

(Translation)

Minutes of the 2nd Meeting of Sham Shui Po District Council (6th Term)
under the Hong Kong Special Administrative Region

Date: 11 February 2020 (Tuesday)

Time: 9:30 a.m.

Venue: Ground floor lobby, Cheung Sha Wan Government Offices

Present

Chairman

Mr YEUNG Yuk

Members

Ms CHAU Yuen-man, Eunice

Ms CHOW Wing-heng, Zoé

Mr CHUM Tak-shing

Mr HO Kai-ming, Calvin

Mr HO Kwan-chau, Leo

Mr KONG Kwai-sang

Mr LAO Ka-hang, Andy

Ms LAU Pui-yuk, MH

Mr LAU Wai-chung, Lawrence

Mr LEE Hon-ting, Howard

Mr LEE Man-ho, Leos

Mr LI Chun-hei, Joshua

Mr LI Kwing, Richard

Mr LI Ting-fung, Jay

Mr MAK Wai-ming

Ms NG Mei, Carman

Ms NG Yuet-lan, Janet

Mr SIN Kam-ho, Jeffrey

Mr TAM Kwok-kiu, MH, JP

Mr TSUI Yat-hin, Ronald

Mr WAI Woon-nam

Mr WONG Kit-long

Mr YAN Kai-wing

Mr YUEN Hoi-man, Ramon

Opening remarks

The Chairman welcomed Members to the meeting and said that as the Secretariat did not provide secretarial and venue support for the meeting, no government department response papers and working group reports were available. He then said that he was grateful that more than half of the Members supported the convening of the meeting at the ground floor lobby of Cheung Sha Wan Government Offices. As more than half of the Members were present at the meeting, he announced that the meeting officially started.

Provisional Motion 1

2. Ms LAU Pui-yuk raised the following views and enquiries: (i) according to the Sham Shui Po District Council Standing Orders (“Standing Orders”), the Secretary was responsible for writing up the meeting minutes and recording Members’ attendances. As secretarial support was not available for the meeting, she enquired whether Members’ attendances were valid; (ii) she was only notified of the meeting venue yesterday night and hoped that notification could be given earlier next time.

3. Ms Janet NG raised the following views: (i) the date of the second meeting had been decided after the last meeting and she opined that it was not necessary to notify Members again; (ii) the services of the Secretariat were suspended because the Government announced the “work from home” arrangements for its employees, but she opined that government departments should submit response papers; (iii) the Secretariat had no right to cancel any meetings on its own.

4. Mr Lawrence LAU said that as long as Members attended the meeting and confirmed their attendances by signing the attendance list, the list would be regarded as a valid record.

5. Mr TAM Kwok-kiu said that given the meeting date had been decided long ago and Members had submitted papers according to the Standing Orders, he opined that the meeting fully complied with the Standing Orders and the established arrangements. The Chief Secretary for Administration had announced earlier that district councils would temporarily cease to have meetings, and afterwards chairmen of 18 district councils learnt that secretariats needed to follow the “work from home” arrangements of the Home Affairs Department

(“HAD”). He opined that the non-provision of on-site secretarial support by the Secretariat was a dereliction of duty.

6. Ms LAU Pui-yuk regretted that no department representatives attended the meeting and questioned the urgency of the meeting as no government responses were given to the papers of the meeting.

7. Mr YEUNG Yuk responded that: (i) he had only decided the meeting venue yesterday night and said that if similar situations happened again, he would notify Members as soon as possible; (ii) he did not want today’s meeting being affected by the Government’s arrangements. Therefore, after seeking the views of most of the Members, he decided to hold the meeting today as scheduled; (iii) regarding whether the meeting should be postponed due to the absence of department representatives, after seeking Members’ views, he opined that the District Council (“DC”) could make decisions by itself on the agenda items including those about funding and arranging live broadcasts. Therefore, he decided to hold the meeting as scheduled.

8. Mr Leo HO said that the meeting should deal with urgent items. As the Government had announced earlier about designated clinics, he hoped that the discussion about Provisional Motion 1 could be moved up.

