

Minutes of the 3rd Meeting of the Southern District Council (SDC)
(2012-2015)

Date : 15 March 2012
Time : 2:00 p.m.
Venue : SDC Conference Room

Present:

Mr CHU Ching-hong, JP (Chairman)
Mr CHAN Fu-ming (Vice-Chairman)
Mr AU Lap-sing
Mr AU Nok-hin
Mr CHAI Man-hon
Mrs CHAN LEE Pui-ying
Ms CHEUNG Sik-yung
Mr CHU Lap-wai
Mr FUNG Se-goun, Fergus
Mr FUNG Wai-kwong
Mr LAM Kai-fai, MH
Ms LAM Yuk-chun, MH
Dr LIU Hong-fai, Dandy
Mr LO Kin-hei
Mrs MAK TSE How-ling, Ada
Mr TSUI Yuen-wa
Mr WONG Ling-sun, Vincent
Dr YANG Mo, PhD
Mr YEUNG Wai-foon, MH, JP
Mr Paul ZIMMERMAN

Secretary:

Miss LIN Ming Senior Executive Officer (District Council),
Southern District Office, Home Affairs Department

In Attendance:

Ms WAI Yee-yan, Christine, JP District Officer (Southern), Home Affairs Department

Miss WONG Choi-yan, Joyce	Assistant District Officer (Southern), Home Affairs Department	
Ms LAI Yuet-ye, Elaine	Senior Executive Officer (District Management), Southern District Office, Home Affairs Department	
Ms LO Mun-wah, Cindy	Senior Liaison Officer, Southern District Office, Home Affairs Department	
Ms TAM Chi-man, Doris	District Environmental Hygiene Superintendent (Southern), Food and Environmental Hygiene Department	
Mr CHAN Wai-kiu, Alex	District Leisure Manager (Southern), Leisure and Cultural Services Department	
Mr IP Yu-sun, Sunny	Chief Manager/M (KWH), Housing Department	
Mr YUEN Woo-kok, Anthony	Senior Engineer 4 (HK Island Division 2), Civil Engineering and Development Department	
Miss AU YEUNG Yuet-wah, Alice	Principal Transport Officer/Urban, Transport Department	
Ms LAM Hiu-tong, Rebecca	District Commander (Western), Hong Kong Police Force	
Mr NG Tak-wing	Chief Engineer/Railway Development 1-1, Highways Department	}
Mr WAT Wai-ching	Senior Engineer/South Island Line 1, Highways Department	
Mr YU Hon-chung, Chris	Senior Engineer (Actg), Priority Railway 3 Transport Department	
Mr SIU Kam-hang	Project Communications Manager, MTR Corporation Limited	
Mr Bernard WONG	Senior Liaison Engineer, MTR Corporation Limited	}
Dr LUK CC	Cluster Chief Executive, Hong Kong Western Cluster, Hospital Authority	
Ms Mabel KWONG	Public and Community Relations Officer, Hong Kong Western Cluster, Hospital Authority	} for Agenda Item 5
Mr WONG Che-ngai	Director, Hong Kong Southern District Youth and Children Choir, Southern District Arts and Culture Association Limited	} for Agenda Item 12
Mr CHAN Man-chun	Vice-Chairman, Southern District Recreation and Sports Association	} for Agenda Item 13

Opening Remarks:

The Chairman welcomed Members and regular government representatives to the meeting, and extended welcome to the newly appointed District Officer (Southern), Ms WAI Yee-yan, JP.

2. The Chairman advised that the meeting would be conducted in accordance with the established arrangement, under which each Member would be allotted a maximum of two three-minute slots to speak in respect of each agenda item. The Secretary would ring the bell once at two minutes 30 seconds of each speaking slot, and twice when it reached three minutes. Depending on the complexity of the matters under discussion, some agenda items might have only one round of discussion. The suggested duration for discussion for each of the agenda items had been e-mailed to all Members earlier.

3. The Chairman reminded Members to complete the “Registration Form on Personal Interests of Members of a District Council or its Members” as applicable and then return it the Secretariat before the discussion of the related fund applications.

Agenda Item 1: Confirmation of the Draft Minutes of the 2nd SDC Meeting Held on 19 January 2012 **[2:07 p.m. - 2:08 p.m.]**

4. The Chairman said that prior to the meeting, the draft minutes had been circulated to Members and related government representatives. The Secretariat had received the following amendment to paragraph 96 proposed by Mr CHAI Man-hon:

“96. Mr CHAI Man-hon clarified that the purpose of that agenda item was to discuss the utilisation of the government land near the Bethanie, ~~but it did not imply his support for building the International Cuisine College (ICC) at the location~~ which did not mean green light had been given to the projectHe further suggested SDC to consider putting resources on streetscape improvement.”

5. SDC endorsed the above amendment proposal and the revised minutes of the 2nd SDC meeting.

Agenda Item 2: Matters Arising
(SDC Paper No. 28/2012)
[2:08 p.m. - 2:17 p.m.]

6. The Chairman invited Members to note the paper and asked if they had any follow-up issues.

7. Mr Paul ZIMMERMAN hoped that SDC could follow up on matters relating to water sports and leisure marine facilities in the Southern District (paragraphs 37 and 38 in the paper) and consider organising a workshop to invite stakeholders to join in the discussion. He further suggested that SDC should arrange a boat ride for Members to conduct a site inspection along the coastline of the Southern District.

8. The Chairman replied that due to the numerous projects and consultancy studies to be carried out in this DC term, and for the purposes of implementing district work, conducting work evaluation and using DC resources in a more systematic manner, he had planned to suggest a workshop in the afternoon of 17 April 2012 to determine the targets and priority of work for this term. Should Members agree to his suggestion, the matters raised by Mr Paul ZIMMERMAN could be discussed at the workshop.

9. SDC resolved that a workshop should be carried out on 17 April 2012 at 3:00 p.m. to determine its work targets in the current term.

10. Mr CHAI Man-hon wanted to follow up on the arrangement for issue of meetings' papers (paragraph 19 in the paper). He pointed out that currently some papers of SDC and its committees were still issued by fax, which resulted that those Members who worked outside their offices were unable to receive the documents in time. Therefore, he suggested that all papers should be issued by e-mail only in future.

11. The Secretary replied that all the papers issued by SDC and its committees had been uploaded to SDC homepage, while other notifications would be issued to Members via e-mail. However, some government departments would from time to time forward urgent information materials to Members through the Secretariat. Since some Members had reflected that they did not check their e-mails every day, the Secretariat would send such documents both by e-mail and by fax so that the assistants of Members could receive or relay them to Members in a timely manner. If necessary, the Secretariat could distribute such urgent information materials by e-mail and by fax.

12. Mrs CHAN LEE Pui-ying supported issuing notifications by fax and by e-mail at the same time.

(Mr WONG Ling-sun joined the meeting at 2:15 p.m.)

13. Mr CHAI Man-hon proposed that Members should choose the way they preferred to receive information materials.

14. Mr Paul ZIMMERMAN proposed to set up a database containing all SDC information documents for Members to browse, download or print out at their convenience. The Secretariat would be responsible for its updating and uploading of materials, and Members would be notified via e-mail after each updating.

15. The Chairman noted Mr Paul ZIMMERMAN's views and asked the Secretariat to pursue the proposal with the Home Affairs Department.

(Mr NG Tak-wing, Mr WAT Wai-ching, Mr YU Hon-chung, Mr SIU Kam-hang and Mr Bernard WONG joined the meeting at 2:17 p.m.)

**Agenda Item 3: Progress Report of the South Island Line (East) Scheme
(SDC Paper No. 29/2012)
[2:17 p.m. - 2:49 p.m.]**

16. The Chairman welcomed the following representatives from relevant government departments and the MTR Corporation Limited (MTR Corp) to the meeting:

- Mr NG Tak-wing, Chief Engineer/Railway Development 1-1, Highways Department (HyD)
- Mr WAT Wai-ching, Senior Engineer/South Island Line 1, HyD
- Mr YU Hon-chung, Senior Engineer (Actg), Priority Railway 3, Transport Department (TD)
- Mr SIU Kam-hang, Projects Communications Manager, MTR Corp
- Mr Bernard WONG, Senior Liaison Engineer, MTR Corp

17. The Chairman said that the Southern Team of the Democratic Party (DP) had submitted a number of enquiries (Reference Paper – 3) on this agenda item on 9 March 2012, and the Secretariat had forwarded the letter concerned to MTR Corp.

The representatives of MTR Corp would respond to them when presenting the progress report. As for the provision reserved for commissioning a consultancy study on the public transport service for interchange at the South Island Line (East) (SIL(E)) as mentioned in point no. 3 in the letter, SDC had previously agreed that the study would be followed up by the Traffic and Transport Committee (T&TC).

18. The Chairman said that since this agenda item was about the progress report of SIL(E), it was not suitable to discuss matters concerning future policies in this occasion. He invited Mr Bernard WONG to briefly introduce the progress of construction works.

(Mr AU Nok-hin and Mr LAM Kai-fai, MH joined the meeting at 2:19 p.m. and 2:22 p.m. respectively.)

19. Mr Bernard WONG, with the aid of PowerPoint presentation (Reference Information – 1), reported on the progress of construction works, temporary traffic management scheme, blasting works and the meetings of Community Liaison Groups (CLGs). He said that the fifth round of the meetings of the six CLGs had been held in February 2012. All in all, the progress of various project items was on schedule.

20. Mr Bernard WONG continued to respond to the written enquiries from the Southern Team of DP, and with the aid of PowerPoint presentation, presented the simulated design and color scheme of the railway bridge of Ap Lei Chau section. He said that the piers of the railway bridge would be put side by side with those of the existing Ap Lei Chau Bridge, and a 25 metre-long “C-shaped” shelter would be constructed at each end of the railway bridge. Mr SIU Kam-hang would respond to the two remaining enquiries.

21. Mr SIU Kam-hang said that MTR Corp had recently procured new train cars for use in MTR’s network in the urban areas and some of them had been put into service. The design of train cars for SIL(E) would be similar to those running on the network in the urban areas. For the time being, MTR Corp was working on the detailed design of the train cars, and it was anticipated that further information would be available at the end of 2012. MTR Corp would report to SDC in due course. MTR Corp noted the views of the Members concerned and would consult SDC on the design of train cars as early as practicable.

22. Mr SIU Kam-hang continued that MTR Corp envisaged SIL(E) as a community railway, and would launch a series of community engagement programmes to help

enhancing the sense of involvement and identity with the new railway in the local communities, for example, the naming contest for the open space area at Kellet Bay waterfront to be launched shortly, voluntary community service and design contest for hoardings at work sites, and so on. MTR Corp welcomed suggestions from Members on public engagement activities.

23. Mr CHAI Man-hon thanked MTR Corp for reporting the progress of the above construction works, but hoped that MTR Corp could provide the people flow assessment at the public transport interchange at Wong Chuk Hang Station. In addition, in light of public concern on the specifications of safety measures and design of the train cars, he said that MTR Corp should explain why the contractor had to wait until the end of 2012 to provide concrete information on the design of train cars when they had awarded the tender in October 2011. In the enhancement of public engagement, he suggested a number of options such as displaying art works of the public inside the stations, or consulting the public on the types of shops they wanted inside the stations, or SDC on the locations of advertising and promotion facilities inside the stations, or the physically handicapped and able-bodied (PHAB) organisations and users on the provision of PHAB facilities inside the stations, and so on. Also, a public voting could be held on the color scheme for the railway bridge of Ap Lei Chau section and train cars. He would write to MTR Corp on the related proposals after the meeting.

[Post-meeting note: After the meeting, MTR Corp clarified that actually the order for the manufacture of SIL(E) train cars was awarded in July 2011.]

24. Mrs CHAN LEE Pui-ying said that the temporary magazine site at Chung Hom Shan had started operation. As there were many steep roads in the area of Chung Hom Kok, she hoped MTR Corp could remind drivers to drive carefully especially on rainy days. She further enquired that when all blasting works were finished, would the magazine site cease operation and move out of the area without waiting for the completion of the whole construction project of SIL(E).

25. Mr TSUI Yuen-wa said that MTR Corp had considered a major plan to revamp the traffic system at Wong Chuk Hang, which included cancellation of bus-only lane at Wong Chuk Hang, in order to cope with construction needs. However, it seemed that MTR Corp did not mention this again afterward. Therefore, he requested MTR Corp to give a clear reply on this matter. At present, space had been reserved at Kwun Hoi Path to provide an access for the MTR work site, and such an arrangement had aroused the concern of residents on the potential noise nuisances and safety risks resulted from the

coming and going of construction vehicles. Moreover, there were quite a lot of egrets dwelling at the open nullah behind Tung Wah Group of Hospitals Hong Kong Jockey Club Rehabilitation Complex, it was hoped that MTR Corp could leave the trees intact there. On the other hand, there would be many night-time construction works in future, while some of the work sites were very close to the homes for the aged and residential estates nearby, he requested MTR Corp to closely monitor and control the noise level.

26. Mr Paul ZIMMERMAN said that since decorative lightings would be installed on the west side of Ap Lei Chau Bridge, he suggested adding similar lightings on the east side of the railway bridge of Ap Lei Chau section for a coherent appearance. Moreover, MTR Corp had recently agreed to sponsor and plant 60 trees at Pok Fu Lam, and the Cyberport had also agreed to take over and manage the trees. The arrangement was pending for approval by the Lands Department (LandsD). He hoped that SDC could support the related arrangement and urge LandsD to expedite the approval procedure.

27. Mr FUNG Se-goun said that the installation of precast viaduct segments for the Ocean Park section were expected to commence in the second quarter of 2012, which targeted for completion in the fourth quarter. MTR Corp had mentioned in a previous SDC meeting that greening would be carried out at the piers of the viaduct, so he asked whether the related works would be implemented upon completion of installation of viaduct segments or upon the commissioning of the railway three years later.

28. Mr SIU Kam-hang thanked Mr CHAI Man-hon for his suggestions on the public engagement exercise and said that MTR Corp would thoroughly consider the suggestions and then consult SDC again in due course.

29. Mr Bernard WONG gave a consolidated reply on Members' enquiries and comments as follows:

Temporary Magazine Site at Chung Hom Shan

MTR Corp would remind drivers to pay attention to road safety. For delivering explosives, drivers were required to obtain a special licence and possess the related professional knowledge and technical skills. The temporary magazine site had been operating, and the first delivery had taken place on 10 March 2012, while the first blasting works had been carried out on 13 March 2012 smoothly. It was expected that the temporary magazine site would be operated for another two years or so until end 2014.

Temporary Traffic Arrangement

A section of Nam Long Shan Road near the junction with Heung Yip Road would be temporarily shifted eastward. This arrangement would not be very different from the existing operation, and would not affect the bus routes on this road section.

Construction Works at Kwun Hoi Path

According to the current works programme, it was not necessary for dump trucks to use the site as an access. However, MTR Corp reserved the right to use the site as an access for dump trucks to cope with unforeseeable circumstances. MTR Corp would construct a pedestrian footbridge at the site concerned in the last phase of construction, so construction vehicles would travel on Kwun Hoi Path in future.

Tree Removal Arrangement

Tree removal had almost been completed. According to the monitoring report issued by environment experts, the habitat of egrets was not affected and their number was more or less the same as before the commencement of construction.

Night-time Construction Works

MTR Corp and its contractors would continue to closely monitor the night-time construction works in accordance with the provisions of the Environmental Protection Department, with a view to minimising the impact on residents.

Railway Bridge of Ap Lei Chau Section

MTR Corp noted the request of the Member concerned on the decorative lightings. They would study its feasibility further and report to SDC in due course.

Tree Planting Arrangement at the Cyberport

MTR Corp had been keeping contact with relevant government department on

the tree removal applications. After obtaining approval, MTR Corp would arrange tree planting at the Cyberport as soon as possible. The Cyberport and MTR Corp would submit related documents for LandsD's approval.

30. Mr SIU Kam-hang clarified that greening would be implemented beneath the viaduct only, while the external wall of the viaduct would be painted in green color. Since it was not suitable to plant trees during construction period, the greening works would be carried out before the commissioning of the railway.

31. The Chairman asked whether Mr NG Tak-wing had anything to add regarding the tree planting arrangement at the Cyberport.

32. Mr NG Tak-wing said that as Mr Bernard WONG had just said, MTR Corp would submit the tree removal application to relevant department for consideration.

33. Mr CHAN Fu-ming enquired whether there would be any signs (such as the height of the bridge) on the east side of the railway bridge of Ap Lei Chau section as required by the Marine Department (MD). It seemed that the simulated design presented just then had not shown such signs.

34. Mr Bernard WONG said that the railway bridge would display all the necessary signs as required by MD.

35. The Chairman thanked the representatives of government departments and MTR Corp for joining the meeting.

(Mr NG Tak-wing, Mr WAT Wai-ching, Mr YU Hon-chung, Mr SIU Kam-hang and Mr Bernard WONG left the meeting at 2:49 p.m.)

