have to be consulted, she would consider it ridiculous and ruthless to do so. Some Members had just criticised other Members for not putting forward motions. In her opinion, Members were no longer standing on the frontline after gaining entry to the system to serve as Members. If Members put forward high-profile motions only for securing votes in the coming LegCo election or the next DC election, they were "eating steamed buns dipped in human blood". She reiterated that she objected to the original motion and any amended motions.

244. Mr Brandon YIP said some Members had just pointed out that the pro-democratic Members were in power in the Council, thus they needed to provide assistance to the comrades in protest and institutionalise the protest. Nevertheless, in his opinion, the memorial parks were simply facilities managed by SKDC, which would not be of any help to the protest. He did not understand why some Members begged the Government to allocate resources to

commemorate those who sacrificed themselves in the movement. He considered that before the truth was revealed, whether it was necessary to establish the memorial parks should not be decided in a hasty manner and “transitional justice” should be achieved first. The comrades in protest and those who had sacrificed themselves in the movement should be vindicated as soon as possible before commemorating and paying tribute to them by other means.

245. Mr CHEUNG Wai-chiu reiterated that it was not that he did not want to do justice to the two students. If the movers put forward the motions in a proper manner, he would support the motions. Moreover, he considered that putting forward a motion could not resolve all related issues, nor would it be the only solution.

246. Mr YU Tsun-ning considered that the movers should consult the pro-democratic Members and local residents before putting forward the motions, and that it was not an appropriate setting to discuss this matter at the moment. He considered that the movers did not take the feelings of the deceased’s family members into account, but simply wanted to take the credit first, which exactly demonstrated the act of “eating steamed buns dipped in human blood”. He believed that the public hoped that Members would record the incidents of “police brutality” that took place in Tseung Kwan O and the injured protesters at the meeting of SKDC.

247. Mr CHOI Ming-hei said he was a senior alumnus of student CHOW Tsz-lok. Initially he supported and seconded the motions on the condition that prior consent of the family members concerned had been obtained. Secondly, he strongly insisted that further investigation should be carried out in the hope of doing justice to the deceased. Thirdly, he had informed the movers, the Chairman, and the Secretariat via the Chairman earlier that he intended to withdraw his decision to second the motions, but the request was not approved by the Chairman. Fourthly, he would like to express sincere gratitude to fellow Members for giving kind reminders to him all along. Fifthly, he would learn a lesson from this experience and reflect on this incident, as well as make apologies for the inconvenience caused to others.

248. Mr Stanley HO said that among all Members at the meeting, he was the only one who “ate his own steamed buns dipped in human blood”, since he had been attacked at Sai Kung town centre at around 3:00 p.m. on 29 September 2019. He was of the view that Members’ powers and capacity should be used to take forward and develop this movement. In continuing the discussion on the motions concerned, he opined that there were three points to note. Firstly, to reveal the truth, there must be room for expressing opinions; secondly, he agreed that the protest should be preserved in memory, but the commemoration might not take the forms of monuments or tangible objects, which could be substituted by signs or other forms. For example, the Lithuanians of the Soviet era had built the Hill of Crosses against the Russian autocracy to commemorate the unbound bodies of the comrades in protest; thirdly, “Be Water” was the most important principle. He did not wish to see the memorial parks become “sacrifice parks” putting the comrades in protest in danger. If memorial parks were provided today, more comrades in protest might sacrifice anytime. He hoped that everyone could have broader minds and horizons, and make good use of their capacity and powers to do the right thing. Finally, he wished that Members of the pro-democratic camp would not impede the progress of the movement because of this discussion. In conclusion, he objected to the naming of memorial parks after specific names. However, should anyone propose to commemorate the whole movement with memorial parks, he would consider supporting the amendment.

249. Mr LEE Ka-yui quoted the following statements to explain the fundamental reasons for supporting the establishment of memorial parks: “The struggle of man against power is the struggle of memory against forgetting. Without the memory of power and violence, man would get used to everything and the discourse on resistance would ultimately vanish” (literal translation). He showed Members a piece of protective equipment and said if Members had never taken to the street and gone to the frontline, they would not know that was a piece of protective equipment. He considered that Members could go to the frontline to segregate the Police from residents so as to avoid injuries of residents. Besides, he and the relevant Members would like to establish memorial parks in the name of the Council in order to point out to the Police that the memorial parks were formal mourning venues of the Council and that the Police were prohibited from entry. If anyone challenged what he had said, it was because the person was not at the frontline, therefore not knowing how dangerous “black cops” were.