9. Ms LAU Pui-yuk said that residents were concerned about the designation of Cheung Sha Wan Jockey Club General Out-patient Clinic (“CSWJCGOC”) as a Coronavirus Disease 2019 designated clinic (“designated clinic”) and she suggested moving up the discussion about this issue.

10. Mr TAM Kwok-kiu said that he had also moved two provisional motions, which covered the incident over the U-shaped soil pipes in Cheung Hong Estate. He understood that Members considered their motions more urgent and suggested that the Chairman handle them according to the meeting procedure.

11. The Chairman said that as the situation about Coronavirus Disease 2019 was serious, he allowed Provisional Motion 1 to be discussed first.

12. Mr Leo HO introduced Provisional Motion 1, which read as follows:

“The Government did not fully consult the Sham Shui Po District Council (“SSPDC”) as well as residents and stakeholders in the district before designating

CSWJCGOC as one of the novel pneumonia ‘designated clinics’. Therefore:

1. SSPDC requests the Hospital Authority (“HA”) to send staff to explain clearly the usage criteria, anti-epidemic measures, consultation arrangements, etc. of the ‘designated clinics’ to stakeholders in the district;
2. the designation of CSWJCGOC as one of the novel pneumonia ‘designated clinics’ should be immediately shelved until the Government clearly explains its work and consult the public.”

13. Ms LAU Pui-yuk added that the Government had announced the designation of CSWJCGOC as a designated clinic without carrying out consultations beforehand and the nearby residents were worried. This situation was just like the one happened earlier where the Government neglected the views of the District Council (“DC”) and designated the Heritage Lodge as a quarantine centre. She hoped that Members would support the motion.

14. Mr MAK Wai-ming raised the following views: (i) he contacted the schools in the district and none of them knew about the designated clinics. He opined that the Government did not respect stakeholders; (ii) schools and residents opposed the designation of CSWJCGOC as a designated clinic; (iii) CSWJCGOC was close to residential areas and the foot traffic was high before and after school hours; (iv) the clinics in Sham Shui Po were overloaded and residents in the district would not go to Caritas Medical Centre Family Medicine Clinic (“CMCFMC”) for follow-up consultations. If CSWJCGOC was designated as a designated clinic, then there would be two clinics that could not provide services to residents in Sham Shui Po District; (v) as CMCFMC was close to the hospital and not close to residential areas, he suggested designating it as a designated clinic; (vi) he suggested that SSPDC oppose the designation of CSWJCGOC as a designated clinic on account of residents’ safety and community ancillary facilities; (vii) he requested HA to consider designating CMCFMC as a designated clinic.

15. Mr Ramon YUEN raised the following views: (i) the Government did not carry out adequate consultations on the establishment of designated clinics, and some medical personnel opined that establishing designated clinics to centralise the handling of patients was a more effective measure to control the epidemic; (ii)

some patients had gone to private clinics for consultations before they were confirmed to be infected. The risk of infection would increase if patients went around for consultations. For some tests such as chest X-rays, they could only be carried out in accident and emergency departments; (iii) he did not oppose the designation of clinics with adequate ancillary facilities as designated clinics by the Government after detailed consultations. Therefore, he would abstain from voting.

16. Mr KONG Kwai-sang raised the following views: (i) the Government did not carry out consultations and explain the details, which worried residents; (ii) as the Government did not release the relevant information to the public, residents misunderstood that CSWJCGOC would be used as an isolation camp; (iii) as Lei Cheng Uk Estate was close to CSWJCGOC, he enquired how the Government would reduce the risk of infection of elderly people who were less mobile and people with chronic diseases.

17. Mr Calvin HO raised the following views: (i) he opposed handling Provisional Motion 1 first; (ii) CSWJCGOC was close to its saturation level. If new services were added to it, the existing services or manpower might be affected; (iii) he enquired whether effective anti-epidemic measures would be put in place in designated clinics to ensure that patients suspected to be infected would not affect other consultation seekers; (iv) he requested the Government to explain the objectives of establishing designated clinics, the services of designated clinics and how to ensure that other consultation seekers would not be affected.