Agenda Item 4: **Development Progress of South Island Line (West)
(SDC Paper No. 30/2012)
[2:50 p.m. - 3:02 p.m.]**

36. The Chairman said that this agenda item was put forward by Mrs MAK TSE How-ling and Mr CHU Lap-wai, and invited Members to note the written response from the Transport and Housing Bureau (THB) at Annex 2.

37. The Chairman continued that THB said that as HyD was closely monitoring the progress of the consultancy study, while the scope of study was extensive, the responsible officers of THB were required to coordinate and follow up on a number of technical issues. Therefore, THB was unable to send representatives to this meeting. Nevertheless, HyD would contact the Secretariat after the meeting to hear Members' views.

38. Mr CHU Lap-wai asked why MTR Corp, being a related party of this agenda item, left the meeting right after finishing with agenda item 3 and did not stay for the discussion of this agenda item. He proposed that SDC should request the representatives of MTR Corp to join the discussion and hear SDC's views on the development progress of the South Island Line (West) (SIL(W)).

39. Mr YEUNG Wai-foon, MH, JP informed that the meeting that MTR Corp had not sent representatives to the T&TC meeting to discuss the setting up of "fare savers" as well. At this meeting, special arrangement had been made such that the two agenda items relating to the SIL could be discussed one immediately after the other. Even if the representatives of HyD and MTR Corp were unable to answer Members' questions, they could still attend the meeting to listen to what Members had said. He proposed termination of discussion if the representatives of HyD and MTR Corp failed to return for this agenda item.

40. Mr CHAI Man-hon doubted the value of discussion if the representatives from related government departments or MTR Corp did not show up at the meeting. Nevertheless, as the option of developing the SIL(W) by private railway operators should not be ruled out, he believed that the discussion should be continued.

41. The Chairman replied that THB and HyD were the related departments of this agenda item. Since the subject under discussion concerned railway policy, it was not appropriate for MTR Corp to make a response at this stage.

42. The Chairman asked if Members agreed to the suggestion of Mr YEUNG Wai-foon, MH, JP, that is, with the absence of representatives from HyD and MTR Corp, discussion of this agenda item should be terminated.

43. Mrs MAK TSE How-ling commented that this agenda item was closely related to the holistic railway development, and it was disrespectful of THB not to send representatives to this meeting for the discussion. Because of this, she lodged a strong

protest against the bureau concerned. She said that it would be just empty talk without the presence of related government representatives to respond to Members' questions and comments, so she supported termination of discussion.

44. Mr Paul ZIMMERMAN suggested that SDC should write to the Railway Development Office of HyD to enquire about when and how the department would consult SDC and the local communities on the Review of Railway Development Strategy. Such information would enable SDC to know in which stage SDC could give its views on the railway development blueprint.

45. Mr AU Nok-hin asked if SDC should express its opinions on the repeated failure of government departments and MTR Corp to send representatives for the discussions at SDC meetings. He suggested that SDC should issue a letter to HyD and MTR Corp relaying the conclusions and views drawn from the discussion at this meeting and requesting HyD to confirm when it could present the related information to SDC.

46. The Chairman enquired if Mr AU Nok-hin meant to continue the discussion and then forwarded the results to THB in writing afterwards.

47. Mr AU Nok-hin replied that the Chairman's interpretation was correct.

48. The Chairman asked for the opinion of Mr CHU Lap-wai who was one of the proposers of this agenda item.

49. Mr CHU Lap-wai said that it was meaningless to continue the discussion in the absence of representatives from related government departments and stakeholders. Therefore, he agreed to terminate the discussion.

50. The Chairman asked if Mr CHU Lap-wai wished to withdraw this agenda item.

51. Mr CHU Lap-wai said he wished to withdraw this agenda item.

52. Mr CHAI Man-hon reckoned that SDC could still continue the discussion to pursue other railway development options such as a privately-owned railway.

53. Mr Paul ZIMMERMAN supported putting off the discussion and suggested making the development progress of SIL(W) a regular report item under T&TC. Meanwhile, a letter should be sent to HyD asking when and how SDC would be

consulted on the overall railway development blueprint.

54. The Chairman said the two proposers' wish to express their discontent over THB's behavior should be respected, and it should wait until the presence of related department representatives to resume the discussion. After the meeting, SDC would write to THB to express its discontent and request bureau representatives to attend the next meeting of SDC or its related committees for the discussion of this subject.

55. Mr FUNG Wai-kwong said that there was no need to wait for the presence of related government representatives to discuss this subject. Otherwise there would be no discussion at all if the departments concerned kept refusing to send representatives to the meeting. He continued that for those residents who were unable to benefit from the SIL(E), they would be very concerned with the development of SIL(W). Therefore, the discussion of this subject should be started as early as possible.

56. The Chairman replied that SDC would definitely discuss this issue and it was just a matter of time. He proposed to take a vote.

57. Most of the Members supported holding off the discussion, and that after the meeting, a letter would be issued to THB expressing SDC's discontent and urging bureau representatives to attend the next meeting.

58. Mr CHAI Man-hon asked what follow-up action would be taken if THB still failed to send its representatives to the next meeting.

59. The Chairman said that SDC would try its best to invite the bureau to send representatives to the meeting for discussion of this item and hoped Members could respect the results of the voting conducted just then.

60. Mr FUNG Wai-kwong reiterated that there was no need to wait for the presence of related government representatives to discuss this subject, or it would be unfair to the residents of the Southern District.

61. The Chairman proposed that if THB's representatives failed to attend the next meeting, SDC would discuss this agenda item in their absence.

62. Members unanimously endorsed the above proposal.

**Agenda Item 6: Ad Hoc Quota Trial Scheme for Cross Boundary Private Cars
(Self-drive Tour Scheme)
(SDC Paper No. 32/2012)
[3:02 p.m. - 4:28 p.m.]**

63. The Chairman said that as the progress of meeting was ahead of schedule, the representatives from the Hospital Authority (HA) had yet arrived for agenda item 5. In view of this, he proposed moving on to agenda item 6 first.

64. Members unanimously agreed with the proposal.

65. The Chairman advised that regarding the “Ad Hoc Quota Trial Scheme for Cross Boundary Private Cars” (the Scheme), two Members had moved motions separately for this meeting, so a special agenda item was added so that the related matters could be discussed at the same time.

66. The Chairman continued that the regular representative of TD Miss AU YEUNG Yuet-wah would respond to Members’ questions on behalf of the Administration. In the meeting papers, the Secretariat had enclosed the relevant discussion paper of the Legislative Council (LegCo) Panel on Transport, while Mr Paul ZIMMERMAN’ submission to the LegCo (Reference Paper - 4) on this subject was also tabled for Members’ reference.

67. The Chairman proposed that the discussion would be conducted in accordance with the established arrangements, that is, the two Members who moved the motions would give a brief introduction first, then the government department representative would be given a chance to respond, afterwards Members would discuss and vote on the motions. Proposers and seconders of each motion would have totally five minutes to speak on their motion. The Secretary would ring the bell once at four minutes 30 seconds of each speaking slot, and twice when it reached five minutes.

68. The Chairman invited Mr LAM Kai-fai, MH to briefly introduce his motion.

69. Mr LAM Kai-fai, MH expressed regret at the failure of the Government to conduct full consultation before launching the Scheme. Although in the first phase of the Scheme, Hong Kong private cars were permitted to take northbound self-drivers tours without letting Mainland drivers do the same in Hong Kong, the Government should still

conduct extensive consultation before implementation. Given that the driving culture, habits, prosecution and enforcement in Hong Kong and the Mainland were different, people in Hong Kong were very concerned about the impacts arising from the Scheme, such as burden on road networks of Hong Kong, road safety, noise nuisances and air pollution. As the Government was planned to take forward the first phase of the Scheme, he hoped that SDC could endorse the following motion:

“This Council requests the Government to critically review the effectiveness of permitting Hong Kong residents to take northbound self-drive tours to the Mainland after launching the first phase of the trial scheme, and to put forward the second phase on the condition that an extensive public consultation has been conducted and consensus reached in the community.”

70. Mr LAM Kai-fai, MH reiterated that implementation details of the second phase should not be confirmed until the outcomes of the first phase had been fully reviewed and comprehensive public consultation had been conducted.

71. Ms LAM Yuk-chun, MH, the seconder of the motion, had nothing to add for the time being.

72. The Chairman invited Mr LO Kin-hei to briefly introduce his motion.

73. Mr LO Kin-hei said that although the Government claimed to have consulted the LegCo on the Scheme in 2008 and 2009, no proper public consultation was carried on before its implementation. When referring to the minutes of the LegCo meetings concerned, it showed that many issues raised by LegCo Members at the meetings were remained unresolved. According to the documents of the trial scheme, the issues and concerns put forth by LegCo Members at that time included: (a) whether drivers only had to carry their vehicle licences on their vehicles; (b) the difference in practicing left-hand drive and right-hand drive; (c) Mainland drivers might have difficulties in reading traffic signs and instructions in Hong Kong as they were printed in traditional Chinese characters and English; (d) the different requirements for third party insurance in the two places; and (e) the difference in driving culture and habits in the two places. The Government had been keen on reducing the traffic volume in Hong Kong and had raised the first registration tax in a bid to lower the number of private cars in Hong Kong. The introduction of the Scheme just went against this policy. He agreed with Mr LAM Kai-fai, MH that this Scheme lacked sufficient consultation and he expressed regret at it. Nevertheless, his motion differed from the one moved by Mr LAM Kai-fai, MH in that

given the lack of proper consultation, the Government should immediately withdraw the Scheme and stop the first phase. Besides, if it only permitted Hong Kong drivers to take northbound self-drive tours to the Mainland, the Scheme would be unequal. He feared that it was highly possible that the Government would go ahead with the second phase after gaining “success” in the first phase. As such, he hoped Members could support his following motion and demand the Government to shelve the Scheme completely-

“This Council requests the Government to terminate the trial scheme on one-off ad hoc quotas for Guangdong/Hong Kong cross-boundary private cars (Self-drive Tour Scheme) immediately in order to ensure road safety of the territory.”

74. Mr CHAI Man-hon, the seconder of the motion, had nothing to add for the time being.

75. Miss AU YEUNG Yuet-wah responded that she would hear the views of Members and reflect them to THB after the meeting. The implementation details of the first phase and the approach for the second phase had been presented in the LegCo paper. In response to the letter from a number of SDC Members earlier concerning the Scheme, THB had provided a written reply which was enclosed in the paper for Members’ reference. She would reflect the views of the two Members who had moved the motions to THB and the points they made were as follows: (a) the Government failed to conduct a comprehensive consultation on the first phase of the Scheme before implementation; (b) some issues raised at the LegCo meetings remained unresolved; (c) the suggestion of Mr LAM Kai-fai, MH to carry out a comprehensive review upon completion of the first phase and an extensive consultation on the second phase before considering if the Scheme should be implemented; (d) Mr LO Kin-hei’s concerns over the third party insurance and the potential threat to road safety in Hong Kong due to the differences in the driving culture and habits in Hong Kong and the Mainland.

76. Miss AU YUENG Yuet-wah continued that upon implementation of the first phase of the Scheme, the Government would carefully study and review the operation and effectiveness of various aspects of the Scheme, including operation of the control point, application criteria, administrative procedures, impact on the traffic and relevant aspects in the Guangdong Province. Subject to the review result, the Government would then consider the second phase of the Scheme. As the implementation of the second phase required amendments to related legislation, approval from LegCo was necessary. Meanwhile, the Government did not have an implementation timetable for

the second phase, and the Guangdong authorities were fully aware of the need of Hong Kong to amend the legislation and go through the relevant procedures.

77. Dr LIU Hong-fai said that he had obtained a “cross-boundary vehicle licence” and advised that at present only three types of persons were eligible for such licence: members of Guangdong Provincial Committee of the Chinese People’s Political Consultative Conference, people who had made charitable donations of over \$20 million or who had invested over \$15 million. Regarding the concerns of Members on the poor driving attitude of Mainland drivers, he agreed that some of them did not observe traffic regulations and were careless in driving. With reference to the statutory requirements for holders of “cross-boundary vehicle licence” in the Mainland, which included body check every year and the need to take out insurance, he proposed that all Mainland drivers applying for the Scheme should be required to complete a 20-hour training course to familiarise themselves with the basic knowledge on driving in Hong Kong. He reckoned that with the commissioning of the Hong Kong-Zhuhai-Macao Bridge, commercial activities among the three places would become more and more convenience. Hong Kong had vast room for development and he believed that the Scheme could be implemented in a gradual manner.

78. Mr AU Nok-hin pointed out that past experiences showed that there would be no stoppage once measures or policies on integration between Hong Kong and the Mainland were implemented. Drawing experience from the “Individual Visit Scheme” (IVS) which was initially started as a trial scheme in some regions in the Mainland, the potential impacts of the Scheme on the traffic in Hong Kong warranted special attention. He maintained that under the transport integration framework between Hong Kong and the Mainland, the first phase of the Scheme would be definitely followed by a second phase. There was no way that the road networks in Hong Kong could take up the increased traffic volume. Despite the claim on an assessment before the second phase, TD did not have any concrete proposal on how to reduce the number of vehicles in Hong Kong. Since 2000, the number of vehicles in Hong Kong had risen by one-third, and the situation would be unthinkable with the additional vehicles from the Mainland. Regarding the self-drive tour policies in Taiwan and Japan, it was presumed was that foreign drivers would integrate into the local transport system rather than letting them driving their own cars into the countries directly. He further pointed out that every morning the traffic conditions in the Southern District would be affected by the congestions inside the Cross Harbour Tunnel at Hung Hom. Considering that the road system in Hong Kong had already been burdened by very heavy traffic, he hoped the Government could put off the Scheme.

79. From commercial point of view, Mrs MAK TSE How-ling said that for the many businessmen of small and medium enterprises (SME) who did not have a “cross-boundary vehicle licence” and had to spend a lot of time and energy on commuting to and from the Mainland, it was understandable for the Government to try providing convenience for them. Furthermore, there were many voices saying that the arrangement was not necessarily a two-way scenario. If the Scheme only allowed northbound self-drive tours for Hong Kong vehicles, it did not seem right to forsake the chance of providing greater convenience for the cross-boundary businessmen who had to commuting between the two places constantly. Nevertheless, she stressed that extensive consultation should be conducted before the implementation of the second phase. Despite dissatisfaction with the lack of consultation in the first phase before implementation, she maintained that nipping the first phase of the Scheme would hurt the business opportunities for SMEs.

80. Being a SME businessman, Mr FUNG Wai-kwong said that the Scheme was not necessarily beneficial to SMEs as the cross-boundary shuttle bus service was more comfortable and convenience. Moreover, the ad hoc quota was valid for seven days only, which might not be very useful to cross-boundary businessmen. He did not dispute the fact that with the commissioning of the Hong Kong-Zhuhai-Macao Bridge, the increase in traffic flow between Hong Kong and the Mainland might offer more business opportunities for cross-boundary businessmen, but the Government should pay attention of local sentiments when considering the big picture. He understood that to tie in with the completion of various major cross-boundary infrastructures, it was necessary to introduce a wide range of traffic interchanges to utilise the infrastructures and optimise the integration between Hong Kong and the Mainland. However, he had grave reservation about the Government taking forward the first phase despite strong public opposition. Based on the principle of fair and reciprocity, it would be very hard not to follow through the subsequent phase after the first phase, so he supported immediate shelving of the Scheme completely. In addition, there were still many knotty technical problems in the second phase that needed to be addressed such as enforcement, driving awareness, insurance and pollution, which required pay special attention from the Government. Apart from transport aspect, THB should also consider the recent rise of localism in society. Noting people’s reaction to issues like “doubly non-permanent resident pregnant women” (Mainland pregnant women) from the Mainland and the Scheme, strong public resistance was expected if the Government went ahead with the Scheme arbitrarily. He hoped that the Government could carefully consider the matter and shelve the Scheme.

81. Mr Paul ZIMMERMAN reckoned that economically and socially speaking, free flow of goods and services between Hong Kong and the Mainland would benefit both sides. However, Hong Kong was small in area, the vehicle flow on cross-boundary roads was about 188 000 trips per day, while the entire fleet of private cars in Hong Kong was only 433 000, it was anticipated that the Mainland vehicles would become the main user of cross-boundary roads. If complete free flow of vehicles between the two places were implemented, the number of vehicles driving on the roads in Hong Kong could be double in four days. Try imaging what would happen to the traffic if all cross-boundary cars drove to the Ocean Park at 5:00 p.m. on Friday at the same time. Therefore, the Scheme should not be introduced until Hong Kong was capable of managing the traffic volume. On the management of traffic volume, two options could be considered: (a) sufficient land supply for park-and-ride facilities at the right locations; and (b) introduction of electronic road pricing (ERP). Shenzhen was going to introduce ERP and Hong Kong vehicles entering Shenzhen would have to pay the fee. Similarly, Hong Kong could charge non-local vehicles for using the roads of Hong Kong by adopting an effective ERP. The experience in other cities showed that it was the most reasonable and fair way to manage traffic volume through pricing strategies for parking and road use. The main obstacle for the Government in launching the Scheme was the lack of park-and-ride facilities in the right locations and a territory-wide road pricing system to allow more vehicles to enter the road networks of Hong Kong. He proposed that the two Members should consider amending their motions to “terminate the trial Scheme immediately until traffic management schemes are in place, and consider the second phase only after extensive public consultation.”