250. Mr LAI Ming-chak read an excerpt from the inscription on the 228 Monument, “After three years of hard work, the 228 Justice and Peace Movement received enthusiastic responses from the civil society in Taiwan...the families of the victims and the media engaged in this movement for rebuilding souls of the Taiwanese” (literal translation). Through this excerpt, he pointed out that the feelings of the families of the deceased should not be disregarded when any actions were taken. He considered that the 228 Monument was resulted from a civil movement advocated under a broad consensus in the public community. The provision of memorial parks should also follow the same practice, otherwise the parks would be in name only. On top of this, he did not think that memorial parks endorsed by the Council could stop the Police from entering the parks, just like Tuen Mun Park under LCSD and other private residential buildings. He considered that the effectiveness of the provision of memorial parks was questionable. It would not only affect the emotions of the families concerned but also ruin the entire movement. He therefore objected to the motions.

251. Mr Ricky OR said he would like to put forward an extempore motion later.

252. The Chairman considered that the wish of student CHOW’s family was very crucial in this matter. Before the meeting, he had asked other Members whether they had contacted student CHOW’s family, and learnt that his family would like to handle this matter in a low-profile manner. Therefore, in his opinion, it was inappropriate for the Council to make decisions on this matter at this stage. In the capacity as the Chairman of the Council, he quoted Order 24(1) of the SKDC Standing Orders to request the Council to put to vote the adjournment of debate on the two motions on the naming of the two sitting-out facilities and erection of monuments and other facilities in the district respectively.

253. Mr CHAN Wai-lit opposed adjourning the debate on the two motions and considered that the two motions should be put to vote directly to vote against them.

254. Mr Brandon YIP also expressed opposition to adjourning the debate on the two motions.

255. The Chairman announced that his motion to adjourn debate on the two motions on the naming of the two sitting-out facilities and erection of monuments and other facilities in the district respectively (i.e. SKDC(M) Paper Nos. 61/20 and 62/20) was put to vote by open ballot.

256. The Chairman announced that the voting result was as follows: 16 votes for the motion, 13 votes against it, and 0 abstention. The Chairman declared that his motion to adjourn debate was endorsed.

257. Mr Ricky OR said as Mr Brandon YIP opined that the causes of death of student CHOW and student CHAN should be investigated, he would like to move an extempore motion, the wording of which was “Request the Police to initiate formal investigations into the causes of death of students CHOW Tsz-lok and CHAN Yin-lam”.

258. The Chairman said the extempore motion would be handled during the discussion of the item “Any Other Business” later.

259. The Chairman announced that the Vice-Chairman temporarily took the chair of the meeting.

(8) **Request the Government to lower the eligibility age of the elderly to be benefited from the Elderly Health Care Voucher to 60, and to extend the scope of service covered by the voucher**
(SKDC(M) Paper No. 63/20)

260. The Vice-Chairman said the motion was moved by Mr Frankie LAM and seconded by the Chairman, Messrs Gary FAN, LEUNG Li, LUI Man-kwong, LAI Ming-chak, CHOI Ming-hei and CHENG Chung-man.

261. Members noted the written response from the Food and Health Bureau (FHB) (SKDC(M) Paper No. 75/20).

262. There being no objection from Members, the Vice-Chairman declared that the motion was endorsed. SKDC would convey the request to FHB in writing.

(9) **Request the Government to review the application for allocation of niches in view of the unfairness in the system concerned**
(SKDC(M) Paper No. 64/20)

263. The Vice-Chairman said the motion was moved by Mr CHENG Chung-man and seconded by Messrs LUK Ping-choi, LEE Ka-yui, Ricky OR, Ms Valerie WONG, Messrs Andrew CHAN, CHOI Ming-hei, TSE Ching-fung and Ryan LEE.

264. Members noted the written response from FHB and FEHD (SKDC(M) Paper No. 76/20).

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

(10) **Request for authorising the Chairman of the Community Building and Social Innovation Committee or a dedicated Member to represent SKDC to attend and vote on behalf of SKDC at meetings of the Hong Kong Football Association**

(The motion was amended as “Request for authorising the Chairman of the Community Building and Social Innovation Committee or a dedicated Member to represent Sai Kung District Council to handle matters related to the appointment of district-based football teams”)

(SKDC(M) Paper No. 65/20)

266. The Vice-Chairman said the motion was moved by Mr CHOI Ming-hei and seconded by Messrs CHENG Chung-man, Frankie LAM and CHEUNG Wai-chiu.

