

**Minutes of the 4th Meeting of
the Sha Tin District Council in 2017**

Date : 27 July 2017 (Thursday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Chairman : Mr HO Hau-cheung, SBS, MH	2:30 pm	4:51 pm
Vice-Chairman : Mr PANG Cheung-wai, Thomas, SBS, JP	2:30 pm	4:51 pm
Members : Mr CHAN Billy Shiu-yeung	2:30 pm	4:38 pm
Ms CHAN Man-kuen	2:30 pm	4:51 pm
Mr CHAN Nok-hang	2:30 pm	4:51 pm
Mr CHENG Tsuk-man	2:44 pm	4:51 pm
Mr CHING Cheung-ying, MH	2:30 pm	4:49 pm
Mr CHIU Chu-pong, Sunny	2:39 pm	4:38 pm
Mr CHIU Man-leong	2:30 pm	4:51 pm
Mr HUI Yui-yu, Rick	2:30 pm	4:16 pm
Mr LAI Tsz-yan	2:58 pm	4:49 pm
Ms LAM Chung-yan	2:30 pm	4:43 pm
Mr LEE Chi-wing, Alvin	2:30 pm	4:51 pm
Mr LEUNG Ka-fai, Victor	2:30 pm	4:34 pm
Mr LI Sai-hung	2:30 pm	4:51 pm
Mr LI Sai-wing	2:30 pm	3:58 pm
Mr LI Wing-shing, Wilson	2:30 pm	4:51 pm
Mr MAK Yun-pui	2:30 pm	4:39 pm
Mr MOK Kam-kwai, BBS	2:37 pm	4:19 pm
Mr NG Kam-hung	2:30 pm	4:51 pm
Ms PONG Scarlett Oi-lan, BBS, JP	2:30 pm	3:59 pm
Mr PUN Kwok-shan, MH	2:38 pm	4:51 pm
Mr TING Tsz-yuen	2:36 pm	4:51 pm
Mr TONG Hok-leung	2:30 pm	4:21 pm
Ms TUNG Kin-lei	2:30 pm	4:51 pm
Mr WAI Hing-cheung	2:30 pm	4:51 pm
Mr WONG Fu-sang, Tiger	2:30 pm	4:51 pm
Mr WONG Hok-lai	2:30 pm	4:38 pm
Mr WONG Ka-wing, MH	2:55 pm	4:51 pm
Ms WONG Ping-fan, Iris	2:30 pm	4:46 pm
Mr WONG Yue-hon	2:30 pm	4:51 pm
Mr YAU Man-chun	2:30 pm	4:34 pm
Mr YIP Wing	2:30 pm	4:39 pm
Mr YIU Ka-chun	2:30 pm	4:51 pm
Ms YUE Shin-man	2:30 pm	4:51 pm
Mr YUNG Ming-chau, Michael	2:30 pm	4:51 pm

Present

Secretary : Mr YUEN Chun-kit, Derek

In Attendance

Ms CHAN Yuen-man, Amy, JP

Mr WONG Tin-pui, Simon

Ms KWAN Chui-ching, Catherine

Mr TSANG Siu-tong

Ms HO Yuet-ping, Jolie

Ms Rosanna TSE

Mr NG Kok-hung

Mr YUEN Tat-yung, Zorro

Ms CHU Ha-fan, Jessica

Ms KWOK Wai-ying, Candy

Ms LO Lai-fong, Jackie

Mrs LEE CHEUNG Yat-wai, Gloria

Ms AU Wai-ha

Dr HO Wing-chuen

Mrs TANG FUNG Shuk-yin

Ms CHENG Ka-po, Theresa

Ms CHAN Sum-yee, Rita

Ms LEUNG Wai-shan, Cecilia

Mr HO Kin-nam, David

**Time of joining
the meeting****Time of leaving
the meeting**

Senior Executive Officer (District Council) /
Sha Tin District Office

Title

District Officer / Sha Tin District Office

Assistant District Officer / Sha Tin District
Office

District Commander (Shatin) / Hong Kong
Police Force

Assistant Police Community Relations Officer
(Shatin District) / Hong Kong Police Force
DI (District Intelligence Section) (Shatin) /
Hong Kong Police Force