18. Mr Leos LEE raised the following views: (i) the ancillary measures by the Government were inadequate, causing scare among the public; (ii) there were anti-riot police officers stationing at CSWJCGOC recently and they would conduct stop checks on young passers-by. This would lead to public conflicts.

19. Ms Janet NG raised the following views and enquiries: (i) if the Government wanted to establish a designated clinic or isolation camp in the district, it should carry out public consultations beforehand and provide the details to ease the public's worries; (ii) she enquired if clear instructions would be provided by the Government for separating patients suspected to be infected with the virus.

20. Ms Zoé CHOW raised the following views: (i) the Government did not

consult DC before establishing the designated clinic; (ii) residential areas were close to CSWJCGOC. She enquired how to ensure that adequate protective and preventive measures would be in place in the clinic to prevent residents from being infected; (iii) she enquired the site selection criteria of the Government.

21. Mr YAN Kai-wing raised the following views: (i) the patients suspected to be infected with the virus had visited private hospitals several times and the hospitals had advised them to take the test in public hospitals. This act would delay the confirmation of infection and increase the risk of infection; (ii) he agreed that the handling of patients should be centralised, but a suitable place should be chosen. However, the Government did not conduct any consultations, which caused worries among the public.

22. Mr Andy LAO raised the following views: (i) the Government should not allow a clinic which was reaching its saturation level to become a quarantine centre without any consultations; (ii) police officers gathered outside the clinic without wearing a surgical mask. He was worried that this would cause the epidemic to spread.

23. Mr Richard LI had reservations about the motion and raised the following views: (i) he regretted that the Secretariat could not provide secretarial support; (ii) the possibility of community outbreaks arose recently but the Government did not send staff to attend the meeting; (iii) the epidemic was becoming more serious but the Government did not make an effort to understand the public's views and the current situation.

24. Mr Leo HO raised the following views: (i) the Government hastily decided to designate CSWJCGOC as a designated clinic without fully consulting stakeholders; (ii) the Government did not explain the site selection criteria, manpower arrangements, anti-epidemic measures, etc. He did not agree with the Government's decision.

25. Mr TAM Kwok-kiu raised the following views: (i) all stakeholders needed to face the urgency of establishing designated clinics, quarantine centres or isolation camps seriously; (ii) the collaboration of the Government, the society and Members was needed to carry out the anti-epidemic work, but the Government neglected DC. He opposed the Government's approach and opined that the Government should consult DC as soon as possible; (iii) he then moved an

amended motion, which read as follows: “as Carrie Lam’s government has lost the faith of Hong Kong people, neglected the constitutional role of DC on the matter of designating CSWJCGOC as a ‘designated clinic’ and adopted a top-down approach, SSPDC expresses strong dissatisfaction as well as opposition and requests the immediate shelving of the above decision.

SSPDC strongly requests the Special Administrative Region Government to immediately provide DC with clear explanations on the concept and ancillary measures concerning the establishment of a ‘designated clinic’ in the Sham Shui Po District, including the considerations in site selection, as well as consulting residents in the district with DC as soon as possible.”

26. Mr CHUM Tak-shing raised the following views: (i) the approach used to establish designated clinics was similar to previous approaches. He believed that most people would not oppose this principle; (ii) he enquired how the Government would step up the anti-epidemic measures in the district apart from implementing measures for diversion, prevention of cross-infection, etc.; (iii) Shek Kip Mei General Out-patient Clinic had been used for testing patients with infectious diseases before. He enquired whether that clinic could be used as a designated clinic; (iv) CMCFMC was smaller than CSWJCGOC in terms of scale and area, so its separation measures might even be more inadequate; (v) he hoped that the Government would send staff to attend meetings to explain the concerned arrangements.

27. Ms LAU Pui-yuk said that the amended motion and Provisional Motion 1 were different. Provisional Motion 1 emphasised two points: firstly, the Government did not fully consult DC and residents; secondly, residents requested immediate shelving until there were specific arrangements and consultations. The amended motion mainly emphasised the Government’s failure to implement adequate measures to address the epidemic, its decision making, and its designation of clinics without any consultations.