267. Mr LEUNG Li said, to his knowledge, SKDC had no right to attend or vote at the meetings of the Hong Kong Football Association (HKFA). However, he considered that SKDC should have a role in it as the District Football Team was a matter of community welfare. Therefore, he moved an amended motion that read: “Request for authorising the Chairman of the Community Building and Social Innovation Committee or a dedicated Member to represent Sai Kung District Council to handle matters related to the appointment of district-based football teams”. The amended motion was seconded by Mr LAI Ming-chak, Ms LEUNG Hin-yan, Messrs Frankie LAM and Gary FAN.

268. Ms LEUNG Hin-yan enquired whether SKDC had authorised football teams to represent SKDC in the past.

269. The Vice-Chairman said SKDC did not authorise football teams to represent SKDC. The Sai Kung District Sports Association (SKDSA) would apply for a funding amount of about \$600,000 from SKDC every year. However, its District Football Team did not represent SKDC to participate in HKFA matches.

270. Mr Chris CHEUNG opposed this amended motion since the functions of SKDC did not include attending or voting at the meetings of HKFA, and Members should not authorise a particular Member to represent SKDC to handle the matters with full discretion. He pointed out that the Jockey Club Hong Kong Football Association Football Training Centre was located at Tseung Kwan O Stage I Landfill site. Being the Member of the respective constituency, he understood that residents had views on the daily operation of the Jockey Club Hong Kong Football Association Football Training Centre, including noise and light pollution. Therefore, he considered that Members should not authorise a particular Member to reflect views to HKFA on behalf of SKDC.

271. Mr CHOI Ming-hei enquired whether SKDSA had automatically become the District Football Team to represent SKDC in the past.

272. The Secretary responded that SKDC had discussed the authorisation of the District Football Team in the past and endorsed that SKDSA would play in the leagues of HKFA as the district representative of Sai Kung district.

273. Mr LAI Ming-chak said he hoped that SKDC would have representatives in HKFA to reflect views on the current mechanism for organising matches and the relevant administrative arrangements with a view to promoting the development of football in Hong Kong instead of focusing on the management of facilities. The effectiveness of Project Phoenix launched by

HKFA was unsatisfactory, in particular with regard to the development of football at the district level and football training for grassroots. He continued that regarding the appointment and removal of District Football Teams, Article 3 in Chapter 5 of HKFA's "2019-2020 First, Second and Third Divisions League Competition Regulation" stipulated that "District teams shall be appointed by respective District Councils ... The name of the district where a team is attributed shall be included in the name of the team". As SKDC had ignored relevant matters in the past, he hoped that the current-term SKDC would discuss whether to continue to authorise the football team of SKDSA as the football team of Sai Kung district or to authorise other organisations to represent the district.

274. Mr LEUNG Li said as SKDC was not an affiliated member of HKFA, SKDC had no right to attend or vote at the meetings; therefore, he moved the above amended motion. Article 5(e) in Chapter 3 of "Rules of the Hong Kong Football Association Ltd." stipulated that Member Clubs representing the 18 districts must be endorsed by the respective DC. Hence, he hoped that CBSIC could follow up matters related to the appointment of the district-based football teams. As for the comment of Mr Chris CHEUNG that Members should not authorise a particular Member to reflect views to HKFA on behalf of SKDC, he pointed out that SKDC also had similar practices in the past, such as appointing a Member to serve in the RTHK Programme Advisory Panel. He believed that the representative concerned would also consolidate the views of Members and reflect them to HKFA provided that Members agreed with authorising the Chairperson of CBSIC or a dedicated Member.

275. Mr CHENG Chung-man said in accordance with Article 3 in Chapter 5 of HKFA's "2019-2020 First, Second and Third Divisions League Competition Regulation", DCs had the right to appoint district-based football teams, thus promoting the development of football in the district. For reasons such as venue constraints, lack of a standard soccer pitch, etc., the number of residents playing football in the district had reduced at present, and the football team he had originally joined had also been dissolved. He hoped to promote football in the district, and hoped that the motion would be carried.

276. Mr LAU Kai-hong pointed out that the earliest District Football Team of the district was the Sai Kung Friends Football Club, which was established by a group of football enthusiasts and had participated in the Hong Kong First Division League at its peak. According to the records, the District Football Team of Sai Kung district was now in the Third Division, with Sai Kung Tang Shiu Kin Sports Ground as the home venue. He agreed that SKDC was concerned about the football development in the district. However, the annual funding of a football team in the Third Division was several hundreds of thousands dollars; the annual funding would be several millions dollars if the team was promoted to the Second Division; and the annual funding might even be up to several tens of millions dollars if the team was promoted to the Hong Kong Premier League (HKPL). Therefore, he considered that supporting the operation of the District Football Team with the resources of SKDC would be difficult in actual operation.