82. Mr AU Lap-sing said he was surprised when learning about the implementation of the Scheme. In recent years, there were many traffic contravention incidents in Wong Chuk Hang and its vicinity which had seriously threatened road safety. At first, he thought it was because drivers were not used to the traffic diversions, but later he discovered that it seemed many cases were deliberate act of violation, and most of these offenders were thought to be non-local drivers. He worried that similar situations would become more frequent if the Scheme was implemented, so he supported Mr LO Kin-hei’s motion. On the other hand, he agreed with other Members about the positive effects of increased interaction between Hong Kong and the Mainland on local economy, and some local businessmen might be benefited as it would be more convenient and time-saving for them to commuting under the Scheme. He considered that the Scheme could bring convenience to the public but extensive consultation and supporting measures (such as requiring the applicants to take relevant driving lessons or improving traffic signs etc.)

would be needed for its implementation. Therefore, he also supported the motion put forward by Mr LAM Kai-fai, MH.

83. Mr TSUI Yuen-wa was astonished that many Members supported the implementation of the first phase even though they stressed the lack of consultation of the Scheme. He questioned why they supported the Government in making haste to introduce the Scheme when they did not accept the lack of consultation. He agreed that free flow of people and traffic was conducive to economic growth but the associated social problems arising from such a policy should also merit consideration. In policy making, the Government treated this issue as a traffic matter only, believing that more frequent interaction would facilitate economic development without paying attention to other aspects like safety, environmental protection and enforcement. After balancing the pros and cons, he felt that the whole society would have to pay a high price for just a little convenience for the businessmen. He agreed with Mr FUNG Wai-kwong that social conflicts had been intensified recently and the forceful implementation of the Scheme would make the traffic issue escalating into a political dispute. The Government should not consider the issue purely as a means to promote economic growth, or the loss would outweigh the gain. He held that shelving the Scheme was in line with public wishes.

84. Dr YANG Mo, PhD emphasised that the full title of the Scheme was “Ad Hoc Quota Trial Scheme for Cross Boundary Private Cars”, and as the title went, the quota under the Scheme was ad hoc for private cars only, and the entire Scheme was on trial basis. With the goal to promote co-operation between Guangdong province and Hong Kong, the integration of the Pearl River Delta was the trend, and the growth of localism in Hong Kong would restrict future development, which was not viable in the long run. He said that the Scheme was nothing to be afraid of, in fact, Mainland vehicles came to Hong Kong every day. Under the second phase of the Scheme, only 50 Mainland vehicles were permitted to enter Hong Kong daily, the road networks of Hong Kong should be able to accommodate such a small quota of non-local vehicles, so the general public should not be overly panic or disturbed. He shared his personal experience with Members, saying that when he first came to Hong Kong, he found that the driving habits in Hong Kong were vastly different from those in Australia. He was a holder of “cross-boundary vehicle licence” and believed that there should not be any problems after drivers got used to the transport system and driving culture. Besides, Guangdong province had repeatedly stressed its willingness to accept the Scheme despite its one-way nature, that is, Guangdong vehicles were not permitted to enter Hong Kong, and welcomed self-drive tours from Hong Kong to Guangdong province through the Scheme,

with a view to boosting local consumption and economic growth. He supported the motion of Mr LAM Ka-fai, MH - approval should be given to the first phase of the Scheme. Upon its completion, the Government should review its effectiveness, and if the results proved satisfactory, the second phase would be carried out. He also expressed concern about the recent anti-foreign sentiments that had almost become discrimination.

85. Mr FUNG Se-goun said that those Members who had spoken had reservations on the arrangement for Mainland vehicles taking southbound tours, and this was also the worry of most people. He supported the two motions as both objected to the implementation of the second phase. As for calling off the first phase, as the Scheme did not affect the traffic in Hong Kong, while local people had the need, he supported the launch of the first phase in principle. Regarding the concerns of some Members that the second phase of the trial scheme would be consequential upon the first phase, he requested the TD representative to reflect the worry of Members and that the Government should not implement the second phase until comprehensive consultation had been carried out and thorough consideration had been given to the provision of transport support facilities.

86. Mrs CHAN LEE Pui-ying supported the motion of Mr LAM Kai-fai, MH and opined that with the progress of socio-economic development, the traffic integration of the Mainland and Hong Kong was the long-term development goal, but this was not the right time for the Scheme. She suggested that the Scheme should be launched only when development of facilities such as car parks and road networks were completed, otherwise this would create a lot of troubles. She hoped that the Government could listen to public views and make adjustments accordingly.

87. Regarding Mr Paul ZIMMERMAN's proposed amendment to the motion, Mr LAM Kai-fai, MH responded that in his motion, it had already mentioned that after launching the first phase under which Hong Kong residents were permitted to take northbound self-drive tours to the Mainland, the Government should critically review its effectiveness by identifying the existing and foreseeable problems in the Scheme, which included and not limited to the review on current traffic management. He hoped that after identifying viable and proper solutions, the Government could carry out extensive public consultation and implement the second phase after consensus had been reached in society. He said that Mr Paul ZIMMERMAN's proposal was understandable, but since the coverage of the original motion was more comprehensive, it was better to maintain the original version.

88. Mr CHAI Man-hon worried that if letting the first phase implement first as suggested by some Members, Members would be accused of framing up Hong Kong. The issuing of driving licences should not be regarded purely as a power conferred by the state administrative authority to a municipal government. In fact, the issue of Guangdong driving licences to Hong Kong drivers and vice versa should be regarded an international agreement. In this connection, if under the first phase Hong Kong were permitted to take northbound self-drive tours to the Mainland, then the Guangdong authority would have the rights and obligations to ask for reciprocal arrangements for their people on the principle of mutual benefits under an international agreement.

89. The Chairman asked Mr CHAI Man-hon if what he described was more applicable to the relationship between two countries.

90. Mr CHAI Man-hon replied that the above arrangement was applicable to the relationship between two regions as well. He pointed out that international agreements could not be one-way. Referring to cases in Europe and the Pan-Pacific region, serious consequences might be resulted if prudence was not exercised in signing international agreements. The manner in which the Scheme was launched reflected that the Government did not understand public views and acted as it wished. To those Members who had objected to the lack of prior consultation but supported the launch of the first phase at this meeting, he reminded them that the indiscriminate launch of the Scheme might do harm to Hong Kong eventually. The focus should not be on providing convenience for businessmen, but on the rising anti-foreign sentiments of Hong Kong residents. Regarding the comments of Dr YANG Mo, PhD that anti-foreign sentiments were self-handicapping, unrealistic and overly panicking, he responded that this was a misinterpretation of public attitudes and a lack of thorough understanding of the problem. As a matter of fact, Hong Kong had been maintaining her social and cultural exchanges with the Mainland, and did not detach itself from its Mainland counterparts in any sense. The comment of Dr YANG Mo, PhD was arbitrary and a far cry from the fact, which could not help solving the problem.

91. The Chairman invited Miss AU YUENG Yuet-wah to respond to Members' comments and enquiries first, and then Members would start the second round of speaking.

92. Miss AU YUENG Yuet-wah noted the views of Members and reiterated that various aspects such as road safety, capacity of road networks and environmental

protection would be carefully considered before taking forward the second phase. After hearing the views of Members on the arrangement on Hong Kong people taking northbound self-drive tours, she concluded that Members considered it desirable for the Scheme to provide convenience for local businessmen commuting to and from the Mainland, and that it could promote economic development. Nevertheless, they also worried whether a bundled arrangement was adopted for the first and second phases and were concerned about whether the Government would implement the second phase arbitrarily. As for the southbound tours from the Mainland, Members had put forward a number of suggestions, including compulsory training courses for Mainland drivers, review on the adequacy of the transport support facilities in Hong Kong, provision of park-and-ride facilities, introduction of ERP, and the last but not the least, a comprehensive consultation before launching the Scheme. Since the second phase involved legislative amendments, it was necessary to consult the LegCo and stakeholders. She would reflect the views of Members to THB.

93. The Chairman invited Members to speak on this subject in the second round.

94. In response to the views of Dr YANG Mo, PhD, Mr TSUI Yuen-wa commented that linking the Scheme with discrimination had strayed from the point. In fact, people should not be afraid of localism, and people in Mainland cities such as Beijing and Shanghai also had a very strong local feeling. Perhaps Members feared that the localism would grow into a sense of independency or even splitism. In fact, people who objected to the Scheme and the “doubly non-permanent resident pregnant women” did not hold this attitude, and neither did the general public resent foreign visitors to Hong Kong. He also said that Members should not worry that the growth of localism would develop into strong anti-foreign sentiments. Responding to the views of the Member concerned on the fact that Guangdong province welcomed one-way self-drive tour Scheme for northbound Hong Kong vehicles, he criticised that this move was just trying to get “small favors”. He quoted from a local scholar, Professor Francis LUI, that currently many people had the misconception that IVS had saved the economy of Hong Kong, however, the fact was the economic benefits from IVS only accounted for 3% to 5% of the Gross Domestic Product of the territory. This meant that Hong Kong did not rely on IVS to go over the difficult times. While he did not deny the positive effects of IVS on the economy because the people and traffic flow actually contributed to economic growth, the burden of the policy on self-drive tours on Hong Kong society should not be understated despite the trivial economic gains.

95. Mr FUNG Wai-kwong emphasised that not all cross-boundary businessmen

could be benefited from the Scheme as some Members said, because the one-off quota was valid for seven days only and required prior approval. In practice, the advantages offered to businessmen were limited, not to mention that they could travel to and from the Mainland by other transport modes comfortably. Moreover, if the Government wanted to help more local residents driving to the Mainland, it should begin with issuing more “cross-boundary vehicle licences” because the high threshold of obtaining the licence was the crux of the problem. The Government should approach the Mainland authorities to find out the reasons for the stringent licensing requirements. Also, the issuing of more “cross-boundary vehicle licences” did not have any bearing on the reciprocal exchange of traffic flow between the Mainland and Hong Kong. He reckoned that under the existing arrangement of the Scheme, the car clubs would gain more than the businessmen. He agreed with Mr TUSI Yuen-wa that people’s objection was not because of anti-foreign sentiments, they just did not want the Scheme to cause inconvenience to their daily life.

96. Regarding the potential advantages or convenience to businessmen as by some Members, Mr AU Nok-hin responded that if some stakeholders sustained losses or damages because of a scheme, the beneficiaries should own up to their moral responsibilities. As the Scheme might threaten road safety, if Members just focused on whether consultation had been carried out and generally supported the implementation of the Scheme, it resulted that the benefited businessmen should bear the moral responsibilities of “endangering road safety”. He called on Members to strike a correct balance between “convenience” and “human lives”.

97. Mrs MAK TSE How-ling said that her husband went to the Mainland for business constantly. Since the locations of factories spread over a wide area, SME businessmen had to endure the hardship of traveling from place to place to reach different factories. So if the first phase of the Scheme could help opening more business opportunities for small businessmen, such advantages should not be ignored. She emphasised that international law was different from the “One Country, Two Systems” principle, and the latter did not necessarily call for reciprocal treatment. However, the Government should carry out an extensive public consultation before the implementation of the second phase.

98. Dr YANG Mo, PhD agreed that cultural diversity occurred between different places, such as differences in ethnic background, cultural background, economic profile and education level, but the Government should handle such issues in an inclusive and harmonious manner.

99. Mrs CHAN LEE Pui-ying opined that policies should keep abreast with times, and many countries such as the United States, Canada and Europe permitted free entry and exit of non-local vehicles, so Hong Kong should keep pace with the progress of social development.

100. Mr Paul ZIMMERMAN agreed with free entry and exit of traffic. He said that all metropolitan cities faced the problem of heavy traffic flow overwhelming the urban road networks. While some cities addressed this problem by charging a high parking fee, some others adopted ERP. Nevertheless, all cities should address the problem with the same principle, i.e. charging outsiders a higher tariff for driving on the roads because while car-driving was a necessity for local people, the outsiders could choose whether they should use their own cars in Hong Kong. He asked TD about the current number of “FV” licences issued and to be issued, and the mutual-benefit arrangement with Guangdong province under the Scheme. Also, after rejecting the proposal for a mandatory scheme for park-and-ride in 2009, the Government did not reserve land for such purpose, and instead drivers were encouraged to park at rail stations voluntarily. He opined that if a scheme was voluntary in nature, it should offer attractive incentives to drivers for using the facilities, such as better linking between the location of the facilities and the railway system; and if it was a mandatory scheme, the provision of basic facilities would be enough. Since no land had been reserved for park-and-ride facilities, he enquired how the Government would implement the voluntary park-and-ride scheme effectively and ensure adequate incentives to attract drivers to this scheme. He further enquired how the Government would implement ERP to ensure that non-local vehicles including those Mainland cars under the Scheme would pay the tariff for using the roads in Hong Kong. He asked TD to supplement the information later on if it was not able to answer the questions at the meeting.

[Post-meeting note: THB had responded to the enquiries of Mr Paul ZIMMERMAN via TD after the meeting. The Secretariat had passed on the information to other Members on 10 May 2012.]

101. Mr LO Kin-hei reminded Members that under the “One Country, Two Systems” principle, there were still many differences between Hong Kong and the Mainland, for instance, in the aspects of airspace and economic and trade scope. Because of this, the Mainland and Hong Kong had signed the “Mainland and Hong Kong Closer Economic Partnership Arrangement”, and the differences in various aspects had highlighted the essence of the “One Country, Two Systems” principle. He said that his motion was

different from that of Mr LAM Kai-fai, MH in that they had different stances on the first phase of the Scheme. He reiterated that it was self-contradictory for the Members concerned to on the one hand object to the Government for failing to carry out consultation before implementation, while on the other hand agreed that the Government should launch the Scheme. He queried if the Members concerned would still give green light to the second phase if once again the Government did not carry out public consultation. If the Government implemented a policy without consulting the public, it should put the plan to a halt and start consultation again. In respect of the four areas in the first phase to be reviewed: the operation of control point, eligibility of application, administrative arrangements and impact on the traffic of Guangdong province as mentioned by Miss AU YEUNG Yuet-wah, he opined that all these bore no relevance to Hong Kong, and had no reference value to determine whether it was suitable to launch the second phase. He said that TD would probably get positive outcomes in the review of these four areas, which would pave the way for the second phase. As for the consideration of integration between Hong Kong and the Mainland, people in Hong Kong had no objection to enhancing the exchange between the two places, however, the announcement of the Scheme had aroused panic in society. If the first phase of the trial Scheme were implemented, the panic would continue to escalate which would not be conducive to the integration, rather it would intensify the conflicts between the two places.

102. Mr CHU Lap-wai believed that Members agreed that the intention of the Scheme was to provide convenience for the public and not to bring inconvenience or threats to people. The queries raised by the Member concerned just then mainly concerned with the operational aspects such as driving culture of Mainland drivers and insurance coverage. Since Members did not doubt the intention of the Scheme, but only questioned the lack of prior consultation, he inclined to support the motion raised by Mr LAM Kai-fai, MH, that is, requesting the Government to carry out a thorough consultation before launching the second phase. Regarding some Members' opinions that no matter the case would be, the Government could still canvass support in the consultation to launch the second phase, he said that this statement was an insult to the intelligence of the Hong Kong people and district council members. Besides, he did not think that the Government could really get the support it needed in every consultation. As such, SDC should concentrate its discussion on how to enhance this arrangement which aimed at bringing convenience to people.

103. In response to the suggestion of introducing ERP, Dr LIU Hong-fai said that Singapore had launched ERP 20 years ago, and had laid down various rules such as

requiring drivers to take other passengers during rush hours. Hong Kong had studied the feasibility of ERP but the plan was dropped eventually. It seemed not very cost effective to launch a large scale ERP for serving a small number under the Scheme. Moreover, even though a reciprocal arrangement was adopted under the Scheme, the total number of northbound traffic under the Scheme and vehicles applying for “cross-boundary vehicle licences” should exceed that of the southbound traffic from Guangdong province, so it should not burden the traffic in Hong Kong. Nevertheless, he agreed that the Government should carry out consultation first and should not hasten to launch any scheme.

104. In response to the comments of Dr YANG Mo, PhD on self-handicapping, Mr CHAI Man-hon said that he did not want people to misunderstand that Members had betrayed the interests of Hong Kong. In the light of the rising localism, people in general did not support the Scheme because they worried that the second phase would be consequential upon the first phase. However, if the second phase was called off, this might arouse resentment among people in Guangdong province or other cities, saying that the policy was unfair. To avoid this dilemma, he hoped that Members would think carefully before supporting the first phase. He reiterated that the Mainland and Hong Kong had entered into many international agreements in areas such as civil aviation, currency and laws under an international framework. Therefore, under the principle of international law, if the Mainland and Hong Kong signed an agreement that only allowed Hong Kong people to take northbound self-drive tours without assigning quota for southbound tours made by Mainlanders, this one-way arrangement would tarnish the image of Hong Kong internationally. He also said that it would be difficult for TD to explain to the public the rationale of proposing reduction in the quota of bus traffic, while launching the Scheme which would increase the traffic volume in Hong Kong. So he called on Members to support the motion raised by Mr LO Kin-hei.