District Lands Officer / ST (District Lands
Office, Sha Tin) / Lands Department

Administration Assistant / Lands (District
Lands Office, Sha Tin) / Lands Department
Chief Engineer / New Territories East 3 /
Civil Engineering and Development
Department

District Planning Officer (Sha Tin, Tai Po and
North) / Planning Department

Principal Transport Officer / New Territories /
Transport Department

District Leisure Manager (Shatin) / Leisure
and Cultural Services Department

District Social Welfare Officer (Shatin) /
Social Welfare Department

District Environmental Hygiene
Superintendent (Sha Tin) (Atg) / Food and
Environmental Hygiene Department

Chief School Development Officer (Shatin) /
Education Bureau

Chief Manager (Management) (Tai Po, North
and Shatin) / Housing Department

Chief Liaison Officer / Sha Tin District Office
Senior Liaison Officer (East) (Atg) / Sha Tin
District Office

Senior Liaison Officer (West) / Sha Tin
District Office

Executive Officer I (District Council)1 /
Sha Tin District Office

In Attendance by Invitation

Ms HEUNG Ching-yee, Alice

Ms LEUNG So-ping, Selina

Ms NG Lai-ying, Christina

Ms LAW See-ngar, Briget

Ms MA Wankie, Kate

Mr KOO Siu-lung, Roy

Ms SHEK Nga-wing, Irene

Ms FUNG Kit-ling, Daisy

Title

Chief Leisure Manager (New Territories East) /
 Leisure and Cultural Services Department
 Senior Executive Officer (Planning)1 /
 Leisure and Cultural Services Department
 Manager (Entertainment)5 /
 Leisure and Cultural Services Department
 Assistant District Leisure Manager (District
 Support) Sha Tin / Leisure and Cultural
 Services Department
 Architect (Works)8 / Home Affairs Department
 Liaison Officer in charge (East)5 /
 Sha Tin District Office
 Liaison Officer in charge (West)3 (Atg) /
 Sha Tin District Office
 Executive Assistant (District Council)1 /
 Sha Tin District Office

Absent

Mr CHAN Kwok-keung, James

Mr SIU Hin-hong

Ms TSANG So-lai

(Application for leave of absence received)

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Action

The Chairman welcomed Members and representatives from government departments and organisations to the meeting.

2. The Chairman informed the meeting that some media representatives and members of the public, being present as observers, were taking photographs and making video and audio recordings.

Application for Leave of Absence

3. The Chairman said that the Sha Tin District Council (STDC) Secretariat (Secretariat) received applications for leave of absence in writing from Members below:

Mr James CHAN

Out of town

Mr SIU Hin-hong

Out of town

Ms TSANG So-lai

Official commitment

4. The Council unanimously endorsed the applications for leave of absence submitted by Members above.

Pre-Meeting Discussion about “the STDC Standing Orders”

5. The views of Mr YAU Man-chun were summarised below:

- (a) he stated that before the meeting he had raised the issue of “Objection against the Rezoning of Sha Tin Town Lot 310, Sha Tin (i.e. Existing Site of Hong Kong

Bible Research and Education Centre)” to Mr CHAN Nok-hang, requesting that the motion be proposed at the meeting. However, the Chairman did not make it one of the agenda items on the grounds that it should be discussed at the meeting of the Development and Housing Committee (DHC) instead. He considered the issue an agenda item involving the whole of the Sha Tin District. If it could not be discussed at the Council, the STDC might not live up to the expectations of the residents in the district;

- (b) besides, the Chairman had not included in today’s agenda his question raised before the meeting about the development of Shui Chuen O in the aspects of transport, housing, environment, etc. Instead, the Chairman requested him to discuss the question in the meeting of each relevant committee. He asked the Sha Tin District Office (STDO) or the Secretariat whether the Chairman had the power to refuse to include agenda items proposed by Members in the meeting without providing any reason or considering if the items were worth discussing;
- (c) the question he raised involved various aspects. Members of the STDC included all STDC Members and the officials in attendance were of a higher rank. He therefore opined that it would be more appropriate to raise the question here than in the DHC meeting. He asked what the point of holding a STDC meeting was if all the agenda items were discussed at committee meetings. He said that the relevant agenda item involved a wide range of aspects. The STDC could serve as a platform to disseminate the messages to different government departments. Otherwise, it would take four to five committees to follow up if the issue was discussed at committee meetings; and
- (d) he stated that his question involved the District Management Committee (DMC) and was related to the STDC of the past two to three terms. It should hence be discussed at the STDC meeting.