277. The Vice-Chairman supplemented that Sai Kung district had appointed the Sai Kung Friends Football Club, Sai Kung Tseung Kwan O Cultural, Recreation & Sports Association and SKDSA as the District Football Teams in the past.

278. Ms Christine FONG considered that assigning one Member to handle matters related to

the appointment of district-based football teams on behalf of SKDC was unfair, and the destiny of young footballers should not be decided by one Member. Although she considered that the most important criterion for appointing district-based football teams was their football skills, SKDC should not deny the efforts of other teams. It was not crucial which group of HKPL the district-based football team belonged to because the overriding concern was to enable football teams to compete on a level playing field. Therefore, she did not agree with this amended motion. She suggested Members discuss the ways to improve the quality of the current District Football Team and the ways to promote football in the district to enable more young people to play football. Besides, she mentioned that some matches of HKPL would be held at the Jockey Club Hong Kong Football Association Football Training Centre, which proved that the previous approach for SKDC to strive for resources for the district was reasonable.

279. The Vice-Chairman pointed out that most Members agreed that SKDC should have a role in this matter, and they only had comments on the wording of the original motion or the amended motion. Therefore, he enquired whether Members had other amended motions. There being no other amended motion raised by Members, the Vice-Chairman invited Members to vote on the amended motion.

280. Before displaying the voting result, Ms LEUNG Hin-yan said she decided to abstain from voting as she was the Chairperson of CBSIC.

281. Mr CHEUNG Wai-chiu said he also decided to abstain from voting as he was the Vice-Chairperson of CBSIC.

282. The Vice-Chairman concluded that, including the verbal votes of Ms LEUNG Hin-yan and Mr CHEUNG Wai-chiu, the voting result was as follows: 24 votes for the amended motion, 3 votes against it and 2 abstentions. The Vice-Chairman declared that the amended motion was endorsed.

283. The Vice-Chairman declared that the meeting would be chaired by the Chairman.

(B) Six questions raised by Members:

(1) Request the government departments concerned to explain how to avoid and prevent in advance buses entering and leaving bus stops at the bus-bus interchange at Tseung Kwan O Tunnel, which will commence operation soon, from blocking other traffic lanes, and request for early implementation of interchange concession schemes jointly provided by different bus companies
(SKDC(M) Paper No. 66/20)

284. The Chairman said the question was raised by Ms Christine FONG, Messrs Chris CHEUNG and Edwin CHEUNG.

285. Members noted the joint written response from TD and CEDD (SKDC(M) Paper No. 82/20).

(Note: Please also refer to paragraphs 288 to 289.)

(2) Request the Transport Department to improve the Route Planning Programmes for Tseung Kwan O and provide the implementation timetable, and to increase the bus frequencies in Wan Po area

(SKDC(M) Paper No. 67/20)

286. The Chairman said the question was raised by Ms Christine FONG, Messrs Chris CHEUNG and Edwin CHEUNG.

287. Members noted the written response from TD (SKDC(M) Paper No. 77/20).

288. The Chairman pointed out that the site inspection at the BBI originally scheduled to be held in February had to be postponed in view of the epidemic. He enquired whether the site inspection would be re-arranged and whether the commissioning date of that BBI had been changed.

289. Mr CHAN Lun-ming, Senior Engineer/6(E), CEDD, said the site inspection would be re-arranged and he would liaise with the Secretariat later. As the works progress had been hindered by the epidemic, such as delay in delivery of materials, etc., the works of Tseung Kwan O-bound interchange were expected to be completed in late March.

(Note: Please also refer to paragraphs 284 to 285.)

(3) Enquiry on the progress of the lift works at the “Yellow Bridge” in Tsui Lam

(SKDC(M) Paper No. 68/20)

290. The Chairman said the question was raised by Mr CHOI Ming-hei.

291. Members noted the written response from HyD (SKDC(M) Paper No. 83/20).

(Note: Please also refer to paragraphs 294 to 295.)