28. Mr TAM Kwok-kiu proposed a change to the amended motion: “...neglected the constitutional role of DC on the matter of designating CSWJCGOC as a ‘designated clinic’ and adopted a top-down approach, SSPDC expresses strong dissatisfaction as well as opposition and requests immediate shelving.”

29. Mr Calvin HO said that it would be better to amend Mr TAM Kwok-kiu's amended motion as: "...and requests the immediate shelving of the above decision. ..."

30. The Chairman said that Provisional Motion 1, which was moved by Mr TAM Kwok-kiu, was seconded by Mr MAK Wai-ming and Mr KONG Kwai-sang.

31. The meeting voted on the amended motion and it was carried unanimously.

32. The Chairman said that as the amended motion was carried, there was no need to put the original motion to a vote.

33. Mr Leo HO enquired whether Members could express their stances on the original motion if they disagreed with the amended motion.

34. The Chairman responded that they could not.

Provisional Motion 2 and 3

35. Mr TAM Kwok-kiu was concerned that there were confirmed cases of Coronavirus Disease 2019 in Cheung Hong Estate in Tsing Yi and worried that community outbreaks would ensue. He introduced Provisional Motion 2, which read as follows: "As there are two persons confirmed to be infected with the novel coronavirus in Cheung Hong Estate in Tsing Yi and the newer case is even found to be related to the vent pipe for the household soil pipe, this Committee urges the Hong Kong Settlers Housing Corporation Limited ("HKSHCL") to give an account of the maintenance of the vent pipes for soil pipes in Tai Hang Sai Estate as soon as possible, as well as carrying out emergency inspections of soil pipes for all units, in order to prevent community outbreaks of Wuhan pneumonia." He then said that according to experts, the structure of old-styled buildings would allow the virus to spread more easily. Tai Hang Sai Estate was of 55 years of building age and managed by a private company, which did not handle matters transparently. Therefore, DC would closely monitor the situation in Tai Hang Sai Estate. He said that the above motion was seconded by Mr Calvin HO.

36. Mr Calvin HO said that many old-styled housing estates were managed by the Housing Department ("HD"). He requested the Department to give an account of the maintenance of the vent pipes for soil pipes and prevent public

housing estates from becoming another Amoy Gardens. He introduced Provisional Motion 3, which read as follows: “As there are two persons confirmed to be infected with the novel coronavirus in Cheung Hong Estate in Tsing Yi and the newer case is even found to be related to the vent pipe for the household soil pipe, this Committee requests HD to give an account of the maintenance of the vent pipes for soil pipes in public housing estates in Sham Shui Po District as soon as possible, as well as considering carrying out emergency inspections of soil pipes for all housing estates, in order to prevent community outbreaks of Wuhan pneumonia.” He then said that the above motion was seconded by Mr Howard LEE.

37. Mr Jeffrey SIN added the following information: (i) Cheung Hong Estate was a Trident 2 estate; (ii) the vent pipes of many Old Slab housing estates in Sham Shui Po District, including Chak On Estate, Lai Kok Estate, Lei Cheng Uk Estate, Pak Tin Estate, Shek Kip Mei Estate and Tai Hang Tung Estate, were located inside the flats.

38. The meeting voted on Provisional Motion 2 and it was carried unanimously.

39. The meeting voted on Provisional Motion 3 and it was carried unanimously.

40. Mr WAI Woon-nam raised the following views: (i) he hoped that the Chairman would pass the two motions to the Hong Kong Housing Authority (“HKHA”) and HKSHCL for follow up; (ii) the Government should suggest HKSHCL and HKHA replacing the vent pipes for soil pipes for the old-styled housing estates managed by them.

41. The Chairman said that the three provisional motions that had just been carried would be passed to the Secretariat for follow up.