6. The views of Mr CHAN Nok-hang were summarised below:

- (a) he stated that the motion he proposed was supposed to be discussed at the STDC meeting in May 2017, but it had not been endorsed. As a result, he now proposed again to include it in the agenda. He opined that the STDC should state its stance on the rezoning of the existing site of Hong Kong Bible Research and Education Centre;
- (b) according to the news coverage on “the League Against High-rises at Shing Mun River”, an organisation partly led by the Chairman, the relevant issue involved various aspects. He hence opined that it should be discussed at the STDC;
- (c) he stated that although the decision on the rezoning of the existing site of Hong Kong Bible Research and Education Centre had been postponed for two months, he was worried that if the decision was to be made ahead of schedule, it would be too late to discuss it at the DHC meeting two months later; and

- (d) he pointed out it was stipulated in Section 13(2) of the *STDC Standing Orders* (the Standing Orders) that “Subject to the consent of more than half of the members of the Council present at the meeting, the Chairman may at the commencement and in the course of the meeting approve the inclusion of an item in the agenda or adjustment of the order of business on the agenda.” He asked the Chairman to consider following Section 13(2) of the Standing Orders so as to include the relevant agenda item.

7. Mr WONG Yue-hon said that the Standing Orders were endorsed at the beginning of this term of the STDC. He considered an argument over the agenda every time a waste of time. If Members thought that it was necessary to amend the rules of procedure, they might discuss it at the relevant committee meetings. Besides, each development item involved various aspects and the developer(s) had already revoked their applications. Hence, it was not urgent to discuss the agenda item. He asked everyone to abide by the endorsed rules of procedure. If they had an opinion about the rules of procedure, they might review them instead of challenging them.

8. The views of the Vice-Chairman were summarised below:

- (a) he said that the Standing Orders had been in force for a long time. He appreciated Members’ zeal for working on their district affairs, but they should not have deliberately included the item in the agenda when understanding clearly that doing so was against the Standing Orders, and should not broadcast their opinions live while putting the blame on other people;
- (b) he stated that though every Member was familiar with the rules of procedure, they would still request to add an agenda item after the deadline stipulated in the Standing Orders. Besides, the DHC often touched on transportation issues when discussing housing issues and the Transport Department’s representatives were present as well. He opined that it was Members’ duty to abide by the Standing Orders. It was inappropriate for Members to rebuke others and broadcast live online their blame on the STDC while remained silent on their own disregard of the Standing Orders; and
- (c) he opined that since the Town Planning Board had postponed their decision for three months, the item could be discussed at the DHC’s meeting. He pointed out that some Members passed the blame onto the STDC and broadcast it live because they failed to get what they wanted due to their lack of effort and skills. Though it took longer for things to get done when the procedures were followed, it was more effective. He hoped that Members would not smear the STDC by using the same method often.

9. Mr TING Tsz-yuen said that he proposed the agenda item on 11 July 2017. However, the Chairman, seeing no urgency in his proposal, suggested that it be discussed at the DHC’s meeting. Besides, the Standing Orders stipulated that an item might be added to the agenda under the Chairman’s agreement. The fact that Kam Ying Court delayed convening the meeting of owners’ incorporation was an urgent issue, but the residents did not bring it up after the DHC’s meeting. He opined that it should be handled on its merit, lest the residents had to wait for two more months. That was why the issue could not wait till two months

later as it would be difficult to explain to the residents. Moreover, he asked whether he should propose a provisional motion under discussion items or the report of the DHC.