(4) Enquiry about the progress and works schedule of the installation of lift at the footbridge across Tsui Lam Road connecting Tsui Lam Shopping Centre and King Ming Court

(SKDC(M) Paper No. 69/20)

292. The Chairman said the question was raised by Mr Frankie LAM.

293. Members noted the written response from HyD (SKDC(M) Paper No. 84/20).

294. Mr Frankie LAM was concerned about the progress and works schedule of the installation of lift at the “Blue Bridge” of King Ming Court. He said the owners’ corporation concerned had convened a meeting to discuss the works of the lift at the “Yellow Bridge”. However, the incorporated owners had not discussed matters related to the “Blue Bridge”. He enquired whether HyD would carry out the works of the two bridges in a bundled manner.

295. The Chairman said the matter would be referred to TTC for follow-up work.

(Note: Please also refer to paragraphs 290 to 291.)

(5) **Request for expediting the North Island Line and East Kowloon Line railway development projects and providing the project timetables**
(SKDC(M) Paper No. 70/20)

296. The Chairman said the question was raised by Ms Christine FONG, Messrs Edwin CHEUNG and Chris CHEUNG.

297. Members noted the written responses from MTRCL and THB (SKDC(M) Paper Nos. 78/20 and 79/20).

(6) **Strongly request the Hong Kong Special Administrative Region Government to implement complete closure of all border control points except for the transportation of goods and humanitarian reasons with a view to preventing the continuous importing of COVID-19 (pneumonia from Wuhan) into Hong Kong, and to make every effort to assist and arrange special road transport/flight by whatever means to carry Hong Kong people stranded in Hubei back to Hong Kong**
(SKDC(M) Paper No. 71/20)

298. The Chairman said the question was raised by Ms Christine FONG, Messrs Edwin CHEUNG and Chris CHEUNG.

299. Mr Gary FAN said a total of six questions were raised at this meeting, and wordings such as “provide”, “timetable” and “enquiry”, etc. were included in the five questions discussed earlier (SKDC(M) Paper Nos. 66/20 to 70/20). However, the wording used by this motion appeared to be making a declaration of stance instead of asking a question. He hoped that the Chairman would examine the motions more carefully in the future.

VI. Any Other Business

(A) Discussion of the Terms of Reference of the Working Group on the Incident Relating to the Opposition to the Proposed Legislative Amendments of the Fugitive Offenders Ordinance

300. The Chairman said SKDC had convened a full council meeting on 2 January 2020 and endorsed the establishment and terms of reference of the Working Group on the Incident Relating to the Opposition to the Proposed Legislative Amendments of the Fugitive Offenders Ordinance. However, he had been informed by the District Officer (Sai Kung) after the meeting that the wording of “to strive for the fulfilment of ‘five demands not one less’ by the Government” in the terms of reference was not compatible with the functions of DCs. Hence, the Chairman asked Members to decide whether to amend the wording in the terms of reference.

301. Mr LAI Ming-chak said earlier at the meeting, Members had discussed in detail the

motion on the naming of two sitting-out facilities in the district. Members present had agreed that the matter of paramount importance was to reveal the truth, and the purpose of establishing the Working Group was to find out the truth by using the resources of SKDC and the Secretariat. He commented that if amendments to the terms of reference were not made, SKDC could still use other methods to investigate into the matter or to enable residents in the district to voice their opinions, or could invite government departments to follow up the matter on other occasions. Therefore, it would not be a problem without the support service provided by the Secretariat in the short run. He enquired whether there were other ways to achieve the objectives of the Working Group.

302. The Chairman said the District Commander of Tseung Kwan O Police District of HKPF had mentioned earlier at the meeting about his hope of Members listing the specific questions or opinions in writing. He asked the Convenor, Mr FUNG Kwan-on, and the Vice-Convenor, Mr CHEUNG Wai-chiu, of the Working Group to consolidate Members' questions or opinions and convey them to the Police at full council meetings.

303. Mr David CHIU, District Officer (Sai Kung), SKDO, said as Members decided not to make any amendments to the terms of reference of the Working Group on the Incident Relating to the Opposition to the Proposed Legislative Amendments of the Fugitive Offenders Ordinance, and the terms of reference of the Working Group did not comply with the DCO, the Secretariat could not provide any support services; hence, the Working Group should be regarded as non-existent. Individual Members might continue to canvass opinions on incidents relating to the opposition to the proposed legislative amendments of the FOO and to follow up the matters through SKDC meetings.

304. The Chairman opined that although the Secretariat would not provide support service for the Working Group, the Working Group still existed and deliberation arrangements might have to be handled through other means.