105. Mr YEUNG Wai-foon, MH, JP said the discussion just then showed that the various concerns of Members on the Scheme, and some Members had expressed their own views on the situations in the Mainland. However, the economic exchange and social integration between the Mainland and Hong Kong was an on-going trend in the long run. He opined that the first phase of the Scheme was more or less a privileged policy for Hong Kong. Since Hong Kong reunification, many of the Mainland policies were giving preferential treatment to Hong Kong such as the continued supply of Dongjiang water in dry seasons. The Scheme would bring benefits to both businesses and tourism. He agreed that a comprehensive consultation should be carried out before the launch of the second phase, and suitable complementary facilities such as road

improvement, environmental monitoring and traffic control should be provided.

106. The Chairman invited Miss AU YEUNG Yuet-wah to respond to Members' enquiries and comments or give supplementary information.

107. In response to the queries raised by the Member concerned why the review on the first phase would focus on the operation of control points, application criteria, administrative arrangements and impact on the traffic in Guangdong province, Miss AU YEUNG Yuet-wah said that these criteria would be mainly used as reference for reviewing the effectiveness of the first phase concerning the northbound traffic of Hong Kong vehicles. In formulating the arrangements of the second phase of the Scheme, the Administration would base on equally important criteria such as the capacity of road networks in Hong Kong, environmental protection, road safety, and so on. The Administration would certainly listen to the views of the public and the LegCo before implementing the Scheme. She believed that the Government and the LegCo would have an important gate keeping role to play.

108. The Chairman invited Members to vote on the motion moved by Mr LAM Kai-fai, MH first. The motion was carried with 13 votes for it (namely Mr CHAN Fu-ming, Mr AU Lap-sing, Mrs CHAN LEE Pui-ying, Ms CHEUNG Sik-yung, Mr CHU Lap-wai, Mr FUNG Se-goun, Mr LAM Kai-fai, MH, Ms LAM Yuk-chun, MH, Dr LIU Hong-fai, Mrs MAK TSE How-ling, Mr WONG Ling-sun, Dr YANG Mo, PhD and Mr YEUNG Wai-foon, MH, JP), five votes against it (namely Mr AU Nok-hin, Mr CHAI Man-hon, Mr FUNG Wai-kwong, Mr LO Kin-hei and Mr TSUI Yuen-wa) and one abstention (namely Mr Paul ZIMMERMAN).

109. The Chairman continued to invite Members to vote on the motion moved by Mr LO Kin-hei. The motion was rejected with five votes for it (namely Mr AU Nok-hin, Mr CHAI Man-hon, Mr FUNG Wai-kwong, Mr LO Kin-hei and Mr TSUI Yuen-wa), four votes against it (namely Mr CHU Lap-wai, Mrs MAK TSE How-ling, Dr YANG Mo, PhD and Mr YEUNG Wai-foon, MH, JP) and 10 abstentions (namely Mr CHAN Fu-ming, Mr AU Lap-sing, Mrs CHAN LEE Pui-ying, Ms CHEUNG Sik-yung, Mr FUNG Se-goun, Mr LAM Kai-fai, MH, Ms LAM Yuk-chun, MH, Dr LIU Hong-fai, Mr WONG Ling-sun and Mr Paul ZIMMERMAN).

(Dr LUK Che-chung and Ms Mabel KWONG joined the meeting at 4:28 p.m.)

**Agenda Item 5: Problems Caused by “Doubly Non-permanent Resident Pregnant Women” from the Mainland Giving Birth in Hong Kong
(SDC Paper No. 31/2012)
[4:28 p.m. - 5:45 p.m.]**

110. The Chairman said that two Members had moved separate motions on the shortfalls in public medical resources arising from “doubly non-permanent resident pregnant women” from the Mainland giving birth in Hong Kong. This agenda item was initiated so that related matters could be discussed at the same time.

111. The Chairman welcomed the following HA representatives to the meeting:

- Dr LUK Che-chung, Cluster Chief Executive, Hong Kong West Cluster and Chief Executive, Queen Mary Hospital (QMH)
- Ms Mabel KWONG, Public and Community Relations Officer, Hong Kong West Cluster

112. The Chairman said that the two Members would take turns to brief Members on their motions and the reasons for them. Then the HA representatives would make their responses to their proposals. Afterwards, Members would discuss the two motions together, and then voting would be conducted on the motions one by one. The proposer and seconder of each motion would be allotted a total of five minutes to present the motion. He invited Ms LAM Yuk-chun, MH to introduce her motion first.

113. Ms LAM Yuk-chun, MH expressed concerns on the problems caused by “doubly non-permanent resident pregnant women” giving birth in Hong Kong, and said that this issue should be solved urgently. According to HA statistics, January and February 2012 had recorded 297 cases of non-local pregnant women rushing to give birth in the accident and emergency department (AED) of public hospitals at the last minute, while there were only 1 657 cases in 2011, it seemed that the trend was rising. With the serious shortage of obstetric beds in local public hospitals, “doubly non-permanent resident pregnant women” rushing to give birth at AED would burden the local medical services, and take up the resources of maternal and child health centres, not to say such a course of action posed serious risk to the lives of both the mother and the babies. Also, this situation would cause the population control of Hong Kong to run amok in the long run, it was a burden that the society could not afford. Therefore, she called on Members to support the following motion:

“This Council requests the Government to come up with effective measures and a timetable as soon as practicable in order to solve the problems arising from doubly non-permanent resident pregnant women (Mainland women whose spouses are not permanent residents of Hong Kong) swarming to Hong Kong for giving birth recently. This Council also requests all public hospitals to stop receiving non-local pregnant women immediately until adequate resources have been acquired to cope with the surging needs, with a view to ensuring that local expectant women will receive the required public medical services.”

114. Mr LAM Kai-fai, MH, the seconder of the motion, supplemented that “doubly non-permanent resident pregnant women” giving birth in Hong Kong had diluted the medical resources. Moreover, since public hospitals had stopped making obstetric bookings for non-local pregnant women to give birth in 2011 in April 2011, the number of “doubly non-permanent resident pregnant women” rushing to AED had been rising continuously, and over 1 600 such cases were recorded in 2011. More than a thousand “doubly non-permanent resident pregnant women” gate-crashing the border check points for delivery were like time bombs which could explode at any time, as a result, the burden on public hospitals became heavier than ever. He would further elaborate the issue with figures and examples later on.

115. Mr CHU Lap-wai, the other seconder of the motion, said that he had nothing to add for the time being.

116. The Chairman invited Mr AU Nok-hin to briefly introduce his motion.

117. Mr AU Nok-hin said that his motion also aimed at objecting public hospitals, QMH in the Southern District in particular, reserving obstetric quota for Mainland pregnant women whose spouses were non-permanent Hong Kong residents. He said that this policy involved the allocation of resources, and with the limited resources, public hospitals should serve local residents first. According to the information of HA, “doubly non-permanent resident pregnant women” had already occupied many obstetric beds in Hong Kong, most of which were in private hospitals. He said that he also had reservation on the business practice of private hospitals, but would concentrate the discussion on the arrangements in public hospitals at this meeting. Referring to the figures provided by HA, at present totally 35 000 quotas were assigned to non-local pregnant women, and 3 400 of them were provided by public hospitals. He queried why HA should still allocate 3 400 quotas to “doubly non-permanent resident pregnant women” with acute shortage of resources in public hospitals. He understood that on

humanitarian ground, public hospitals had to take up those “doubly non-permanent resident pregnant women” who did not have a booking and had gate-crashed the border check points for giving birth at AED in Hong Kong. This was excusable. Different from Ms LAM Yuk-chun, MH, his motion stated that with the shortage of resources, it was necessary to review the booking arrangement for “doubly non-permanent resident pregnant women” in public hospitals (including QMH in the Southern District). Therefore, he had put forward the following motion:

“Public hospitals should not receive Mainland pregnant women whose husbands are not permanent residents in Hong Kong and should focus on serving the residents of Hong Kong. This Council requests Queen Mary Hospital to immediately stop receiving Mainland pregnant women whose husbands are not permanent residents in Hong Kong.”

118. Mr CHAI Man-hon, the seconder of the motion, said that he had nothing to add for the time being.

119. Mr LO Kin-hei, the other seconder of the motion, supplemented that he definitely objected to “doubly non-permanent resident pregnant women” rushing to AED for delivery, however, public hospitals had no choice but to provide the service under this circumstance.

120. The Chairman invited Dr LUK Che-chung to briefly introduce the responses of HA.

121. Dr LUK Che-chung replied that HA and QMH had grave concern over the issue of the “doubly non-permanent resident pregnant women”. The fundamental principle of the policy was to ensure that local residents would enjoy the obstetric services they required. In other words, the Government would ensure that Hong Kong residents could book obstetric services at QMH or other public hospitals, and the request from Non-eligible Persons (NEPs) (i.e. non-permanent Hong Kong residents) would be entertained only when there was spare capacity. However, the hospitals would not classify “doubly non-permanent resident pregnant women” and “singly non-permanent resident pregnant women”. The hospitals were also extremely concerned about the issue of “doubly non-permanent resident pregnant women” rushing to AED because this would endanger the pregnant women and the fetuses. It was hoped that the number of such cases could be contained and reduced through education and other policies. For the time being, QMH still had a small room to accommodate NEPs. However, the

hospital would closely monitor the situation every week, and would reduce the quota or even stop bookings for NEPs when there was a rise in demand from local pregnant women. In fact, as of October 2012, all the obstetric quotas had been used up and the hospital had to stop accepting bookings. Some HA hospitals had already stopped accepting bookings from non-local pregnant women in response to the rise in demand from local pregnant women. HA did not rule out the possibility of stopping all bookings from non-local pregnant women in public hospitals if the circumstances required.

122. Regarding the comment that the hospitals would not differentiate between “doubly non-permanent resident pregnant women” and “singly non-permanent resident pregnant women”, the Chairman asked whether hospitals chose not to differentiate them or were not able to do so.

123. Dr LUK Che-chung responded that both answers were correct. As a matter of fact, it was not easy for hospitals to differentiate the identities of “doubly” or “singly” non-permanent resident pregnant women. Verifying the identity of an applicant and her spouse during booking of service would involve the authority to obtain privacy data, and this would also affect the operation of the hospitals.

124. The Chairman said that since both motions asked for public hospitals to stop receiving “doubly non-permanent resident pregnant women” but not “singly non-permanent resident pregnant women”, it was necessary to clarify whether hospitals could differentiate them in practice. He believed that this piece of information would affect the decision of Members.

125. Dr LIU Hong-fai opined that the problem of “doubly non-permanent resident pregnant women” giving birth in Hong Kong was already very serious, and many Mainland officials had discussed this matter with the representatives of Hong Kong Government. He said that deterring NEPs giving birth in Hong Kong should be under the ambits of bureaux and departments such as the Immigration Department (ImmD) and the Security Bureau, it was not appropriate for HA representatives to respond to this subject because hospitals had to provide emergency services on humanitarian ground and it was undisputable that doctors should save life first. Also, he held that babies born to Mainland parents should not be given the right of abode (ROA). In fact, public hospitals only charged “doubly non-permanent resident pregnant women” \$48,000 for obstetric services, compared with the fine of ¥120,000 for excessive birth in Mainland rural area, coupled with the fact the babies born in Hong Kong would enjoy the identity of Hong Kong resident automatically, all these were compelling incentives to Mainland

pregnant women giving birth in Hong Kong by hook or by crook. He urged the Government to address the problem of “doubly non-permanent resident pregnant women” as soon as possible.

126. The Chairman said that as the two motions under this agenda item requested public hospitals to stop receiving “doubly non-permanent resident pregnant women”, the discussion would only concentrate on the arrangements in public hospitals instead of the Immigration Ordinance or population policy. Because of this, SDC had only invited HA representatives to the meeting to respond to Members’ enquiries and comments.

127. Mr LAM Kai-fai, MH said that “doubly non-permanent resident pregnant women” without booking might come to Hong Kong earlier and hid before delivery, then rushed to AED for delivery at the last minute, or gate-crashed the border check points for seeking emergency deliveries through AED shortly before labour. Either case would put their lives at risk. AED which should have handled accidents or emergency cases and provided medical support, had no choice but to handle the deliveries on humanitarian ground. Since these pregnant women normally did not undergo antenatal checkups, while AED in public hospitals did not have their medical records, nor information on the number of fetuses carried by the mothers or the existence of hereditary diseases, both mothers and babies had to face a high risk for deliveries like this. On the other hand, frontline paramedics were forced to handle extra cases of high-risk operations and dystocia, and the medical staff of AED might not possess the professional qualifications in midwifery, coupled with insufficient delivery facilities and equipment at AED, AED had to stop all non-emergency services and devoted all manpower to handle the deliveries or save the lives of the pregnant women in case of premature labour, dystocia or multiple fetuses. In 2011, a “doubly non-permanent resident pregnant woman” delivered twins of premature birth at AED of North District Hospital (NDH), which had necessitated a doctor and two nurses to accompany the mother and the babies for transfer to the Prince Wales Hospital (PWH), and it took them a couple of hours in the round-trip journey. This resulted that the accidental and emergency services of NDH were nearly paralysed. Since not all hospitals offered obstetric services, sometimes hospitals had to refer “doubly non-permanent resident pregnant women” rushing to AED to other hospitals that provided obstetric and paediatric services. The longer the journey time, the higher the risk to the pregnant women. Also, this would cause heavy mental stress and psychological burden to the paramedics assisting the transfer. According to HA figures, there were over 1 600 cases of “doubly non-permanent resident pregnant women” rushing to AED for delivery in 2011, that is, an average of four cases daily, and compared with 800 cases in 2010, the increase rate was more than doubled. This had kept AED and

obstetric department of public hospitals very busy. Since regular antenatal checkups and ultrasound examinations had been introduced in Hong Kong in the 1980s, if it was found that a fetus was suffered from critical or hereditary diseases, a pregnant woman could choose induced abortion. However, since many “doubly non-permanent resident pregnant women” rushing to AED for delivery did not undergo antenatal checkups, their babies were more susceptible to complications, critical or hereditary diseases. A recent HA survey on paediatric services showed that “doubly non-permanent resident children” accounted for around 10% of the cases in paediatric wards because of serious hereditary diseases or congenial deformities, among whom many needed round-the-clock care, or relied on medicines to extend their lives. Therefore, gate-crashing for delivery was unkind and unethical for these innocent children suffered from illness. Moreover, every year, Hong Kong tax-payers had to foot the bill at \$120 millions for the medical expenses of the “doubly non-permanent resident children”, not including the expenses for curing critical illnesses such as heart disease, kidney disease, cancer and metabolic disease. He cited a case in 2009 which people could claim damages from a hospital for medical negligence or mistake as long as 18 years. If “doubly non-permanent resident women” continued gate-crashing for delivery, and hospitals had to send them to other hospitals because the lack of facilities in AED, the pregnant women might sue the hospitals and claim damages for any mishaps during the journey. This would become a nightmare for Hong Kong. Because of the above reasons, he urged the Government to address the problem of “doubly non-permanent resident women” giving birth in Hong Kong as soon as possible, otherwise the situation would deteriorate.

128. Mr Paul ZIMMERMAN agreed that HA representatives might not be the most suitable party to reply on this matter because the discussion on the problem of “doubly non-permanent resident women” giving birth in Hong Kong concerned more with immigration policy. Nevertheless, he would like to take this opportunity to ask Dr LUK Che-chung whether it would be healthy in the long run for children born locally by parents not being permanent residents of Hong Kong (doubly non-permanent resident children), who had to live apart from their parents and had to go to school and live on their own; whether children in the development stage should better be taken care of by their parents as far as possible and should not be sent to Hong Kong for schooling alone. He opined that the population policy in Hong Kong should be based on the criteria of merits or family links instead of place of birth. “Singly non-permanent resident children” should enjoy ROA because their fathers were permanent residents of Hong Kong, and should reunite with their families as soon as possible. of the immigration control of both the Mainland and Hong Kong should adopt administrative measures to deter “doubly non-permanent resident women” giving birth in Hong Kong.

129. Regarding the preferential treatment by the Mainland such as the supply of Dongjiang water, as mentioned by a Member concerned, Mr CHAI Man-hon said that compared with Singapore importing water from Malaysia, Hong Kong in fact paid a high price for the water supply. He continued that the current emigration policy was not a reciprocal one. In the Mainland, under the household registration system in various provinces and counties, children born to parents who were not registered residents in the province/county would not obtain the household registration automatically in their place of birth. On the contrary, Hong Kong would give a Hong Kong identity to children born in Hong Kong and they would enjoy all the benefits of Hong Kong residents such as education, medical services and civil rights, etc. This would definitely burden the society in various aspects, and affected the population structure and the overall allocation of resources of Hong Kong. He opined that all these were resulted by the non-reciprocal policy between the Mainland and Hong Kong, which should be revised with regard to the actual situation. Regarding the views of seeking interpretation of the Basic Law or self-rectification by the court, he commented that these were not solutions to the problem, and would only further intensify the conflicts between the Mainland and Hong Kong. Local hospitals should only serve Hong Kong residents and should not use the spare capacity, if any, to serve non-local residents in the light of the current public sentiments. He pointed out that HA's vision statement emphasised the motto of "people-first", so it should give priority to Hong Kong people, instead of non-local residents or non-emergency cases. He queried the intention of QMH for accepting bookings from "doubly non-permanent resident pregnant women" because surplus resources should be used for enhancing services for local people. Hong Kong people would question HA if they were not able to enjoy more medical benefits as they paid taxes for the benefit of the society. This could cause further splitting up and intensify the conflicts between the Mainland and Hong Kong.