10. Mr Michael YUNG stated that his question could be included in the agenda if approved by the Chairman to be discussed at the meeting. He asked why no government officials attended the STDC and responded to his questions and queries. He said that the STDC was composed of 38 elected members and 1 ex-officio member. The ratio representing people's opinion was rather high. Voters' data went missing because of the Chief Executive Election. As an elected member, he only received a written reply to the question he raised. He asked the District Officer of the STDO (DO/ST) what reasons the department(s) had for not attending the meeting. He asked how they should proceed now that the Chairman had decided it was suitable to discuss his question at the meeting while no representatives from the government departments were present. He stated that he had no intention to challenge the Chairman's decision, but Members were indeed concerned about the rezoning application. The item was requested to be included in the agenda merely because things were close at hand. He hoped that the Chairman would communicate more with Members and consider the feelings of Members as well as the residents and people in the district.

11. Mr TONG Hok-leung asked the Chairman to sternly carry out the Standing Orders so as to maintain the order at STDC. He asked what the function of the committees was if all the issues were discussed at the council meeting. He hoped all Members would understand that the rules of procedure were used to monitor the Government instead of making their statement.

12. The views of Mr Alvin LEE were summarised below:

- (a) he supported the way the Chairman handled it. He opined that it was not necessary to raise the question at different committees' meetings even if the issue about public housing estates involved various aspects. The Government would respond as long as Members wrote their questions clearly;
- (b) besides, he suggested that Members meet with the government officials to express their views in person. He pointed out that one of the functions of the STDC was to look into the problems not covered by the committees such as the police district and public order in the community. It was also the STDC's duty to handle crucial issues such as discussing funding applications and handling visits by heads of departments;
- (c) he said that the DHC was also composed of 39 members, and its importance was the same as that of the STDC; and since estate management was under the purview of the DHC, it was not necessary to discuss it at the STDC; and
- (d) he stated that people's opinion about the rezoning was very clear. He had prepared a jointly-signed letter as well. He asked all Members to sign the letter if they agreed, and he would submit it to the Government expeditiously.

13. The Chairman gave a consolidated response as follows:

- (a) the agenda was delivered to all Members before the meeting. Everyone knew

clearly what items would be discussed. He said that Members of the current term had seriously discussed the rules of procedure and voted to endorse them. However, soon after the term commenced, he himself also proposed to further review the Standing Orders (including the Chairman's power, etc). Now he could only deal with problems according to the endorsed Standing Orders;

- (b) apart from Messrs YAU Man-chun and CHAN Nok-hang, he also received motions proposed by other Members. However, those problems could all be tackled at the existing committees' meetings. The STDC might refer to how the Chairman handled the agenda item raised by Mr Rick HUI at the start of the current term. He stated that the STDC and the meeting time were collectively owned by all Members, and he also stringently abided by the power and responsibilities endowed by the Standing Orders. He hoped that Mr YAU Man-chun would provide valuable opinions on the Standing Orders;
- (c) "Objection against the Rezoning of Sha Tin Town Lot 310, Sha Tin (i.e. Existing Site of Hong Kong Bible Research and Education Centre)" was already thoroughly discussed at the last meeting, in the community and at the Legislative Council. He already replied before the meeting that the issue should be discussed at the DHC's meeting because it was totally within the DHC's purview. He added that the STDC, based on the endorsed Standing Orders, established the framework, of which each committee had its own terms of reference and hence could focus more on discussing the relevant problems at its meetings. The relevant departments could also be invited to respond where appropriate. An issue would only be tabled at the council meeting if it involved various aspects to the extent that other committee's meeting was not appropriate. Besides, the council meeting was often attended by heads of departments. It would be difficult to estimate the meeting duration if every issue was discussed there;
- (d) he said that every time the STDC included information items of the DMC and was attended by the DO/ST, and hence should be able to answer Members' questions adequately. He stated that the question first raised by Mr YAU Man-chun should have first been discussed at the DHC's meeting. Afterwards, Mr YAU changed the question to what the DMC had done to handle the Shui Chuen O issue. Besides, he said that Messrs YAU Man-chun, CHAN Nok-hang and TING Tsz-yuen had expressed their concern to him. He was also very much concerned about the issue, but opined that it could be further discussed at the DHC's meeting. He often contacted the DO/ST regarding the work of the DMC and received positive response. He opined that Members might write to the DO/ST directly; and
- (e) he said that he would handle the request of Messrs CHAN Nok-hang and Mr TING Tsz-yuen for including an agenda item in accordance with Section 13(2) of the Standing Orders.