305. Mr David CHIU, District Officer (Sai Kung), SKDO, further explained that the Working Group was established by the full council under SKDC. The DCO did not provide regulations for the establishment of working groups, but the practice should be equivalent to that of committees. Working groups under SKDC were established by the full council that represented SKDC to exercise its power in accordance with the terms of reference, which shall comply with the functions of DCs as stipulated in section 61 of the DCO. The wording in the terms of reference of the Working Group – “to strive for the fulfilment of ‘five demands not one less’ by the Government” – was not compatible with the functions of DCs. Even though SKDC was not a body corporate, it would possibly face legal challenges if it acted ultra vires. He hoped that Members would note the above. Just now the Chairman had said that the Working Group still existed, but the Working Group would not convene an official meeting as the Secretariat would not provide any support services, and matters would be deliberated by other means. Members were asked to note that they still might possibly be subject to legal challenges.

306. The Chairman said he noted the supplementary response from the District Officer (Sai Kung).

307. Mr CHEUNG Wai-chiu said he would continue to follow up incidents relating to the opposition to the proposed legislative amendments of the FOO in the name of the Working Group, but the support service provided by the Secretariat was not required.

308. The Vice-Chairman said SKDC had explicitly stated the establishment of the Working Group on the Incident Relating to the Opposition to the Proposed Legislative Amendments of the Fugitive Offenders Ordinance at the meeting on 2 January 2020. After the meeting, Home Affairs Department (HAD) had held a different opinion after seeking legal advice on the terms of reference of the Working Group. The second special meeting of SKDC had also been convened without the support service provided by the Secretariat during the meeting, and there had been no legal challenge against that. Therefore, he considered that the absence of support service provided by the Secretariat would not affect the legality of the Working Group. The Convenor, Vice-Convenor and Members of the Working Group still shouldered the responsibility of following up incidents relating to the opposition to the proposed legislative amendments of the FOO. If HAD or the Secretariat would not follow up the matters due to the ultra vires acts of the Working Group, Members could refer the matters to the full council for discussion or might even convene a special meeting to follow up the matters. He commented that SKDC and HAD took different stances on the matters.

309. The Chairman said he noted the relevant situation. Members might discuss how to handle the matters later on, including whether to include the matters for discussion at full council meetings or to carry out follow-up work in other arenas. The Chairman asked Members to reserve some time to attend the meeting to be separately scheduled for reviewing Members' critiques of the Police's operations in the district.

(B) RTHK Programme Advisory Panel
(SKDC(M) Paper No. 72/20)

310. The Chairman said after the Secretariat had issued the agenda on 24 February, the Secretariat had received an invitation from RTHK on 26 February for nomination of a representative to join the RTHK Programme Advisory Panel with a tenure from May 2020 to April 2022. Members were asked to refer to the paper. As RTHK hoped that SKDC would reply by 9 March, he suggested nominating a candidate to represent the district as early as possible.

311. The Chairman asked Members to make nominations.

312. Mr Brandon YIP nominated Mr Stanley HO, which was seconded by Messrs CHAN Wai-lit, LAI Ming-chak and CHEUNG Wai-chiu.

313. Mr Stanley HO accepted the nomination.

314. There being one nomination, the Chairman declared that Mr Stanley HO was elected uncontested as the representative of SKDC in the RTHK Programme Advisory Panel and asked the Secretariat to follow up the matter.

(C) Applications for Variation of Project Details under Sai Kung Community Involvement

Programme

315. The Chairman said in view of COVID-19, some activities funded by SKDC had been prematurely terminated at the preparation or implementation stage and applications had been made for reimbursement of expenses already incurred in the preparation or implementation of the projects. For details, please refer to the email from the Secretariat on 2 March. If Members had enquiries about the applications, they should notify the Secretariat by email at or before 5 p.m. on 4 March (Wednesday). The Secretariat would provide supplementary information in response to Members' enquiries on 6 March (Friday). The Chairman reminded Members to complete the reply slip at or before 6 p.m. on 9 March (Monday).

(D) Any Other Business raised by Members

(1) Extempore motion: Request the Police to initiate formal investigations into the causes of death of students CHOW Tsz-lok and CHAN Yin-lam

316. Mr Ricky OR moved an extempore motion, the wording of which was: "Request the Police to initiate formal investigations into the causes of death of students CHOW Tsz-lok and CHAN Yin-lam" and was seconded by Messrs CHENG Chung-man, Ryan LEE, Ms Valerie WONG, Messrs LEE Ka-yui, TSE Ching-fung, Andrew CHAN and LUK Ping-choi.

317. Mr LAI Ming-chak said the SKDC Standing Orders stipulated that subject to the agreement of over half of the members of the Council present at the meeting, the Chairman might approve the inclusion of the item in the agenda.