130. Dr YANG Mo, PhD said that Mr LAM Kai-fai, MH had elaborated on the negative impacts of "doubly non-permanent resident pregnant women", and he would like to suggest two positive impacts: firstly, the current arrangement highlighted the rule of law in Hong Kong; and secondly, the new-born babies could rectify the low birth rate, which could alleviate the problem of the ageing population in Hong Kong. Moreover, Mainlanders coming to Hong Kong for giving birth were normally quite well off. He worried that the various conflicts in Hong Kong would tear apart the society, and ten years later disagreement and conflicts might occur between the new arrivals in the past and present. Therefore, a policy-maker should deal with the problem in an open, harmonious and inclusive manner.

131. Mr LO Kin-hei doubted HA's claim that it could not differentiate between "doubly non-permanent resident pregnant women" and "singly non-permanent resident pregnant women" as documentary proof such as marriage certificate could verify the identities of the pregnant women. He emphasised that as both motions targeted at "doubly non-permanent resident pregnant women", it was unacceptable that HA had stated its stance that it would not and could not classify non-local pregnant women. He also requested HA to clarify whether different priorities should be set for giving medical treatment to "singly non-permanent resident pregnant women" and "doubly non-permanent resident pregnant women" in public hospitals. If yes, HA should draw up measures to reflect the different treatment between these two types of pregnant women. It was unreasonable for HA to cut the quota across the board for both categories of pregnant women for reason of being not able to differentiate between them. He also queried why public hospitals accept bookings from "doubly non-permanent resident pregnant women" as Hong Kong did not rely on this income source to upgrade its medical service level. The Government should reflect on the logic behind this policy. Even if there were adequate resources, public hospitals should devote their efforts in serving local residents with a view to providing quality services. Therefore, he disagreed with the motion raised by Ms LAM Yuk-chun, MH.

132. Mrs MAK TSE How-ling agreed that antenatal checkups were very important to mothers and their babies, and the babies should not be exposed to unnecessary risks. She pointed out that children with hereditary diseases or congenital deformities probably needed life-long care. Irrespective of whether public hospitals could spare quotas for non-local pregnant women or not, it was very irresponsible for them not to have antenatal checkups and let the fetuses face the high risks. She hoped that all public hospitals in Hong Kong, including QMH in the Southern District, should stop receiving "doubly non-permanent resident pregnant women" giving birth in Hong Kong.

133. Mr CHU Lap-wai said that Members had a clear consensus on the part whether public hospitals should receive "doubly non-permanent resident pregnant women" mentioned in the motion of Ms LAM Yuk-chun, MH. However, he urged the Government to respond to the public criticisms that the quota for "singly non-permanent resident pregnant women" was cut indiscriminately. The husbands of "singly non-permanent resident pregnant women" were Hong Kong residents, it appeared that the public did not object their rights of giving birth in Hong Kong. If the problem of "doubly non-permanent resident pregnant women" was not tackled, the "singly non-permanent resident pregnant women" would still be affected. He said that HA

should explain the difficulties in classifying these two types of pregnant women proactively, and work out viable administrative measures to cope with the situation.

134. Mr FUNG Wai-kwong said that the motion raised by Ms LAM Yuk-chun, MH was about requesting all public hospitals to stop receiving non-local pregnant women immediately until adequate resources have been acquired. However, in fact, public hospitals should not receive “doubly non-permanent resident pregnant women” no matter they had adequate resources or not, because public hospitals were financed by public monies and should serve local people. In Mainland cities such as Shanghai and Beijing, children born to non-local mothers in these places would not enjoy the same treatment as local people in areas such as education, housing, medical services, etc., and they had to return to their ancestral home for sitting the university entry examinations. It was reasonable for Hong Kong not to accept obstetric bookings from “doubly non-permanent resident pregnant women” because of limited resources. Yet, private hospitals should be allowed to consider receiving these pregnant women for financial reasons, while it was unfair to Hong Kong people if public monies were spent on “doubly non-permanent resident pregnant women”. As for the “singly non-permanent resident pregnant women”, public hospitals had the obligation to take care of them because of their family ties. While rushing to AED should be discouraged, public hospitals had no choice but to accept. Apart from administrative measures to deter these activities, the Government should also consider refusing to give Hong Kong resident identity to babies born to non-local parents to avoid indirectly encouraging the gate-crashing by “doubly non-permanent resident pregnant women”, which resulted in sharing the social resources of Hong Kong such as antenatal and postnatal medical services, and education resources for “doubly non-permanent resident children” in future. In a recent signature campaign, the public had fully expressed their strong objection to “doubly non-permanent resident pregnant women” enjoying public hospital resources. Lastly, he commented that Dongjiang water was one of the major income sources of Guangdong Investment Limited, a listed company in Hong Kong. Hong Kong had to pay a very expensive price for the use of Dongjiang water, and had not been benefited in the way as described by some Members.

135. Ms LAM Yuk-chun, MH said that the problem of “doubly non-permanent resident pregnant women” had originated from the “CHONG Fung-yuen case” in 2001. She was especially concerned with the fact that not only the doctors and paramedics were suffered, rushing to hospitals to give birth put the life of mothers and their babies at risks. If the Government did not adopt decisive measures to tackle the problem, the situation would deteriorate. A Member had mentioned that the provincial government of

Guangdong had discussed with the Hong Kong Government on how to tackle the problem, and there were public views to request for interpretation of the Basic Law. Whatever the case would be, the Government should formulate measures to remedy the situation.

136. Mr CHAN Fu-ming said that Members had spoken thoroughly on the problems of “doubly non-permanent resident pregnant women” gate-crashing for delivery in Hong Kong as stated in the two motions, and the discussion had focused on public hospitals. However, based on his observations, there was a shortfall in services in private hospitals in Hong Kong as well. He enquired whether public hospitals could formulate their own administrative arrangements in receiving cases, or they all had to follow the guidelines laid down by HA accordingly.

137. Mr AU Nok-hin said that the two motions were quite similar in terms of general direction, however, the motion of Ms LAM Yuk-chun, MH requested all public hospitals to stop receiving non-local pregnant women immediately until adequate resources have been acquired, which meant they could receive pregnant women once they had acquired adequate resources. Yet his motion did not have this meaning. He called on Members to support his motion, which requested all hospitals, QMH in particular, to immediately stop receiving “doubly non-permanent resident pregnant women”.

138. The Chairman asked Mr AU Nok-hin to clarify whether the phrase “Mainland pregnant women whose husbands were not permanent residents in Hong Kong” in his motion also covered pregnant women of the couples who were non-local residents and non-Mainlanders. For instance, if a non-local pregnant woman and her husband were both French nationals, was she permitted to give birth in a public hospital.

139. Mr AU Nok-hin responded that he originally intended to cover all non-local pregnant women (including Mainlanders). However, since most of the cases were pregnant women from the Mainland, he had chosen the said wordings.

140. The Chairman reminded Mr AU Nok-hin that the wordings of his motion could cause misinterpretation.

141. Mr AU Nok-hin responded that he could delete the word “Mainland” from the phrase “Mainland pregnant women whose husbands were not permanent residents in Hong Kong”.

142. Mr AU Lap-sing said that as a public hospital, QMH should be under the supervision of HA. He requested HA to clarify the practicability of the request to stop receiving non-local pregnant women as proposed in the motion of Mr AU Nok-hin.

143. The Chairman invited Dr LUK Che-chung to give a consolidated reply on Members' enquiries and comments.

144. Dr LUK Che-chung responded that financial factor was not a consideration of HA and QMH in handling the issue of "doubly non-permanent resident pregnant women", they were just trying to follow the government policy. If the policy required hospitals to differentiate between "doubly non-permanent resident pregnant women" and "singly non-permanent resident pregnant women", it was viable in the administrative arrangement. In the meantime, eight HA hospitals provided obstetric services, among which Kwong Wah Hospital, Princess Margaret Hospital, PWH and Tuen Mun Hospital had stopped receiving bookings from "doubly non-permanent resident pregnant women" to give birth in 2013, while the other hospitals including QMH, had spare quota. He reiterated that the prime concern of HA was to ensure that local residents could enjoy sufficient obstetric services, and HA would accept bookings from NEPs only if there was spare capacity.

145. Dr YANG Mo, PhD opined that the duty of hospitals was to save lives. If a couple of United States nationals were employed to teach at the University of Hong Kong, it seemed unfair if the wife could not give birth in a local public hospital and had to seek obstetric services in a private hospital.

146. In response to Mr AU Lap-sing's enquiry, Mr CHAI Man-hon said that the motion of Mr AU Nok-hin specially mentioned QMH because it was located in the Southern District, so SDC was responsible for supervising the operation of QMH. The motion explicitly requested all public hospitals to stop receiving Mainland pregnant women whose husbands were not permanent residents in Hong Kong but mentioned QMH in particular in order to reflect the concern of the local community. He was disappointed that HA failed to give the reasons for allocating quota to "doubly non-permanent resident pregnant women". He also doubted that QMH on the one hand said that it did not have any financial concern, while on the other hand, it could not explain the rationale of its action clearly. Also, QMH did not explain why it did not have the basic procedure for verifying the identities of pregnant women, which could arouse doubts that actually QMH would like to continue receiving a certain number of non-local pregnant women.

147. Mr LO Kin-hei said that he would put forward an amendment to the motion raised by Mr AU Nok-hin, in which the word “Mainland” would be deleted. He also did not understand why QMH had to receive “doubly non-permanent resident pregnant women”, and requested QMH to provide the figures on this type of pregnant women accepted in the past. He opined that HA should submit figures to substantiate its claim of giving priority to cope with the service demands of local pregnant women, and queried how HA could measure it had fulfilled the service needs. Hospitals should endeavour to enhance their services, on top of providing basic services. Moreover, the demand for obstetric services might change over time, it was not appropriate for QMH to base on estimates to project the service demand of the community. To conclude, it was reasonable that all public hospitals should stop receiving “doubly non-permanent resident pregnant women”.

148. Mr FUNG Wai-kwong hoped HA could provide a clear definition and adopt different treatment for handling the singly and doubly non-permanent resident pregnant women cases, although it would increase administrative work or add workload for frontline medical staff or registration staff. However, since this involved the use public fund, such measures were necessary. He further pointed out that under the existing legislative framework, there was no way to refuse giving Hong Kong resident status to children born in Hong Kong whose fathers and mothers were not permanent residents of Hong Kong. As such, the Government could consider imposing a heavy “birth tax” (at \$2 million) on them to offset the financial burden resulting from their using various social resources of Hong Kong in future. In this way, even though Hong Kong was unable to stop the influx of doubly non-permanent resident pregnant women, the tax could be some sort of compensation for the social resources spent on these expectant mothers.

149. Mr Paul ZIMMERMAN enquired about the numbers of obstetric beds in QMH at the moment and after redevelopment, and if the hospital had received instructions from the Government or ImmD to provide more obstetric quota for doubly non-permanent resident pregnant women.

150. Dr LUK Che-chung gave a consolidated reply that HA had set up a Taskforce to assess the provision of obstetric service in Hong Kong. Of the eight hospitals currently offering obstetric services, four of them had completely stopped accepting bookings from non-local pregnant women in the light of present circumstances, while the remaining four only provided limited obstetric quota for this type of pregnant women. The arrangement was for the purpose of implementing related government policy, and

also this adjustment was made after balancing the workload and service needs. If signs showed that the obstetric service of these four hospitals had almost reached their full capacity, the booking for non-local pregnant women would also be ceased. QMH delivered about 3 000 to 4 000 babies every year and the planning for its post-redevelopment service level would base on the population projections published by the Government. It was believed that the demand for obstetric service in future would be similar to the present level. At present, patients were required to show their identification documents for inspection when seeking medical service in the accident and emergency departments. As for requesting pregnant women to produce their marriage certificates or their husbands' identification documents, QMH would adopt the practice in accordance with the Government policy and would adjust its administrative arrangements to comply with the requirement.

151. The Chairman invited Members to vote on the motion moved by Ms LAM Yuk-chun, MH first. The motion was carried with 12 votes for it (namely Mr CHAN Fu-ming, Mr AU Lap-sing, Mrs CHAN LEE Pui-ying, Ms CHEUNG Sik-yung, Mr CHU Lap-wai, Mr FUNG Se-goun, Mr LAM Kai-fai, MH, Mr LAM Yuk-chun, MH, Dr LIU Hong-fai, Mrs MAK TSE How-ling, Mr WONG Ling-sun and Mr YEUNG Wai-foon, MH, JP) and seven abstentions (namely Mr AU Nok-hin, Mr CHAI Man-hon, Mr FUNG Wai-kwong, Mr LO Kin-hei, Mr TSUI Yuen-wa, Dr YANG Mo, PhD and Mr Paul ZIMMERMAN).

152. Mr CHAI Man-hon proposed an amendment to the motion of Mr AU Nok-hin, which was seconded by Mr AU Nok-hin.

153. The Secretary advised that according to the Standing Orders of SDC, the proposer of a motion for amendment and the proposer of an original motion could not be the same person, but there was no provision stating that the seconder of a motion for amendment could not be the proposer of the original motion.

154. The motion for amendment moved by Mr CHAI Man-hon was read as follows-

“Public hospitals should not receive **Mainland non-local** pregnant women whose husbands are not permanent residents in Hong Kong and should focus on serving the residents of Hong Kong. This Council requests ~~Queen Mary Hospital~~ **all public hospitals** to immediately stop receiving Mainland pregnant women whose husbands are not permanent residents in Hong Kong.”

155. Mr YEUNG Wai-foon, MH, JP enquired if Members could put forward provisional motions for amendment at meeting.

156. The Chairman confirmed that according to the Standing Orders, Members were permitted to put forward provisional motions for amendment at meeting.

157. Mrs MAK TSE How-ling opined that the amended motion was very similar to the one proposed by Ms LAM Yuk-chun, MH which was endorsed by the Council just then. She questioned the justification for discussing two very similar motions separately.

158. Mr CHAI Man-hon enquired about the rules of order and hoped to clarify whether his proposal was motion for amendment or provisional motion.

159. The Chairman confirmed that the proposal of Mr CHAI Man-hon was a motion for amendment.

160. Mr CHAI Man-hon said that the Standing Orders did not state the prescribed period for putting forward a motion for amendment before voting was taken place and hoped other Members could show understanding and accept his motion for amendment.

161. The Chairman clarified that subject to the Standing Orders, Members could put forward motions for amendment. In case of a provisional motion, it would depend on the urgency of matter.

162. Mr Paul ZIMMERMAN felt that a voting was needed for the motion for amendment as its content was significantly different from the first motion just endorsed. In the first motion, it was requested that public hospitals should stop receiving non-local pregnant women until adequate resources had been acquired to cope with the surging needs, which was quite different from that of the motion for amendment.

163. Mr YEUNG Wai-foon, MH, JP said that during discussion, Members considered and discussed the issue based on the original text of the two motions. The motion to amend the second motion was received after the first motion was voted, and this might affect the consideration of Members when casting their votes. He had different opinion on the acceptance of this motion for amendment but he respected the Chairman's decision. He found that the motion to amendment moved by Mr CHAI Man-hon was quite similar to the one proposed by Ms LAM Yuk-chun, MH and

maintained that there was no need to vote again on two similar motions.

164. The Chairman asked the Secretary to clarify the provisions in the Standing Orders concerning the conditions of accepting a motion for amendment.

165. The Secretary replied that Order 20 of the Standing Orders stipulated that voting on an amendment to motion should be conducted prior to that of the original motion, and a voting on the original motion might be carried out afterward if necessary. Since the original motion from Mr CHAI Man-hon had not been voted, SDC could accept the amendment to motion concerned. SDC should take a vote on the motion for amendment first and then decided if a voting should be carried out for the original motion as well. Regarding the question on whether voting on two similar motions should be carried out separately, the Standing Orders did not provide for such situation. Nevertheless, the contents of the motions put forth by Ms LAM Yuk-chun, MH and Mr CHAI Man-hon were not exactly the same – the former requested public hospitals to stop receiving non-local pregnant women “until adequate resources have been acquired to cope with the surging needs”, while the latter asked for “immediately stop receiving”. The reply from HA just then showed that only some of the hospitals had stopped receiving non-local pregnant women, in other words, there were still resources available to cope with the present situation. Therefore, the request of the two motions was different under the present circumstances.