14. Mr TING Tsz-yuen used the projector to present his provisional motion.

15. Mr LI Sai-wing suggested taking a break to give it some consideration.

16. The Vice-Chairman said that the previous practice was to let everyone decide whether proposing a provisional motion was acceptable before releasing its content. Hence, the Chairman should not have allowed Mr TING Tsz-yuen to show the content of the motion to Members before voting. He opined that it was necessary for the Council to establish a set of standards and criteria stipulating that even issues of common interest had to be handled according to the established criteria if time allowed.

17. The Chairman said that the Vice-Chairman's opinion was very clear. The issue concerned could be handled by the committees, but Section 13(2) of the Standing Orders stipulated that Members present at the meeting were entitled to vote on the inclusion of an agenda item accordingly. Since Members needed to understand the content of the agenda item in question before making a decision, it was necessary to show them the content.

18. The Vice-Chairman said that once such a precedent was created, it would serve as a basis for handling future cases. He suggested that Members first decide whether the agenda item would be included and then where on the agenda it would belong to, e.g. whether it should be discussed at the end of all the agenda items.

19. Mr WONG Ka-wing agreed with the Vice-Chairman. Once such a precedent was created, Members might ask to include additional motions every time in the future. This would be problematic. He suggested discussing these problems at the end of all the agenda items, lest the original agenda should be affected.

20. The Chairman said that according to Section 13(2) of the Standing Orders, "Subject to the consent of more than half of the members of the Council present at the meeting, the Chairman may at the commencement and in the course of the meeting approve the inclusion of an item in the agenda or adjustment of the order of business on the agenda." Since Members insisted on including the motion and question in the agenda, it was necessary for him to handle it according to the Standing Orders, or a judicial review might follow. He suggested that this case be kept on record. When the Standing Orders were discussed at the Finance and General Affairs Committee's (FGAC) meetings in the future, voting would proceed only if the efficiency of the meeting was maintained. He opined that all Members should first consider whether the content of the motion was worth discussing.

21. The Vice-Chairman suggested that all motions be allowed to be included in the Council, but discussion should only be conducted after "the information item of the DMC".

22. Mr YAU Man-chun pointed out that if the Chairman had allowed the item to be included in the agenda in the first place, the discussion would have already been finished.

23. The Chairman disagreed with Mr YAU Man-chun, and opined that the request of Messrs YAU Man-chun and CHAN Nok-hang was unreasonable. However, it was necessary for him to handle it according to the Standing Orders merely because Members insisted on including the motion and the question in the agenda. Regarding the motion that Mr TING Tsz-yuen requested to be included in the agenda, all Members might first understand the content before deciding whether it should be included.

24. The Chairman invited Messrs TING Tsz-yuen and CHAN Nok-hang to read out the

motions they requested to be included.

25. Mr TING Tsz-yuen proposed to include the following motion in the agenda:

“Bid-rigging, corruption and delays in convening the meeting of the owners’ corporation have taken place in the housing estates in the Sha Tin District, undermining the interests of property owners in the district!

The Sha Tin District Council urges the Government to intervene as soon as possible in the situation of the affected housing estates, help the owners follow up on the problems, and plug any found legal loopholes by amending the law in a timely manner.”

Mr Wilson LI seconded the motion.

26. Mr CHAN Nok-hang proposed to include the following motion in the agenda:

“Objection against the Rezoning of Sha Tin Town Lot 310, Sha Tin (i.e. Existing Site of Hong Kong Bible Research and Education Centre)

The Town Planning Board in recent months has received an application for rezoning the ‘Open Space’ on the existing site of Hong Kong Bible Research and Education Centre, i.e. Sha Tin Town Lot 310, Sha Tin, into ‘Residential (Group B) 4’ (Application No. Y/ST/36). Ever since, heated discussion and concern in the community have been stimulated. Opinions in the community are almost predominated by nay-sayers up till now. If the rezoning is done, it will cause more community burden to the Sha Tin District and hence gravely affect the residents’ quality of living. What needs to be noted is that Sha Tin District Councillors of different political parties have also expressed their objection on their own platforms and other non-official occasions.