42. Mr TAM Kwok-kiu raised the following views: (i) he hoped the Chairman would task the Secretariat to inform HKSHCL and HKHA that they needed to give an account of their follow-up actions on the two provisional motions in the meeting of the Housing Affairs Committee (“HAC”) in March; (ii) he suggested that the motions be copied to the owners’ corporations of the Tenants Purchase Scheme estates, including Lei Cheng Uk Estate and Nam Cheong Estate, and

hoped that the Government would follow up on the issues concerned proactively; (iii) as public hygiene fell under the purview of the Government, publicly- and privately-operated housing estates should not be treated separately.

43. Ms LAU Pui-yuk raised the following views: (i) Sham Shui Po District had many tenement buildings and great difficulties were encountered in the handling of environmental hygiene problems; (ii) she hoped that departments including the Food and Environmental Hygiene Department (“FEHD”) and the Buildings Department would provide data to speed up the follow-up actions on cases of water leakage and pipe bursting; (iii) relevant departments should also give a report on their handling progress in the next HAC meeting.

44. The Chairman said that the views would be passed to the Secretariat. He pointed out that apart from HAC, the Environment and Hygiene Committee (“EHC”) should also follow up on the issue.

Matters for discussion

(a) Request for setting up a Lennon Wall in Sham Shui Po District (SSPDC Paper 13/20)

(b) Setting up of a Lennon Wall in the community (SSPDC Paper 14/20)

45. The Chairman said that as the issues in Papers 13/20 and 14/20 were related, he suggested discussing the two papers together. Members had no objection.

46. Mr Joshua LI introduced Paper 13/20.

47. Mr Howard LEE introduced Paper 14/20.

48. The Chairman said that in the two papers, more than 20 Members in total requested the setting up of a Lennon Wall. He hoped that Members would provide suggestions on the actual operation.

49. Mr Lawrence LAU enquired which party was requested in Paper 13/20 to set up a Lennon Wall.

50. Ms Janet NG raised the following views: (i) it was difficult for people who did not access the internet much to receive information, including legal and health information, that was genuine and correct. Members should help disseminate relevant information; (ii) she hoped that correct information could be given to the public through the information boards in each area as well as Members' banners and street booths; (iii) she was concerned whether permission would be given by the Lands Department to use the walls on government land.

51. Mr Lawrence LAU raised the following views: (i) he supported setting up a Lennon Wall but opined that there should not be any links to the official side because this was a means for the public to exercise their freedom of speech; (ii) dissemination of information by the public through Members' banners could facilitate communication; (iii) he supported allowing the public to use the existing DC notice boards but did not support imposing the requirement of obtaining prior permission from the official side.

52. Ms LAU Pui-yuk raised the following views: (i) she enquired about Members' authority to use the banner spots and the DC notice boards; (ii) as public places were involved, it was necessary to have the Government's response on whether the suggestions were feasible. However, there were no government representatives in the meeting; (iii) none of the existing Lennon Walls in the community was granted permission by the Government. FEHD should remove bills in streets; (iv) the public was concerned about the authenticity of information and the environmental hygiene problems arising from posting of flyers. They were also concerned that conflicts would be easily caused; (v) as there were no responses from departments and the information available was insufficient, she found it difficult to express her stance on the suggestions and would leave the meeting.

53. Ms Carman NG said that Members should neither leave the meeting because of the absence of government representatives nor participate only in the discussions about the items they raised.

54. Ms Janet NG said that she did not agree that Members leaned only towards supporting the Government.

55. Mr WONG Kit-long raised the following views: (i) he enquired if any government departments had pressured the Link to clean up the Lennon Wall in Fu

Cheong Estate; (ii) he agreed that the significance of setting up a Lennon Wall was the protection for the public's right of use; (iii) Lennon Walls should be set up by the public on their own initiative and DC only needed to know the locations concerned.

56. Mr Leos LEE raised the following views: (i) he agreed with what Members had said that the public had the freedom to express their views on Lennon Walls without the need to obtain anyone's approval; (ii) he and Mr Andy LAO had earlier been given a hard time by the Police at Members' banner display spots and Mr Andy LAO's assistant had been arrested as a result. The Police also sent staff to monitor the banners concerned round the clock.