166. The Chairman invited Members to vote on the motion for amendment moved by Mr CHAI Man-hon first. The motion was rejected with six votes for it (namely, Mr AU Nok-hin, Mr CHAI Man-hon, Mr FUNG Wai-kwong, Mr LO Kin-hei, Mr TSUI Yuen-wa and Mr Paul ZIMMERMAN) and 13 abstentions (namely Mr CHAN Fu-ming, Mr AU Lap-sing, Mrs CHAN LEE Pui-ying, Ms CHEUNG Sik-yung, Mr CHU Lap-wai, Mr FUNG Se-goun, Mr LAM Kai-fai, MH, Ms LAM Yuk-chun, MH, Dr LIU Hong-fai, Mrs MAK TSE How-ling, Mr WONG Ling-sun, Dr YANG Mo, PhD and Mr YEUNG Wai-foon, MH, JP).

(Mr TSUI Yuen-wa left the meeting at 5:41 p.m.)

167. The Chairman said that as the motion for amendment was rejected, a voting would be carried out on the original motion put forward by Mr AU Nok-hin. The original motion was rejected with one vote against it (by Mr CHAN Fu-ming) and 17 abstentions (namely Mr AU Lap-sing, Mr AU Nok-hin, Mr CHAI Man-hon, Mrs CHAN LEE Pui-ying, Ms CHEUNG Sik-yung, Mr CHU Lap-wai, Mr FUNG Se-goun, Mr

FUNG Wai-kwong, Mr LAM Kai-fai, MH, Ms LAM Yuk-chun, MH, Dr LIU Hong-fai, Mr LO Kin-hei, Mrs MAK TSE How-ling, Mr WONG Ling-sun, Dr YANG Mo, PhD, Mr YEUNG Wai-foon, MH, JP and Mr Paul ZIMMERMAN).

168. The Chairman thanked Dr LUK Che-chung and Ms Mabel KWONG for joining the discussion of this agenda item.

(Dr LUK Che-chung and Ms Mabel KWONG left the meeting at 5:45 p.m.)

Agenda Item 7: SDC Funding Guidelines and the Related Administrative Arrangement
(SDC Paper No. 33/2012)
[5:45 p.m. - 6:06 p.m.]

169. The Chairman said that every year, District Councils (DCs) had been granted funds from the Home Affairs Department (HAD) to sponsor various Community Involvement (CI) projects. For effective use of resources, HAD has issued the “Manual on the Use of District Council Funds” (the Manual) and all DCs were required to fully implement the guidelines. To cater for district needs and with reference to the Manual, the previous SDC had drawn up the “Guidelines to Local Organisations on Application of Southern District Council Funds for the Implementation of Community Involvement Projects” (SDC Funding Guidelines), and reviewed its provisions and related enforcement arrangements from time to time.

170. The Chairman continued that at its 1st meeting on 30 January 2012, the Community Affairs and Tourism Development Committee (CATC) approved the adoption of the latest version of the SDC Funding Guidelines as endorsed by the previous SDC on 12 May 2011 for the time being until a new version was available. It was also decided that a workshop would be set up later on for Members to fully review the Funding Guidelines. CATC held a workshop on 9 February 2012 to thoroughly discuss the fund allocation and arrangements for application submission, vetting criteria, eligible items, terms and conditions for receiving SDC Funds and arrangements for contravention of funding requirements. A total of 14 Members attended the workshop.

171. The Chairman asked the Secretary to briefly introduce the proposed amendments raised at the workshop.

172. The Secretary invited Members to refer to the proposed amendments at Annex 1 of the paper, and briefly introduced major amendments as follows:

Fund Allocation and Arrangements for Application Submission

The categories of “festive activities” and “non-festive activities” which had been used for years would be cancelled. According to the categorisation in the past, “festive activities” included celebrations for the Lunar New Year and Mid-autumn Festival, and the rest were “non-festive activities”, which included Cantonese operatic song activities with a maximum funding of \$8,000 (which only covered fees for hiring musical instrument players and insurance premium). After discussion, Committee Members proposed to merge the above two categories of activities as “district CI projects”, which had an across-the-board project ceiling at \$25,000 and the application cycle would be divided into three quarters; and Cantonese operatic song-oriented activities would become a stand alone category and its project ceiling was upward adjusted to \$10,000. Other changes included re-categorisation of some activities as “arts and cultural promotion activities”, “sports promotion activities”, “activities to promote community inclusion and care” and “promotion of women activities”.

Vetting Criteria

In the vetting exercise, SDC would normally consider the openness of the programme to the public and the number of people benefited. Therefore, it was suggested that the above requirements should be included in the SDC Funding Guidelines, so that the applicants could have a better understanding of the criteria which SDC would use in the assessment of the merits of individual applications and setting of priorities.

Eligible Items

According to the Manual of HAD, DCs might support an additional amount of not more than 5% of the project fund as contingency to meet any unforeseen commitment from the expenditure items, and the applicant organisation had to provide grounds for the additional funding. Having regard the needs of local organisations in organising activities, it was proposed that an item of “contingency fees” should be added. In addition, it was suggested that an amount of not more than 10% of the approved project funds might be included

to cover the organisation's administrative overheads which was non-accountable in nature if it was a registered charitable organisation or received an approved project fund at \$100,000 or above; application for other administrative overheads should be at the discretion of SDC or respective committees responsible for the funding approval.

Terms and Conditions for Receiving SDC Funds

In response to the new requirement in the Manual of HAD, if the activities involved allocation of tickets, the grantee organisation should state clearly the allocation arrangement in the funding application. Moreover, it was suggested that audit reports duly signed by certified public accountant or auditors should be used for CI projects with an approved project fund exceeding \$100,000.

To enhance flexibility when organising activities, it was suggested that the requirement of seeking prior approval from SDC if the grantee wished to revise individual expenditure item by more than 30% or over \$500, that meant under the circumstance that total expenditure did not exceed approved project fund, the grantee organisation could adjust the expenditure on sub-items at their own wishes, which however, should not exceed the ceiling of respective expenditure item as stipulated by SDC. In case the grantee organisation wished to add a new expenditure item, it should still seek the approval of SDC. Also, it was proposed that a grantee which had been granted funds exceeding \$20,000 was required to invite SDC Members to conduct visits for evaluating whether the activity was held according to the funding requirements. The Secretariat would follow up with Members on the administrative arrangements of a duty roster for evaluation purpose.

Arrangements for Contravention of Funding Requirements

It was suggested to adopt the existing guidelines and arrangements. A "Notice of Contravention" would be issued to the grantee who failed to observe the terms and conditions for the first time, while if the same contravention happened twice consecutively, the grantee organisation would be barred from application for SDC Funds in the forthcoming financial quarter/year.

173. The Secretary said that subject to Members' approval of the proposed amendments as set out in the paper, the Secretariat would revise the SDC Funding

Guidelines accordingly, and would seek Members' approval on the updated guidelines. To facilitate applicants browsing the contents in the funding guidelines, it was suggested that a "Table of Contents" section should be added.

174. The Secretary continued that the funding guidelines stipulated that the grantee should declare any interest and explain to SDC when making procurement of goods and services for the approved project. However, in processing the applications for reimbursement of expenses recently, the Secretariat found cases related to this issue. For instance, a grantee had procured goods or services for the approved project from its subsidiary organisation, but did not submit declaration of interests during application or afterward. Since at the moment, there were no clear guidelines on how to handle cases which a grantee did not declare interests and provide justifications, the Secretariat would like to seek Members' views on this matter. It was suggested to follow past practices, that is, a "Notice of Contravention" would be issued to the grantee who failed to observe the requirements for the first time, while if the same contravention happened twice consecutively, the reimbursement of expenses would be withheld.

175. Mr FUNG Wai-kwong did not support the proposed penalty, and opined that cases concerned with conflict of interests should be dealt with seriously, and should be reported to the Independent Commission Against Corruption (ICAC) immediately as necessary. A warning mechanism should not be adopted in order to ensure effective use of public monies.

176. Mr Paul ZIMMERMAN asked whether the Secretariat had sought advice from ICAC. In principle, he supported the suggestion of the Secretariat, and believed that the Secretariat had referred to past experiences to come up with effective and viable measures. He also asked whether the above arrangements had been agreed by HAD.

177. The Secretary responded that the Manual of HAD had stipulated the requirements for declaration of interests, and the SDC Funding Guidelines had used the Manual as a blueprint, and accounting arrangements had followed the provisions in the Manual as well. ICAC mainly dealt with corruption, while the case of a voluntary organisation using the services of its subsidiary social enterprise without obtaining competitive quotations and declaring interest might not involve corruption.

178. Mr FUNG Wai-kwong opined that even if the case did not involve corruption, according to the Corrupt and Illegal Practices Ordinance, ICAC could still investigate the

case. As a matter of fact, SDC would accept if the grantee declared that it had commissioned a designated service provider for reason of administrative needs; however, if it deliberately concealed the arrangement from SDC, SDC should report the case to ICAC for investigation, so that all applicant organisations would be vigilant about this practice.

179. Mr Paul ZIMMERMAN suggested that the application form should stipulate that applicant organisations should declare interests, and in case an organisation made a false declaration, it was a criminal offence and should be dealt with seriously. He opined that if the application form did not state clearly the organisation should declare any conflict of interest if applicable, a “Notice of Contravention” should be issued to serve as a warning for the missing information. However, in case the organisation had made a false declaration despite that the application form clearly stated that the organisation should declare any conflict of interest if applicable, this behaviour was a deliberate deception which should be reported to the police.

(Mr FUNG Se-goun left the meeting at 6:00 p.m.)

180. The Chairman said as the discussion aimed at working out an arrangement to deal with cases which applicant organisations did not make declaration of interests, if Members opined that the cases should be dealt with seriously, it was suggested that disbursement of expenses should be withheld on its first contravention, and then based on the nature of the case, SDC would determine whether it should be reported to ICAC or further action should be taken.

181. Mr FUNG Wai-kwong agreed the above suggestion, but emphasised that the Secretariat needed to seek legal advice and report the alleged corruption cases to ICAC as necessary.

182. The Secretary said that in the updated SDC Funding Guidelines, some of the current provisions would be revised so as to enhance flexibility in the use of the funds, for example, the expenditure on sub-items could be adjusted within the limit of the approved fund at the wishes of the grantee. She invited Members to consider approving the implementation of related arrangements with immediate effect.

183. SDC approved to implement the above amendments with immediate effect.

184. Mr AU Lap-sing raised an amendment proposal regarding the attendance record

in Annex 2, saying that he had attended session 2 of the workshop.

185. In closing, the Chairman said that SDC endorsed the proposed amendments to the SDC Funding Guidelines as set out in Annex 1, and the amendments as mentioned in paragraph 182 above had taken effect immediately. The Secretariat would prepare the updated SDC Funding Guidelines and seek Members' approval by circulation of papers in due course. Later on, the Secretariat would arrange briefing sessions for local organisations regarding the new guidelines and administrative arrangements.

[Post-meeting note: The updated SDC Funding Guidelines had been distributed to all Members on 30 March 2012, and was endorsed by Members by circulation of papers.]

Agenda Item 8: Proposed Allocation of SDC Fund for 2012-13
(SDC Paper No. 34/2012)
[6:06 p.m. - 6:20 p.m.]

186. The Chairman said that following the last agenda item, Members would discuss the proposed allocation of funds for CI projects in 2012-13. Since the allocation for SDC for the upcoming financial year had not yet been announced, for the time being, Members should base the provision for 2011-12 to discuss the subject.

187. The Chairman asked the Secretary to briefly introduce the proposed fund allocation.

188. The Secretary briefly introduced the contents of the paper and its annex, and said that the amount of overrun for the proposed allocation for 2012-13 had exceeded that of 2011-12. In preparing the proposed allocation, she had made reference to the actual expenditures in past years, past experiences and needs of respective committees, which included the situations of LCSD and local organisations returning quite a lot of residue funds to SDC upon completion of projects. To better utilise resources, it was suggested that SDC should consider adjusting the amount of overrun upward. Moreover, SDC could also apply for additional funds from HAD to meet the shortfall as and when necessary.

189. The Secretary walked through the major amended items in the proposed allocation of funds for CI projects in 2012-13. Details were as follows:

- To adjust the amount of allocation for various project categories with respect to the change in application quarters, according to the approval given by Members for the amendments to the SDC Funding Guidelines and the related administrative arrangements in the discussion of agenda item 7;
- to earmark \$100,000 for promotion of community inclusion and care programmes;
- to earmark \$100,000 for local organisations to organise activities in celebration of the 15th Anniversary of Hong Kong reunification;
- to allocate \$0.7 million for the consultancy study on development of waterfront promenade;
- to reserve fund to settle payment for the publication of the Work Report of SDC (2008-2011) and display of extracts from the Report by wall stickers mounted inside the Aberdeen Pedestrian Subway, which had been approved by the previous SDC;
- to earmark \$480,000 for promotion of tourism development, which was more or less the same as 2011-12; and
- to allocate an annual sum of \$80,000 to cover the cost for the maintenance, promotion and enhancement services of the tourism website within the current term of SDC. Subject to Members' approval, the Secretariat would commission a contractor for the services with the expenses paid annually over the four years.

190. The Secretary said that the estimated over-commitment would be \$1,721,217, representing 14.1% of the allocation.

191. Mr CHAI Man-hon asked when SDC would carry out a mid-term review for the fund allocation so as to scrutinise whether the overrun was under control. He also queried if it was necessary to reserve \$500,000 and \$100,000 for the celebrations of the national day and Hong Kong reunification respectively.

192. The Secretary responded that every year SDC would reserve \$500,000 for activities in celebration of the national day, and the proposed reserved fund was the same as those of past years. Moreover, as year 2012 saw the 15th anniversary of Hong Kong reunification, it was suggested to reserving an additional provision of \$100,000 to finance the activities in celebration of the occasion.

193. Mr CHAI Man-hon enquired about how the \$500,000 earmarked for

celebrations of the national day would be spent, and whether details were available regarding the activities with a reserved fund of \$100,000 in celebration of the 15th anniversary of Hong Kong reunification.

194. The Chairman responded that the previous SDC had formed an organising committee on activities in celebration of the national day, with a view to planning a series of activities, which included a celebration in Stanley, a large-scale activity co-organised by the four districts in Hong Kong Island to be staged at the Victoria Park, and a carnival or gala night, and the organising committee would submit fund applications to SDC for individual activity.

195. Mr AU Nok-hin said that the Annex showed that the actual expenditures of some items were less than those of the reserved amount, however, the budgeted amount of the related items for the upcoming financial year had not been adjusted downward accordingly. He asked whether the fund allocation would be adjusted correspondingly according to the actual expenditures in the past.

196. The Secretary replied that the “Financial Statement in respect of SDC Funds” with cut-off date two weeks before each SDC meeting would be submitted with other information papers for Members’ reference. The actual expenditures as set out at the Annex was the financial position as at 6 March 2012, and as the current financial year would be ended on 31 March 2012, the disbursement of funds for many activities would only be completed by the annual accounting day. Therefore, the expenditures as shown in the Annex did not reflect the total expenditures for the whole year. As a matter of fact, SDC had incurred an overrun for the allocation of funds for CI projects in 2011-12 and had to apply for an additional provision from HAD.

197. Since there was surplus fund under the item of “Employment of Contract Staff” in the allocation of funds for 2011-12, Mr CHAI man-hon asked whether less expenses had been incurred for this item because of vacancies arising from staff movements not filled. Also, he requested SDC to study how to make better use of the funding of the item concerned in order to let the Secretariat deploy more manpower for enhancing the administrative support to SDC.

198. The Secretary thanked the Member concerned for his concern on the manpower of the Secretariat, and said that in 2011, the Secretariat had faced career wastage for a period of time, and it took a long time to recruit suitable contract staff to fill the vacancies, hence the reserved fund could not be fully utilised. She continued that she would put

forward an agenda item on the fund application for employment of contract staff in 2012-13 later on at the meeting. In the past, HAD had set a funding ceiling which DCs could only use not more than 10% of the allocation to employ contract staff, however, the ceiling had been relaxed to 15% for 2012-13. Thus, the Secretariat suggested to employing an additional clerical contract staff in 2012-13 so as to step up the administrative support to SDC.

199. In closing, the Chairman concluded that SDC endorsed the proposals in paragraphs 4 and 5 of the paper, and the proposed allocation of funds for CI projects in 2012-13 at the Annex.

Agenda Item 9: Standing Orders of SDC (2012-2015)
(SDC Paper No. 35/2012)
[6:20 p.m. - 6:36 p.m.]

200. The Chairman said that subject to Section 68 of the District Councils Ordinance, DCs could draw up standing orders to enforce the rules of procedures of DCs and its committees. HAD had prepared a sample of the Standing Orders (Annex 2 of SDC Paper No. 1/2012) for the new term of DCs so that they could revise the provisions in accordance with district needs. At its 1st meeting on 5 January 2012, SDC had approved to adopt the Standing Orders endorsed by the previous SDC on 23 April 2009 until a new one was available, and a workshop would be arranged later to discuss the provisions therein in detail. At the workshop on 10 February 2012, 19 amendment proposals as submitted by Members had been discussed. A total of 16 Members had attended the workshop.