As a district council in Sha Tin, the Sha Tin District Council cannot shirk its responsibility for taking a firm stand on the rezoning which may cause long-term consequences to the future development of the Sha Tin District. It is also the Council’s duty towards the residents in the district. However, the Council has not made its stand so far, causing the public to doubt its stand and efficiency. Thus, I propose the following motion:

The Sha Tin District Council strongly objects to the rezoning of the ‘Open Space’ on Sha Tin Town Lot 310 into ‘Residential (Group B) 4’ (Application No. Y/ST/36), and vehemently requests the Town Planning Board to veto the application.”

Mr YAU Man-chun seconded the motion.

27. The Chairman announced a five-minute break.

(A five-minute break.)

28. The Chairman stated that the motions requested by Members to be included were related to the DHC, and therefore should be discussed at the DHC’s meeting. He also urged

Ms Scarlett PONG to make arrangements when she received such a request. He suggested that Members vote on whether the motions requested by Messrs TING Tsz-yuen and CHAN Nok-hang to be included in the agenda should be referred to the DHC.

29. Mr Wilson LI opined that, according to the procedure, a vote should be taken separately rather than collectively on the two motions as to whether they should be included in the agenda.

30. The Vice-Chairman opined that, based on the content of the two motions, it was appropriate to pass them to the DHC. Hence, the Chairman suggested that a vote be taken on the content of the motions instead of their urgency.

31. Ms Scarlett PONG opined that both motions proposed by the two Members were very important and relevant to the DHC. Thus, she was willing to convene a special meeting of the DHC as soon as possible to handle the motions. Besides, she considered it unnecessary to vote on whether the two motions should be addressed at this meeting.

32. The Chairman stated that, as a DHC member, he would respect the decision of Ms Scarlett PONG, the DHC's Chairman, as to whether the motions would be addressed in a regular or special meeting.

33. Mr PUN Kwok-shan asked whether the Chairman had sought legal advice on the rules and procedure.

34. The Chairman responded that he hadn't sought any legal advice about the rules and procedure.

35. Mr Billy CHAN requested an open ballot which was supported by four Members.

36. Mr LI Sai-wing stated that the screen should display the issue to be voted on before the open ballot took place.

37. The Chairman said that according to the existing Standing Orders, an open ballot could proceed as long as it was proposed by 1 Member and supported by 4 Members present at the meeting. He opined that Mr LI Sai-wing's opinions could be discussed when the amendment to the Standing Orders took place in the future.

38. The Council discussed and voted on whether the motions requested by Mr TING Tsz-yuen and Mr CHAN Nok-hang to be included in the agenda should be referred to the DHC.

39. The Chairman announced that the motions requested by Mr TING Tsz-yuen and Mr CHAN Nok-hang to be included in the agenda were endorsed to be referred to the DHC for its deliberation by a vote of 19 in favour, 17 against and 0 abstention.

Members in favour (19):

Mr Tiger WONG, Mr HO Hau-cheung, Ms YUE Shin-man, Mr Alvin LEE,
Mr LI Sai-wing, Mr CHIU Man-leung, Ms LAM Chung-yan, Mr YIU Ka-chun,

Mr TONG Hok-leung, Mr Victor LEUNG, Mr MOK Kam-kwai, Ms CHAN Man-kuen, Mr Thomas PANG, Ms Iris WONG, Mr WONG Yue-hon, Mr WONG Ka-wing, Ms TUNG Kin-lei, Mr PUN Kwok-shan, Ms Scarlett PONG.

Members against (17):

Mr TING Tsz-yuen, Mr YAU Man-chun, Mr NG Kam-hung, Mr LI Sai-hung, Mr Wilson LI, Mr Michael YUNG, Mr Rick HUI, Mr Billy CHAN, Mr CHAN Nok-hang, Mr MAK Yun-pui, Mr CHING Cheung-ying, Mr WONG Hok-lai, Mr YIP Wing, Mr Sunny CHIU, Mr WAI Hing-cheung, Mr CHENG Tsuk-man, Mr LAI Tsz-yan.

Confirmation of the Minutes of the Meeting Held on 25 May 2017

(STDC Minutes 3/2017)

40. As at the start of the meeting, the Secretariat had received the amendment proposal from Mr Michael YUNG and Mr LI Sai-hung which was ready on the table.