318. The Chairman invited Members to vote on whether or not to include the extempore motion in the agenda by a show of hands. With the agreement of 17 Members (i.e. over half of the members of the Council present at the meeting), the Chairman declared that the extempore motion would be included in the agenda.

319. Ms LEUNG Hin-yan said Members had reiterated at the meeting that they did not know the wishes of the students' family members, and some Members had learnt earlier that the CHOW's family would like to remain low-profile and even had reservations about requesting the Government to set up an independent commission of inquiry. Therefore, she considered that the endorsement of the extempore motion was hasty, and the consent of the CHOW's family should be obtained before voting.

320. The Chairman clarified that the item that had just been put to vote was whether to include the extempore motion in the agenda. In addition, he personally believed that the initiation of investigations into the causes of death of the two students was the wish of every member of the public and was not necessarily a decision for the two families. Even though a LegCo member claimed to represent and speak on behalf of the family of a particular victim the day before, the Council would not stop finding out the cause. The Chairman stressed that this was his personal opinion and that Members should consider whether to support the extempore motion on their own.

321. Mr LAI Ming-chak agreed with Ms LEUNG Hin-yan. He did not object to the inclusion of the motion in the agenda. However, given that only the wording of the motion was available, he was worried that the Council would risk repeating the same mistake to vote on the extempore motion right away and hastily endorse a motion that claimed a moral high ground. Since the families of the deceased had not been consulted, he was worried that death investigations might put pressure on them. Therefore, he opined that even this extempore motion was endorsed, the Council needed to consider the approach to carry out follow-up work.

322. Mr CHEUNG Wai-chiu opined that Concern Group for Tseung Kwan O People's Livelihood could deny their mistakes, but they should handle the matter in the respective ways they considered appropriate.

323. Mr Brandon YIP opined that discussions on the two students would only affect their families and friends. When two related motions were discussed earlier, he expressed his views that the Members who moved the motions had not considered thoroughly the positions of different parties. However, the Members concerned totally ignored the feelings of others and moved the extempore motion hastily at the meeting again. He clarified that he had not requested moving an extempore motion. He agreed that the public had the right to know the causes of death of the two students, but the wish of their families was also very important.

324. Mr LUK Ping-choi said it was the responsibility of the Police to conduct investigations into the causes of death. In regard to the previous cases of death, the Police would carry out further investigation if they considered it necessary. The reason for moving the extempore motion was to express his stance through the motion. He agreed that the Council could consider different ways to follow up on the motion, but he could not understand why consent from the family should be sought before police investigation was conducted. He also pointed out that when considering whether to conduct investigations, the Police would not consider factors that were not related to the case. He questioned whether the Members who made false allegations had other ulterior reasons for repeating "the wish of the families should be considered". He believed that all people in Hong Kong would like to seek the truth for the above incidents.

325. Mr LEE Ka-yui considered that conducting investigations into the causes of death of the two students was very important. He noted that many netizens believed that the causes of death of the two students were accidental falling and suicide respectively, therefore there was no commemorative significance or reason to conduct investigations. He opined that if the Council did not exert pressure on the Police and request the department concerned to conduct death investigations to find out the truth and seek justice for the two students, those in power would be capable of changing the history of the whole movement. Thus, he supported the motion because he thought that justice must be done to the two students so that all memories of the atrocities committed by the totalitarian government could be retained.

326. Mr FUNG Kwan-on said the direction for investigating death cases or the facts of the cases referred to by the Police were very important. He had sought the opinions of forensic pathologists on some previous cases of naked floating dead bodies found, and all of them considered that the Police should not make any conclusion when the doubts were not completely resolved. Therefore, he suggested, before voting on the motion, writing to HKPF to enquire

about the justification for terminating investigation after classifying the cause of death not suspicious, and upon receiving the written response from the Police, to follow up by, say, requesting the relevant department to conduct death inquests in which members of the public could participate.

327. Mr LEUNG Li agreed with Mr FUNG Kwan-on. When the Police met the media on November 9 last year to give an account of student CHOW Tsz-lok's incident, they proposed to conduct a death inquest. Therefore, he considered that the Council should first write to HKPF requesting them to give an account of the progress of investigation and urge them to propose conducting a death inquest to the Department of Justice and the Coroner. Although he believed that members of the public wanted to find out the truth, voting on the extempore motion straightaway at the meeting would be too hasty.

328. Mr CHAN Wai-lit agreed with Mr FUNG Kwan-on. At the moment, Members had no knowledge of the details of Police's investigation. While the truth was important, he considered that the information Members had at this stage was not comprehensive enough for Members to vote on the extempore motion. If the motion was put to vote, he would cast an abstention vote.