201. The Chairman asked the Secretary to briefly introduce the proposed amendments and recommendations at the workshop.

202. The Secretary said that as most Members had attended the workshop, she would not repeat every recommendation in detail at the meeting, and major amendments included:

- Add a clause concerning the arrangement for moving provisional motions, which stated that for a provisional motion, normally Members were required to submit the proposal 12 clear working days' advance notice. However, if a Member moved a provisional motion after the cut-off date, he/she needed

to explain in writing and give justifications for its urgency. The Chairman should then decide whether the provisional motion should be accepted;

- the maximum number of Co-opted Members appointed to each committee would be reduced from six to five; and
- add a provision concerning the acceptable grounds of absence: “fulfilling civic obligations as required by the law, e.g. serving as a juror or acting as a witness in a trial”.

203. The Secretary made a correction to the proposed amendment to Order 36, and said that at the workshop, Members decided that there was no need to add the new provision because a provision was already in place in the Standing Orders to confer power to the Chairman of the committee concerned to invite any persons to the meeting of a committee.

204. Dr YANG Mo, PhD opined that as SDC had set the starting time of each meeting at 2:30 p.m., it should not be changed except for special and unexpected circumstances. In case it needed to change the starting time of a meeting, Members should be informed beforehand.

205. The Chairman responded that the starting time of a meeting would not be changed unless it was absolutely necessary. In fact, SDC had arranged two department heads to meet with Members at this meeting, and coupled with the packed agenda, it was decided to advance the meeting 30 minutes earlier. SDC was informed later that the two department heads were not able to attend because of other engagements, and their meeting with Members needed to be postponed. To avoid confusion, it was decided that the starting time of this meeting should not be changed again.

206. Mr Paul ZIMMERMAN agreed that the meeting should start at 2:30 p.m. except for special and urgent circumstances. If the meeting was packed with agenda items, a special meeting might be considered at another time instead of lengthening the meeting or starting the meeting earlier. He said that Members might have other engagements such as lunch meetings, and they needed time to travel to join the meeting. It was not ideal to start a meeting at 2:00 p.m.

207. Mr CHAI Man-hon asked whether SDC would consider following the practice of LegCo in that the discussion of agenda items that could not be finished at a meeting would be carried forward to the next day. Also, regarding Order 17 of the Standing Orders, he said that the agenda items or consultation papers of the Government might not

be submitted 12 clear working days in advance, and as a result, Members were not able to move motions on the related “official agenda items” 12 clear working days beforehand.

208. The Chairman said that under the existing Standing Orders, the Chairmen of SDC/respective committees could accept provisional motions at their discretion. If Members wished to move motions on the government papers they received less than 12 clear working days before the meeting, the Chairmen should accept the motion according to the circumstances. He asked whether Members agreed to include this scenario in the provisions.

209. Mr FUNG Wai-kwong commented that the scenario should be stated clearly in the provisions to avoid disputes as the matter might be solely determined by the judgement of the Chairmen of SDC/respective committees.

210. The Secretary said that it was not feasible to list every scenario in which the Chairmen could accept provisional motions in the provisions. She clarified that the deadline for governments departments to submit agenda items was 12 clear working days before the meeting as well. After receiving all the proposed agenda items, the Secretary would ask the Chairman to consider whether all the agenda items should be accepted, and then issue an official agenda for Members’ reference. She believed that the case just raised by the Member concerned was about moving a motion on the meeting papers or written replies submitted by government departments. Hence, she proposed that an example should be incorporated in the provision: “e.g. the member concerned learns of the subject only within 12 clear working days before the forthcoming meeting” to illustrate the considerations in exercising discretion. However, the Chairmen should reserve the right to determine whether the motion or agenda item concerned was within the terms of reference of SDC/respective committees.

211. The Chairman agreed to the recommendation of the Secretary, and said that apart from the items proposed by the Government, Members could also move provisional motions on urgent local issues, and this had happened before.

212. SDC resolved to endorse the above recommendation, and Members’ approval to the amendment to Order 17(1) would be sought by circulation of papers after the meeting.

213. Mr CHAI Man-hon asked besides Order 17(1), whether amendments to other provisions in the Standing Orders should also be passed at this meeting so that there was

no need to discuss them again at the next meeting.

214. The Chairman reiterated that the amendment to Order 17(1) would not be discussed at the next meeting, and the Secretary would seek Members' approval by circulation of papers. Except for Order 17(1), SDC would endorse the amendment proposals as set out in paragraph 4 of the paper and the proposed Standing Orders of SDC (2012-2015) at Annex 1 in this meeting.

215. Mr Paul ZIMMERMAN supported the proposed amendments to the Standing Orders, and opined that the actual operation of the Council/committees relied on the judgement of the Chairmen and Vice-Chairmen. He commented that when determining the provisions of the Standing Orders, it could facilitate the operation of the Council if more flexibility was allowed so that Chairmen could preside meeting more effectively.

216. The Chairman thanked Mr Paul ZIMMERMAN for his views, and said the Secretary would invite Members to submit nominations for co-opted membership according to the Standing Orders later on. Then the Chairmen and Vice-Chairmen of SDC/respective committees, and the District Officer (Southern) would carry out a preliminary selection. Afterwards, the recommended list would be put forward at the next SDC meeting for Members' consideration and final approval.

[Post-meeting note: The revised Order 17(1) was issued to all Members on 23 March 2012 and was endorsed by Members by circulation of papers.]

Agenda Item 10: Application for SDC Fund: Employment of Contract Staff for the Secretariat

(SDC Paper No. 36/2012)

[6:36 p.m. - 6:42 p.m.]

217. The Chairman asked the Secretary to briefly introduce the paper.

218. The Secretary said that following the discussion of agenda item 8, according to the latest version of the Manual issued by HAD, the allocation for the employment of contract staff was revised upward from 10% to 15% in 2012-13. If using the allocation of 2011-12 as a base for estimating the maximum allocation available for hiring contract staff in 2012-13, SDC could allocate \$1,837,500 at most for the employment of contract staff. For operational needs, the Secretariat wished that SDC could consider an

allocation of \$1,498,165 for the employment of three full-time Executive Assistants, five full-time Project Coordinators and not more than 20 part-time Project Assistants in 2012-12. The proposed number of contract staff was similar to the level at 2011-12, except for the number of Project Coordinators, who were responsible for clerical support, would be increased from four to five, in order to provide the necessary support for additional workload such as processing funding applications and filing of written communications between SDC and local organisations.

219. Mr FUNG Wai-kwong asked whether the remuneration package complied with the statutory requirements of the minimum wage law, and was concerned about whether the remuneration package could attract suitable talents. He worried that the high turnover rate of the Secretariat would sustain.

220. The Chairman responded that the remuneration package for contract staff was determined by HAD and SDC could not make adjustments by itself.

221. The Secretary supplemented that HAD had established guidelines on the employment of contract staff, which applied across the board to all 18 DCs in terms of qualification requirements, remuneration and working hours. As for the concern on whether the remuneration package complied with the statutory minimum wage requirements, she said that the Secretariat would arrange time-off for the contract staff as soon as they had over-time work, and closely monitor the situation to ensure that the hourly rate complied with the legislative requirements.

222. Mr LO Kin-hei enquired whether HAD provided contract staff posts with higher pay level other than that of “Executive Assistant” and “Project Coordinator”, and opined that enhancement in compensation package could help the Secretariat recruit suitable contract staff and reduce manpower wastage.

223. The Chairman said that due to the limited allocation, and the need to ensure that the Secretariat had enough manpower to cope with the heavy clerical workload, SDC did not have further resources to employ contract staff of higher rank at the moment. However, he noted the view of Mr LO Kin-hei.

224. Mr FUNG Wai-kwong requested the Secretariat to provide the terms and conditions for the appointment of contract staff for Members’ reference later on.

225. In closing, the Chairman concluded that SDC endorsed the funding application

and the proposal for the employment of contract staff by the Secretariat as set out in paragraph 5 of the paper.

[Post-meeting note: The terms and conditions for the appointment of contract staff prepared by HAD had been distributed to all Members for reference on 8 May 2012.]

**Agenda Item 11: Application for SDC Fund: Training Programme of Hong Kong Southern District Orchestra under the Southern District Arts and Culture Association (April to December 2012)
(SDC Paper No. 37/2012)
[6:42 p.m. - 7:12 p.m.]**

226. The Chairman enquired if Members had returned the completed form on declaration of interests.

227. The Chairman declared interests that he was the Vice-Chairman of the Southern District Arts and Culture Association (SDACA) and the Honorary Chairman of the Southern District Football Team. Therefore, he asked Members if he should continue to preside over the discussion concerning the fund applications in agenda items 11 to 13, or he should withdraw from the meeting temporarily.

228. Mr FUNG Wai-kwong said that he trust the impartiality of the Chairman in presiding over the related discussions. Nevertheless, he proposed that it would be prudent for the meeting if the Chairman did not preside over the discussion of fund applications from organisations associated with him even though he did not have to withdraw from the meeting.

229. Mr CHAN Fu-ming also declared his interests as a Member of SDACA and an Executive Member of the Southern District Recreation and Sports Association (SDRSA)

230. The Chairman said that since the Vice-Chairman and himself were associated persons, Members present should elect from among themselves a temporary Chairman to preside over the discussion of the fund applications in agenda items 11 to 13.

231. Since quite a number of Members present declared their association with SDACA or the Hong Kong Southern District Orchestra (the Orchestra), the Chairman

proposed that Mr FUNG Wai-kwong should preside over the discussion of agenda item 11 and he would withdraw from the meeting temporarily.

232. Members unanimously endorsed the above proposal.

233. Mr FUNG Wai-kwong invited Mr LAM Kai-fai, MH, representative of SDACA, to briefly introduce the fund application.

234. Mr LAM Kai-fai, MH briefly introduced the paper and the annex. He said that the “Training Programme of Hong Kong Southern District Orchestra” was a regular programme of SDACA to provide professional orchestra instruction and training for the youngsters in the Southern District.

235. Mr FUNG Wai-kwong enquired Members if they had any enquiries on this fund application.

236. Mr Paul ZIMMERMAN enquired whether the reserved fund of SDC was sufficient to sponsor the proposed programme.

237. The Secretary replied that Member might refer to the allocation of reserved fund as stated in SDC Paper No. 34/2012. The “Training Programme of Hong Kong Southern District Orchestra” was a regular activity of SDACA and SDC had sponsored this programme for many years. The applied amount in the application was similar to that of the previous years, so the reserved fund should be able to meet the funding request.

238. Mr FUNG Wai-kwong asked Mr LAM Kai-fai, MH to withdraw from the meeting temporarily.

239. Mr AU Lap-sing declared his interests as the Secretary of SDACA and asked if he had to withdraw from the meeting as well.

240. The Secretary advised that since Mr LAM Kai-fai, MH was the director of the Orchestra, it would be desirable for him to leave the meeting. As for the other Members associated with the applicant organisation, if they had already declared their interests, it was not necessary for them to leave but they had to keep their silence during the discussion. The existing provisions did not stipulate that Members who had declared interests had to be excluded from voting.

241. Mr FUNG Wai-kwong suggested that the voting right of the Members concerned in respect of the fund application should be clarified first.

242. Mr CHAN Fu-ming asked whether the vetting procedure would be affected if all such Members could not vote on the fund application.

243. The Secretary replied that under the Standing Orders, Members were required to declare interests for all fund applications, but did not mention that those who had declared interests could not vote on the fund applications concerned. Nevertheless, Members had to abide by the conduct requirements contained in the code of Members and maintain their impartiality when speaking on the application so as not to affect the voting intention of other Members.

244. Mr AU Nok-hin enquired about the rules of order and hoped to clarify how many Members present were associated with the applicant organisations.

245. Mr FUNG Wai-kwong asked Members associated with SDACA or the Orchestra to raise their hands.

246. Six Members (namely Mr CHAN Fu-ming, Mr AU Lap-sing, Ms CHEUNG Sik-yung, Ms LAM Yuk-chun, MH, Dr LIU Hong-fai and Mrs MAK TSE How-ling) raised their hands. The remaining ten Members present were not associated with the applicant organisations.

247. Mr LO Kin-hei was concerned that the practice adopted in this meeting might set a precedent for handling other similar fund applications in future and pointed out that a lot of local organisations would like to invite DC members to join their organisations as Members, Honorary Chairmen and the like.

248. Mr FUNG Wai-kwong considered that it was desirable to adopt the most prudent approach as far as practicable. If the Members who were associated with the applicant organisations did not vote but still the number of Members remained was enough to form a quorum for voting, the Members concerned should be excluded from voting so that the voting results would not be questioned.

249. Mr CHU Lap-wai wanted to clarify whether the practice adopted in this occasion would set a precedent which became a rule to be adhered to in future. He

would also like to know if the same practice would be applied to handling fund applications from organisations whose membership included most of Members, for example, the organising committee of National Day celebration and the Committee on the Promotion of Civic Education.

250. Dr YANG Mo, PhD considered the established practice should be adopted, that is, Members who had declared interests should still have the right to vote.

251. Mr CHAI Man-hon said that following the established practice was of course viable, but if adopting a more prudent approach would not affect the vetting results of the said application, he opted for a more prudent approach and then further studying the vetting arrangement in future after the meeting.

252. Mr FUNG Wai-kwong said that some Members preferred the established practice, while some opted for a more prudent approach if the circumstances permitted. Given that half of the Members were not associated with the applicant organisations, he was inclined to a 'whiter than white' prudent practice, that is, only allowed those who were not associated with the applicant organisations to vote on the funding applications.

253. Mr YEUNG Wai-foon, MH, JP considered that it was prudent and appropriate of the Chairman not to preside over the discussion so as to avoid any shadow of doubt. However, other Members associated should still have the right to vote after declaring their interests according to relevant requirements. He stressed that SDC should adopt a uniform approach in handling various fund applications and if a precedent was set, it would surely affect the treatment of other similar matters in future.

254. Mr Paul ZIMMERMAN said that it was a widely accepted practice for associated persons not to vote on fund applications from organisations they were connected with. Therefore, he supported the proposal of Mr FUNG Wai-kwong.

255. Ms LAM Yuk-chun, MH agreed with Mr YEUNG Wai-foon, MH, JP that if a precedent was set, problems would occur when handling fund applications from organisations like the Committee on the Promotion of Civic Education, Fight Crime Committee and Environmental Protection Working Group whose members included most of SDC Members. Therefore, she believed that Mr FUNG Wai-kwong's proposal was not feasible.

256. Mr Paul ZIMMERMAN said that if most of SDC Members belonged to certain

organisations, while such organisations routinely applied to SDC for funding, it seemed not quite healthy and SDC should handle the matters with care. He reiterated that it was a worldwide accepted practice to forbid associated persons to vote on fund applications from the organisations they were connected with.

257. Mr FUNG Wai-kwong repeated his proposal to adopt a more stringent approach and only allow Members who had no association with the applicant organisations to vote. He emphasised that this practice would be applicable to this meeting only and would not become an established practice that should be followed in future. He enquired whether Members agreed to his proposal.

258. Mrs MAK TSE How-ling wished to adhere to the past practice and opined that any changes in this meeting would affect the practice of other committees under SDC. If Members deemed it necessary to review the rules in the Funding Guidelines, they should decide the matter in the next meeting after thorough discussion.

259. Mr FUNG Wai-kwong reiterated that in this meeting, even if only Members not associated with the organisations concerned could vote, it still would not affect the vetting results. Being the temporary Chairman, he hoped for a more stringent approach so that his action would be beyond any shadow of doubt. Noting the clear opposition of some Members, he proposed to vote on what approach should be taken first.

260. The Secretary added that besides providing allocation to local organisations for launching activities, SDC would also use its funds to implement designated activities or projects. As a rule, SDC Members always became the members of the committees / working groups of these activities. Since these committees / working groups only discussed the implementation arrangements of project items approved by SDC, conflicts of interests did not exist. Taking the Southern District Tourism and Culture Festival 2012-2012 as an example, after the then SDC resolved to implement the project, the then SDC Chairman acted as the convener and invited other Members and local personalities to form an organising committee to follow up on related projects. SDC entrusting the organising committee to carry out designated activities or works should not be regarded as a conflict of interests, and the approach practiced in this case should not be the same as those in handling funding applications from local organisations or groups. As for the question whether the same practice should be applied to fund applications from other organisations appointed by the government such as the Committee on the Promotion of Civic Education and the Fight Crime Committee, it had to be decided by SDC.

(Mrs MAK TSE How-ling left the meeting at 7:10 p.m.)

261. Mr FUNG Wai-kwong said he respected the opinions of Members and that the mechanism in question should be established through discussion. However, taking into consideration the applicant in this case was a local organization, he suggested a more stringent approach. In view of the diverse opinions of Members, he proposed to decide the matter by voting.

262. Mr CHAN Fu-ming said that only a simple majority was needed for endorsing the fund applications, Members should not be overly concerned that Members associated with the organisations were excluded from voting would affect the vetting results.

263. Mr FUNG Wai-kwong said that if Members did not object, only Members not associated with the applicant organisations could vote on this agenda item.