57. Mr Joshua LI raised the following views: (i) he agreed that FEHD had the responsibility to clean up Lennon Walls, but not the Police; (ii) he hoped that the Police would stop interfering the posting of flyers by the public at Lennon Walls or Members' banner spots; (iii) he agreed that Lennon Walls were a platform set up by the public on their own initiative but opined that DC should help protect the public's right to use Lennon Walls; (iv) Lennon Walls should be allowed to become a regular platform for expressing views, and the setting up of which should not be limited; (v) he encouraged Members to turn their banner spots into Lennon Walls.

58. Mr Jay LI raised the following views: (i) he agreed to use Members' banner spots to set up Lennon Walls but banners could be vandalised easily; (ii) if it was legal to use Members' banner spots to set up Lennon Walls, he did not understand why Mr Andy LAO was prosecuted; (iii) it was known that FEHD had cleaned up the Lennon Walls after receipt of complaints and police officers had been present during the clean-ups; (iv) he hoped that departments could explain why the Police needed to monitor the process at the scene during the clean-ups of Lennon Walls.

59. Mr Ramon YUEN raised the following views: (i) he agreed that Lennon Walls were a platform to protect the public's freedom of speech; (ii) the Government should return the executive power to the public, allowing them to express their views with safeguards in place; (iii) he hoped to discuss how to actually set up a Lennon Wall in the meetings of relevant committees and working groups.

60. Ms Zoé CHOW raised the following views: (i) she hoped that Lennon

Walls would be formalised and legalised, allowing the public to express their own views in peaceful situations; (ii) Lennon Walls could be in any forms and the aim was to let the public express their views legally.

61. Mr Andy LAO raised the following views: (i) he opined that Lennon Walls caused quarrels frequently because there were no legal channels to express views and no platforms to discuss different viewpoints; (ii) setting up a legal Lennon Wall could protect the public's freedom of speech; (iii) it was legal and justifiable for Members to use banners to express the public's requests for the Government; (iv) he disagreed with departments requesting the removal of banners on the grounds of objectionable nature; (v) he hoped that the public could make good use of Lennon Walls in the community.

62. Ms Carman NG suggested using DC notice boards as Lennon Walls and passing this to the District Facilities Committee ("DFC") for discussion and follow up.

63. Mr YAN Kai-wing raised the following views: (i) Lennon Walls could serve as a record of history; (ii) a Lennon Wall had been set up in his ward office some time ago but it caused conflicts frequently. Therefore, it was necessary to call for a legal location; (iii) he suggested setting up a Lennon Wall at a location easier to deal with first so as to use it as an example; (iv) Members had different numbers of banner spots and it was difficult to use them all to set up Lennon Walls.

64. Ms Janet NG raised the following views: (i) she suggested that Members propose locations for setting up Lennon Walls to DFC for discussion; (ii) if the motion in Paper 13/20 was carried, then Members' banners could become Lennon Walls and she requested DC to open up its notice boards so that they could be used to disseminate community information.

65. The Chairman raised the following views: (i) he was disappointed that no government departments attended the meeting; (ii) he suggested passing the papers to DFC and EHC for follow up.

66. The meeting voted on the motion in Paper 13/20 and it was carried unanimously.

(c) Request for the Highways Department to reinstall all railings being removed in Sham Shui Po District (SSPDC Paper 15/20)

67. Mr CHUM Tak-shing introduced Paper 15/20.

68. Mr Jay LI added that: (i) he hoped to follow up on the whereabouts of the removed railings and opined that there was a risk of them being stolen; (ii) the function of railings was to protect pedestrians' safety. He was concerned whether the number of traffic accidents had increased because of the absence of railings and whether the risk of pedestrians being injured would increase with only the iron bars remained; (iii) damaged railings should be repaired as soon as possible or removed completely.

69. The Chairman said that he was disappointed that no government departments attended the meeting. He then said that no reply had been received from the Highways Department ("HyD") before the meeting and if DC reached a consensus on the issue, it would be forwarded to relevant departments or passed to DFC for follow up.

70. Mr TAM Kwok-kiu raised the following views: (i) the Secretariat should provide all meeting documents one week before the date of meeting; (ii) except for the provisional motions, departments should have enough time to handle and respond to other discussion papers; (iii) DC needed to discuss this situation and follow up.