329. The Vice-Chairman would like to request the Council to vote and endorse the motion to adjourn debate on the extempore motion in accordance with Order 24(1) of the SKDC Standing Orders.

330. Mr CHEUNG Wai-chiu said even if the discussion on the extempore motion was adjourned, the investigation on the causes of death of the two students would carry on, and would not stop as a result.

331. The Chairman considered that regardless of whether the debate on the extempore motion was adjourned or not, the Council could write to HKPF to enquire about the progress of investigation by the Police.

332. The Chairman announced that the Vice-Chairman's motion to adjourn debate would be voted by a show of hands.

333. The Chairman announced that the voting result was as follows: 15 votes for the extempore motion and 8 votes against it. The Chairman declared that the motion to adjourn debate on the above extempore motion was endorsed.

(2) Extempore motion: Oppose to bundling the distribution of the \$10,000 cash payout with the substantial increase in the expenditure of Police as announced in the Budget; request for distributing the \$10,000 cash payout using the Anti-epidemic Fund instead

334. Mr LAI Ming-chak supported the Chairman's suggestion of writing to HKPF to enquire about the investigation progress of the Police that had been raised earlier at the meeting. Besides, he would like to move two extempore motions. The wording of the first extempore motion was: "Oppose to bundling the distribution of the \$10,000 cash payout with the

substantial increase in the expenditure of Police as announced in the Budget; request for distributing the \$10,000 cash payout using the Anti-epidemic Fund instead”, which was seconded by Messrs Gary FAN, LUI Man-kwong, LEUNG Li, FUNG Kwan-on, LAI Wai-tong and Frankie LAM.

335. The Chairman invited Members to vote on whether or not to include the extempore motion in the agenda by a show of hands. With the agreement of 21 Members (i.e. over half of the members of the Council present at the meeting), the Chairman declared that the extempore motion would be included in the agenda.

336. The Chairman asked if Members had any comments on the extempore motion. There being no objection from Members, the Chairman declared that the extempore motion was endorsed.

(3) Extempore motion: Request the Police to respect the District Councils Ordinance and allow DC Members to observe the behavior of policemen and record the incident at the scene of conflict, to advise the Police on its operations in Sai Kung district, and to have access to Police Stations to provide assistance to the residents arrested; request government department(s) concerned to set up a database on the conduct of policemen and submit relevant report on a regular basis

337. Mr LAI Ming-chak said he had expressed his views earlier at the meeting on the motion of “Police Powers Monitoring Scheme” to be established by SKDC. Even though the District Officer had expressed that the minutes of meeting would be forwarded to the Police, he was still worried that the Police would not note their comments. As the Commander of Tseung Kwan O Police District of HKPF had expressed his hope of Members stating their comments in a written response, he moved the second extempore motion, the wording of which was “Request the Police to respect the District Councils Ordinance and allow DC Members to observe the behavior of policemen and record the incident at the scene of conflict, to advise the Police on its operations in Sai Kung district, and to have access to Police Stations to provide assistance to the residents arrested; request government department(s) concerned to set up a database on the conduct of policemen and submit relevant report on a regular basis”. The extempore motion was seconded by Messrs LUI Man-kwong, LEUNG Li, Gary FAN, CHOI Ming-hei, CHUN Hoi-shing, LAI Wai-tong, Brandon YIP, CHAN Wai-lit, CHEUNG Wai-chiu, LUK Ping-choi, LEE Ka-yui, Ryan LEE, Frankie LAM and Ms Valerie WONG.

338. The Chairman invited Members to vote on whether or not to include the extempore motion in the agenda by a show of hands. With the agreement of 22 Members (i.e. over half of the members of the Council present at the meeting), the Chairman declared that the extempore motion would be included in the agenda.

339. The Chairman asked if Members had any comments on the extempore motion. There being no objection from Members, the Chairman declared that the extempore motion was endorsed.

(4) Writing to the Transport and Housing Bureau in connection with the Hiram’s Highway Improvement Project

340. Regarding the letter to be written to THB on Hiram's Highway Improvement Project, there being no objection from Members, the Chairman declared that the content of the letter was endorsed. He would write to the Secretary for Transport and Housing in the capacity of the Chairman of SKDC.

VII. Date of Next Meeting

341. The next meeting would be held on 5 May 2020 (Tuesday) at 9:30 a.m. The meeting was adjourned at 3:30 p.m.

Sai Kung District Council Secretariat
March 2020