264. No Member objected to the proposal.

265. The funding application was endorsed by seven votes for it, no vote against it and one abstention (Dr YANG MO, PhD was not present when voting). SDC approved an allocation of \$138,060 to SDACA for organising the “Training Programme of Hong Kong Southern District Orchestra” from April to December 2012, and agreed to make an advance payment of half of the allocation to SDACA to meet the initial expenses.

(Mr LAM Kai-fai, MH and Mr WONG Che-ngai joined the meeting at 7:12 p.m.)

**Agenda Item 12: Application for SDC Fund: Training Programme of Hong Kong Southern District Youth and Children Choir and Dance Programme by the Southern District Arts and Culture Association (April to December 2012)
(SDC Paper No. 38/2012)
[7:12 p.m. - 7:20 p.m.]**

266. Mr Mr FUNG Wai-kwong invited Mr WONG Che-ngai, Director of the Hong Kong Southern District Youth and Children Choir of SDACA, to briefly introduce the fund application.

267. Mr WONG Che-ngai briefed Members on the paper and the annex. He said

that SDC had sponsored this programme for many years and Members were welcomed to raise enquiries on the paper and the annex.

268. Mr Paul ZIMMERMAN enquired if applicant organisations were required to provide financial statements for the inspection of SDC so as to ensure that the organisations concerned were financially in good shape. He understood that a lot of Members were familiar with the applicant organisation but he did not know much about it. Therefore, he wanted to obtain more information for reference.

269. Mr WONG Che-ngai enquired if Mr Paul ZIMMERMAN wanted to have the financial statement of SDACA or the “Training Programme of Hong Kong Southern District Youth and Children Choir and Dance Programme”.

270. The Secretary advised that the Funding Guidelines did not require applicants to submit their financial or account statements when applying for SDC funds and only had to provide the overall budget for the proposed activities for Members to determine if the budget was reasonable and whether individual items exceeded funding caps etc. The “Training Programme of Hong Kong Southern District Youth and Children Choir and Dance Programme” was a regular activity of SDACA and it had applied for SDC funds every year. Members would attend the activities of the programme during its implementation, and would complete an assessment form for reference of SDC in future vetting of similar fund applications.

271. Mr FUNG Wai-kwong enquired whether Members had further comments and questions.

272. Since no further enquiry was raised, the Chairman thanked Mr WONG Che-ngai for his briefing.

(Dr YANG Mo, PhD and Mr WONG Che-ngai left the meeting at 7:18 p.m.)

273. Mr FUNG Wai-kwong reminded those Members who were associated with SDACA or the Choir not to take part in the voting.

274. The funding application was endorsed by nine votes for it, no vote against it and one abstention. SDC approved an allocation of \$129,004 to SDACA for organising the “Training Programme of Hong Kong Southern District Youth and Children Choir and Dance Programme” from April to December 2012, and agreed to make an advance

payment of half of the allocation to the Association to meet the initial expenses.

(Mr CHAN Man-chun joined the meeting at 7:20p.m.)

**Agenda Item 13: Application for SDC Fund: Football Training Programme for Southern District Teenagers by Southern District Recreation and Sports Association (April to December 2012)
(SDC Paper No. 39/2012)
[7:20 p.m. - 7:24 p.m.]**

275. Mr FUNG Wai-kowng invited Mr CHAN Man-chun, representative of SDRSA, to briefly introduce the fund application.

276. Mr CHAN Man-chun briefly introduced the paper and the annex, and said that SDRSA had received funding from SDC for the “Football Training Programme for Southern District Teenagers” in the last ten years. This programme would provide training for the Southern District Football Team and five football teams for teenagers. The aim was to provide opportunities for teenagers in the Southern District to learn and improve their football skills through long-term professional football training, which in turn could supply new talents for the Southern District Football Team.

277. Mr FUNG Wai-kwong thanked Mr CHAN Man-chun for his briefing and for joining the meeting.

(Mr CHAN Man-chun left the meeting at 7:23 p.m.)

278. Mr FUNG Wai-kwong asked Members associated with SDRSA or the Southern District Football Team to raise their hands.

279. Four Members (namely Mrs CHAN LEE Pui-ying, Mr CHAN Fu-ming, Ms CHEUNG Sik-yung and Mr WONG Ling-sun) raised their hands.

280. Mr FUNG Wai-kwong requested the four Members concerned not to vote on the fund application.

281. The funding application was endorsed by ten votes for it, no vote against it and one abstention. SDC approved an allocation of \$205,220 to SDRSA for organising the

“Football Training Programme for Southern District Teenagers 2012”, and agreed to make an advance payment of half of the allocation to SDRSA to meet the initial expenses.

(The Chairman returned to the meeting at 7:24 p.m.)

**Agenda Item 14: Application for SDC Fund: Aberdeen Dragon Boat Races 2012 –
Celebration of the 15th Anniversary of HK Reunification
(SDC Paper No. 40/2012)
[7:24 p.m. - 7:29 p.m.]**

282. The Chairman invited Mr CHAN Fu-ming, Vice-Chairman of the Organising Committee of Aberdeen Dragon Boat Races 2012 (the Organising Committee) to briefly introduce the fund application.

283. Mr CHAN Fu-ming briefly introduced the paper and the annex. He commented that the Aberdeen Dragon Boat Race had a very long history and it was held on Tuen Ng Festival every year. This year was the 15th anniversary of Hong Kong Reunification, and the Organising Committee wished to celebrate the reunification during the dragon boat race at the same time.

284. Mr YEUNG Wai-foon, MH, JP enquired if the uplifting works at Aberdeen Promenade would affect the dragon boat racing, especially at the location where bamboo scaffoldings were erected as spectator stands.

285. Mr CHAN Fu-ming replied that CEDD would finish the works at the said location in early June so as not to affect the Aberdeen Dragon Boat Race. Therefore, the progress of erecting spectator stands would not be affected.

286. The Chairman requested Mr CHAN Fu-ming and Mrs CHAN LEE Pui-ying, who was the Chairlady of the applicant organisation, to withdraw from the meeting temporarily.

287. The funding application was endorsed by 11 votes for it, no vote against it and one abstention. SDC approved an allocation of \$430,000 to the Organising Committee for organising Aberdeen Dragon Boat Races 2012, and agreed to make an advance payment of half of the allocation to it to meet the initial expenses.

(Mr CHAN Fu-ming and Mrs CHAN LEE Pui-ying returned to the meeting at 7:29 p.m.)

Agenda Item 15: Any Other Business
[7:29 p.m. - 8:09 p.m.]

Enquiries put forward by Members before the meeting

288. The Chairman said that before the meeting, Mr FUNG Wai-kwong and Mr CHAI Man-hon had put forward written enquiries on the law and order situation in the Southern District and the progress on re-tender for private hospital development in Wong Chuk Hang respectively. The Secretary had already forwarded the enquiries to related departments for responses. The enquiries and replies from related government departments were at Reference Papers 5 and 6.

(Mr CHU Lap-wai left the meeting at 7:30 p.m.)

289. The Chairman asked Ms LAM Hiu-tong if she had any things to add in respect of the responses from the Police.

290. Ms LAM Hiu-tong thanked Mr FUNG Wai-kwong for his concerns on the law and order situation in the Southern District, in particular the two recent cases. The first one was a rape case occurred at Ap Lei Chau on 16 January 2012. In response, the Police had immediately strengthened police patrol in the area of Ap Lei Chau. Subsequent investigation and planned action of the Police had resulted in the arrest of a suspect who was still under police custody. She added that the date of arrest in the written reply from the Police should be 24 February 2012. As for the other case, it was a robbery occurred on the night of 28 February 2012 at the bus stop outside Ocean Court on Aberdeen Praya Road. The victim was robbed at knife point and the robbers had taken the victim's bag. Two suspects were arrested on 2 March 2012.

291. The Chairman said that there were rumors about cases of child abduction in Hong Kong and one of the cases was said to be taken place in Chi Fu Fa Yuen. He hoped the Police could provide more information.

292. Ms LAM Hiu-tong responded that the Police had attached great importance to the recent media reports on child abduction and the wide-spreading news of the alleged

abduction. She clarified that so far there was no child abduction case occurred in Hong Kong in 2012. Having heard this rumor from different channels, the Police had proactively initiated investigation in view of the grave concerns over the rumor in the community. She believed that the case mentioned by the Chairman was about a report on a missing boy. The boy was 10 years old and had disappeared after leaving home. The Police received the report in the morning of 10 March 2012. The Police paid great attention to the case and immediately assigned a team to follow up and investigate if it involved criminal elements. The Police subsequently mobilised a large force in the search, alerted all the policemen on duty and coordinated the work of related departments. Eventually, the Police found him at Lo Wu. Investigation later discovered that the boy left his home on his free will and had tried to enter the Mainland via Lo Wu control point to see his domestic helper. The case was not a child abduction case.

293. The Chairman thanked the Police for their efforts in maintaining the law and order in the Southern District.

294. Mr CHAN Fu-ming commended the Police for the speedy detection of the rape case in Ap Lei Chau and the robbery in Aberdeen Praya Road, especially on the efficiency of the Western Division.

(Ms CHEUNG Sik-yung left the meeting at 7:36 p.m.)

295. Mr Paul ZIMMERMAN enquired about the profile of the suspects in the two cases and the publicity of the Police in spreading anti-crime message to the public.

296. Ms LAM Hiu-tong replied that the suspect of the rape case did not live in the Southern District and the district was not his area of activity, so the case was an impromptu crime. Preliminary information showed that the two suspects of the robbery in Aberdeen Praya Road had criminal records and both lived in the Southern District. The Police had been launching various anti-crime campaigns and had worked hard to putting criminals behind bars. When handling cases that attracted public attention, the Police would release related information via the media, district councils and local groups etc. for the purposes of collecting further information and letting the public know more about the cases in a timely manner, thus gaining their confidence in the ability of the Police in crime detection.

297. The Chairman said that SDC would continue to support the work of the Police in crime prevention and fighting as always.

(Ms LAM Hiu-tong left the meeting at 7:42 p.m.)

Visit to Ocean Park

298. The Chairman informed the meeting that the Ocean Park had invited Members to visit its latest facilities at 11:00 a.m. on 17 April 2012. He hoped that Members could make time for the visit and the Secretariat would issue invitation letters to all Members later on.

299. Members noted the above arrangement.

[Post-meeting note: The visit had to be postponed because of the rain.]

Exchange Visit for SDC to Shandong

300. The Chairman informed the meeting that the delegation of SDC would visit the cities of Jilan, Qifu, Tai'an and Qingdao in Shandong province in October 2012 to meet and exchange views with local government authorities.

301. The Chairman invited Mr LAM Kai-fai, MH, Secretary General of the delegation, to report the latest progress of the visit.

302. Mr LAM Kai-fai, MH reported that since there was no direct flight from Hong Kong to Jilan except on Tuesday, so it was decided that the visit would be from 16 October (Tuesday) to 21 October 2012 (Sunday). The delegation would stay one and half day at Jilan, then go to Tai'an, Qufu and Qingdao, and return to Hong Kong direct from Qingdao. He had already contacted Shandong Provincial and Shandong Municipal Governments and would further confirm the detailed arrangement in due course. He welcomed Members to comments on the itinerary and activities of the visit, and would invite quotations from travel agency based on the comments collected.

303. Mr Paul ZIMMERMAN enquired what this visit had to do with the work of SDC.

304. The Chairman said that the visit to Shandong had been discussed and endorsed at the last SDC meeting and the purpose was to meet and exchange views with the local authorities of Shandong.

305. Mr AU Lap-sing said that Qingdao would hold a “beer festival” in October and suggested incorporating this festival in the itinerary as far as practicable.

306. Mr FUNG Wai-kwong said that experience obtained from the special festivals in other places could provide reference for the development of tourism in the Southern District. He shared his experience in attending Qingtao beer festival and said that the festival was lively and exciting.

The First Youth Sports Carnival of Southern District

307. The Chairman informed the meeting that the Association of Industries and Commerce of Hong Kong Southern District invited SDC to be the supporting organisation of “The First Youth Sports Carnival of Southern District”. The Association would invite all schools and institutions in the district to participate in various sports competitions. The opening ceremony and prize presentation ceremony would be held on 1 May and 27 May 2012 respectively.

308. SDC endorsed to be the supporting organisation of the carnival.

SDC Team to Participate in Aberdeen Dragon Boat Races 2012

309. The Chairman informed the meeting that the Organising Committee of Aberdeen Dragon Boat Races had invited SDC to send a team to participate in the Aberdeen Dragon Boat Races 2012 to be held on 23 June 2012.

310. The Chairman asked if Members agreed to form a team to join the race.

311. Mr CHAN Fu-ming invited the SDC to form a team to join the race on behalf of the Organising Committee. He said that SDC team performed very well in the races in the last two years, and seeing that there were many young Members in the incumbent SDC, he hoped to obtain good result in this year as well.

312. SDC approved to send a team to participate in the Aberdeen Dragon Boat Races 2012.

(Mr YEUNG Wai-foon, MH, JP left the meeting at 7:53 p.m.)

Closing Down of Shan Loon Tse Kee Restaurant

313. Mr AU Nok-hin said that Shan Loon Tse Kee Restaurant (Tse Kee), one of the important features symbolising the traditional culture of the Southern District, was going to close down business. He hoped that SDC could consider allocating resources for recording its story which would made good reference when compiling the historical record of the Southern District in future. Subject to Members' support, the Secretariat might follow up the matter to see how to preserve these historical records.

314. The Chairman said that Members could give their views on this proposal but the meeting would not vote on it because there were still other matters that needed attention.

315. Mr LO Kin-hei suggested that besides *Southern District Relics and Legends*, SDC should study the production of other types of publication to record the changes in fish balls industry in Aberdeen in an effort to preserve records and materials on the special features in local culture and history.

316. Mr CHAN Fu-ming did not object to record the story of Tse Kee. However, about publishing printed materials like the *story of fish balls in Aberdeen*, he considered that the fish balls of Tse Kee was not necessarily one of its kinds. The closure of Tse Kee was a business decision and SDC should consider the matter careful when allocating resources to record its story.

317. Mr CHAI Man-hon said that Tse Kee would be closed down in half a month and he suggested SDC to send someone to record the special features and the development of the restaurant in all these years first. Besides, SDC should approach the proprietors if they could donate some of their appliances and utensils for keeping by SDC.

318. Mr Paul ZIMMERMAN considered that this agenda item was relevance to tourism promotion in the Southern District, so could be referred to CATC for follow up.

319. The Chairman said it was important that Tse Kee should agree to the interview and the record of its history. If the proprietors were unwilling, there was nothing SDC could do.

320. Mr LO Kin-hei agreed that the subject could be followed up by CATC but Tse

Kee would be closed down before the next meeting of CATC, that was why he raised this subject at this meeting. If Members reached an agreement on the general direction, he suggested that a working group should be formed to follow up the matter.

321. Ms LAM Yukj-chun, MH did not oppose to incorporating the related information when updating the *Southern District Relics and Legends* in future. However, Tse Kee was a business operation and it was no longer operated in “Shan Loon”, so whether it was really a special feature in the tourism of the Southern District was questionable. SDC should consider carefully whether it was appropriate to devote resources on recoding its story.

322. Mr CHAN Fee-ming suggested that the first thing to do was to consult Tse Kee to find out if it would accept an interview or provide information before considering the next step.

323. Mr CHAI Man-hon suggested that should Tse Kee agree to an interview or provide information, SDC could set up a working group in next week to discuss how to proceed with the matter and to suitably balance the cultural and commercial aspects in sorting the materials. Members could join the working group on a voluntary basis.

324. Mr Paul ZIMMERMAN commented that even though it was a commercial operation, it was still a part of tourism and tourist attraction in the Southern District. It should not complicate thing just because it was commercial. As the closure of Tse Kee attracted the attention of people and the media, SDC should grip this opportunity to enhance publicity and promote the special features of tourism in the Southern District.

325. Mr LAM Kai-fai, MH suggested that Mr CHAN Fu-ming could consult Tse Kee first and if they were willing, SDC would plan the next course of action.

326. Members unanimously agreed with the above proposal.

[Post-meeting note: Tse Kee eventually refused SDC’s invitation.]

Part II - Items for Information

327. The Chairman invited Members to note the following documents:

- Report from the Area Committees (SDC Paper No. 21/2012)
- Report of the 1st Meeting of the District Facilities Management Committee (SDC Paper No. 22/2012)
- Report of the 1st Meeting of the Community Affairs and Tourism Development Committee (SDC Paper No. 23/2012)
- Report of the 1st Meeting of the District Development and Environment Committee (SDC Paper No. 24/2012)
- Report of the 1st Meeting of the Traffic and Transport Committee (SDC Paper No. 25/2012)
- Report of the 170th Meeting of the Southern District Management Committee

Date of Next Meeting

328. The Chairman informed the meeting that the 4th meeting of SDC would be held on Thursday, 17 May 2012 at 2:30 p.m.

329. There being no other business, the meeting was adjourned at 8:09 p.m.

Secretariat, Southern District Council
May 2012