71. Mr Lawrence LAU said that he disagreed with installation of railings.

72. Mr Richard LI raised the following views: (i) the railings should be repaired as soon as possible to protect pedestrians' safety; (ii) the existing litter bins at road crossings were without a lid, which had an adverse impact on environmental hygiene. He hoped to follow up on this in the meetings of relevant committees.

73. Mr YAN Kai-wing opined that the yellow plastic chains used to substitute for the removed railings were vibrant in color and looked good.

74. The Chairman concluded that HyD was requested to give a response and the issue would be followed up by the Planning Development and Transport Affairs Committee.

(d) Follow-up on the issue of lampposts equipped with video recording function in Sham Shui Po District (SSPDC Paper 16/20)

75. Mr Howard LEE introduced Paper 16/20. He regretted that government departments did not give a response and requested the departments to give a response as soon as possible.

76. The Chairman regretted that FEHD neither sent staff to attend the meeting nor provided a written response. He concluded that DC requested the Department to provide a written response and information on law enforcement as soon as possible, and Members could also follow up on the issue in EHC meetings.

(e) Request for arrangements be made for broadcasting the DC meetings live (SSPDC Paper 17/20)

77. Mr Howard LEE introduced Paper 17/20.

78. Mr TAM Kwok-kiu raised the following views: (i) broadcasting DC meetings live could facilitate the flow of information; (ii) DC needed HAD to provide the technical support concerned. He hoped that the Department would provide suggestions as soon as possible.

79. Mr Calvin HO raised the following views: (i) broadcasting meetings live could increase transparency and facilitate monitoring; (ii) the authorities were unable to arrange for the meetings to be broadcast live and it was undesirable for the meetings to be broadcast live by the public on their own initiative.

80. Mr Ramon YUEN suggested that the Sham Shui Po District Office (“SSPDO”) explore the feasibility of having meetings online.

81. Mr Joshua LI raised the following views: (i) the design of the DC website was outdated, making it difficult for the public to look for information; (ii) he suggested supplementing the live broadcast with the use of social media and opening official social media accounts.

82. The Chairman concluded that he was not optimistic that SSPDO would implement the live broadcast arrangements in the near future and suggested using DC resources to handle the issue and passing it to the Working Group on

Community Involvement and District Publicity for follow up.

83. Mr TAM Kwok-kiu raised the following views: (i) he did not oppose passing the issue to the Working Group on Community Involvement and District Publicity for follow up and exploration but SSPDO should also be requested to provide suggestions; (ii) he suggested making the request of broadcasting meetings live to HAD jointly with other district councils.

84. The Chairman agreed with the above views and requested SSPDO to respond to DC's requests as soon as possible.

Application for DC funds

85. Mr Ramon YUEN introduced the eight funding applications of the Working Group on Healthy and Safe Community ("WGHSC") and said that: (i) a balance should be struck as far as possible concerning the areas in the district that would be covered by activities and funds should be allocated to different organisations; (ii) he requested Members to consider endorsing the overrun budget of WGHSC so that all the funding applications could be endorsed; (iii) as the Secretariat was still processing the funding application documents, he suggested that Members consider the applications after the meeting by circulation of papers; (iv) Members were welcome to give their views on the arrangements for distribution of supplies.

86. The Chairman said that he believed the Secretariat would help DC process the funding applications related anti-epidemic efforts as quickly as possible.

87. Mr TAM Kwok-kiu suggested vetting the administrative expenses of the activities individually.

88. Mr Leos LEE said that Societas Linguistica Hongkongensis was considering inviting Members whose constituencies were in its service areas to help distribute supplies, instead of distributing supplies in community halls or community centres as originally planned.

89. Ms Carman NG said that WGHSC considered the original distribution plan inappropriate. She suggested having further discussions about the distribution arrangements with the organisation after the meeting.

90. The Chairman suggested that the activity details be discussed between WGHSC and the organiser. He then concluded that DC endorsed the overrun budget concerning the funding allocation of WGHSC and the funding applications would be circulated after the meeting for Members' consideration.

91. Mr TAM Kwok-kiu suggested that WGHSC contact the Social Welfare Department so as to distribute supplies to more people in need.

92. The Chairman requested WGHSC to follow up on the above view.

Reports from Committees and Working Groups under the District Council and Report on District Management Committee Meeting

93. The meeting agreed to handle the above reports in the next meeting.

Any other business

94. The Chairman said that a provisional motion was received, which was moved by Mr Lawrence LAU and seconded by Mr Jeffrey SIN and Mr WONG Kit-long.

95. Mr Lawrence LAU introduced the provisional motion, which read as follows: "Given the Secretariat of SSPDC did not agree to provide support to the full council meeting of DC held on 11 February 2020, this Council urges that the Secretariat must fulfill its legal obligations and support this Council to perform its function under Section 61 of the District Councils Ordinance, i.e. to advise the Special Administrative Region Government on the well-being of the people in the district. Any non-compliance by the Secretariat is in fact against the constitution and the law, i.e. its decision (not agreeing to provide secretariat support to this Council) is ultra vires, irrational and unreasonable. This Council will take this seriously and seek a judicial review when necessary to correct its mistakes."

96. Mr Lawrence LAU raised the following views: (i) DC needed to have meetings to perform its duties. Whether to have a meeting or not was decided by Members; (ii) DC appointed the Secretary according to Section 69(1) of the District Councils Ordinance, while SSPDO provided support staff to form the Secretariat. Although DC might not have the legal power to request the Secretariat to provide services, it had the legal power to request or forcefully request the Secretary to discharge responsibilities; (iii) according to Section 69(2)

of the District Councils Ordinance, DC could decide the scope of duties of the Secretary. Therefore, it was necessary for the Secretary to discharge duties and help DC to have meetings; (iv) he understood that the Secretary, as a civil servant, needed to abide by the Government's decision and therefore could not discharge duties. However, it was not desirable for the Secretary to be under the Government and DC concurrently. In the long run, DC should make the Secretariat independent; (v) the meeting reflected that the Home Affairs Bureau distorted the functions of DC. According to *Chan Shu Ying v The Chief Executive of the HKSAR* [2001]¹ HKLRD 405, the officials at that time opined that the constitutional statuses of the Government and district councils should be equal; (vi) Members had agreed to take measures to reduce public health risks and therefore it was not legal for the Secretary or the Secretariat to still use this as the reason to refuse to provide support to the meeting.

97. Mr Ramon YUEN supported the motion and suggested following up on matters relating to the independence of the Secretariat on a long-term basis. Some staff of the Secretariat were employed with DC funds but the Council could not ask them to work, which was not reasonable. It was necessary for the Council to get back in the driving seat as far as possible.

98. Mr YAN Kai-wing raised the following views: (i) many years ago, the Government had adopted an open attitude towards making the Secretariat independent. He suggested exploring this further; (ii) DC should provide assistance for legal expenses of the Council or Members. The last-term DC had carried motions in this regard.

99. Mr TAM Kwok-kiu agreed with the viewpoint of the motion and said that: (i) the Government needed to face up to the problem of the Secretariat not being able to perform its duties due to the authorities' directions; (ii) the Chief Executive had not empowered the Chief Secretary for Administration to invoke Section 85 of the District Councils Ordinance to give directions to DC and DC had not been consulted beforehand.

100. After discussion, the Chairman concluded that the amendment to the provisional motion was: "...ultra vires, irrational and unreasonable. This Council will take this seriously and request the executive authorities of the Special Administrative Region Government to stop obstructing the performance of constitutional functions by DC and set up an independent Secretariat as soon as

possible, otherwise a judicial review will be sought when necessary to correct its mistakes.”

101. The meeting voted on the amended provisional motion and it was carried unanimously.

Date of next meeting

102. The next meeting would be held at 9:30 a.m. on 28 April 2020 (Tuesday).

103. There being no other business, the meeting ended at 12:34 p.m.

District Council Secretariat
Sham Shui Po District Office
April 2020