41. Mr Michael YUNG suggested paragraphs 54 and 127 of the minutes be amended as follows:

“54. Ms YUE Shin-man proposed the following provisional motion:

‘We opine that the District Lands Office and the Food and Environmental Hygiene Department have different standards and have shown low efficiency in handling, removing and initiating prosecution for unauthorised display of promotional materials (such as banners and roll-up stands) in public places in the Sha Tin District. Therefore, we strongly request the departments mentioned above to comprehensively review the relevant policy and enhance enforcement action.’ **The background of the provisional motion was as follows:**

Background

- **The problem of unauthorised display of banners was severe in the district**
A number of Sha Tin residents pointed out that some people often hung banners on both sides of the railings at carriageways or pedestrian crossings without authorisation. These unauthorised banners not only spoiled the appearance of the district but might also block the vision of drivers and pedestrians, leading to traffic accidents very easily.
- **Unattended roll-up stands occupying pavements was a commonplace**
Besides, there were complaints saying that some people often placed roll-up stands as personal publicity in the middle of the pavements in the vicinity of Wo Che Estate. The stands were always there and left unattended, and things were even worse at the weekend. They not only obstructed pedestrians, but also injured passersby readily when brought down by the wind.

- The handling procedure was complicated
Members of the public pointed out that it took quite a long time and procedure for the Lands Department (LandsD) and the FEHD every time to handle a complaint case. Several departments and contractors passed the case to one another, lengthening the duration of crises and encouraging the norm of unauthorised display of banners. Especially at the weekend when the departments were off duty, there was nowhere that members of the public could complain to. Many people then took advantage of the situation to hang banners without authorisation on Friday and remove them on Monday.
- The complaints were followed up on, but the unauthorised banners nearby were ignored
Residents also reported that the FEHD only removed unauthorised publicity materials which had been complained about, but not the adjacent ones which had not been complained about even though they were unauthorised just the same. Such a bureaucratic way of handling things was a waste of taxpayers' money.
- Unstandardised penalties were hardly a deterrent
The LandsD and the FEHD had extremely different standards in handling unauthorised banners. Some members of the public complained to us that an assistant of a DC Member in the Sha Tin District often hung banners without authorisation in different district areas in Sha Tin. The LandsD and FEHD often had to arrange manpower to remove them. When asked how to prevent the relevant people from continuing to hang banners without authorisation brazenly, the FEHD replied that it would not recover the fines for the unauthorised display of banners because a contact address was missing on the banners though names and telephone numbers were displayed.

On the contrary, for those DC Members who hung banners with authorisation, their banners were removed and they were required to pay a fine merely because their correction stickers covering a mistake in the approval number had been maliciously removed and someone had complained about it. Even though there was no address on the banners, letters would be posted to their offices. She questioned how such double standards could be a deterrent. Besides, some DC Members reported that the fine amounts were different every time. The calculation method was not transparent enough.

In this connection, we strongly asked the LandsD and the FEHD to comprehensively review the policy of handling publicity materials, such as unauthorised display of banners and random display of roll-up stands, so as to enhance the efficiency in removing unauthorised publicity materials, shorten the time for enforcement action, standardise the fines and recover the fines from people and organisations often violating the regulations. As a result, the management of unauthorised publicity materials in the Sha Tin District would thoroughly improve and a quality environment would be restored for members of the public.';

Mr Tiger WONG seconded the motion.”

“127. The views of Mr Michael YUNG were summarised below:

- (a) he asked Ms Jessica CHU, District Planning Officer whether the approximate location of the site mentioned in the question was the location that he was pointing at with a laser pen on the screen. Ms Jessica CHU replied that although the actual location of the site involved has yet to be confirmed, the approximate location of the concerned site was in the vicinity of the open space that he was pointing at. Mr Michael YUNG said that the constituency involved in the question was ‘R09 Jat Min’. Member of the constituency in which the site was located was Mr YAU Man-chun instead of Mr WAI Hing-cheung mentioned by the Secretariat to the Chairman;
- (b) as far as he was aware, Application No. Y/ST/36 was the rezoning of Application Nos. Z/ST/12 and Z/ST/17. He previously asked the Secretariat of the TPB about the applications. It replied that Application Nos. Z/ST/12 and Z/ST/17 were submitted before the *Town Planning (Amendment) Ordinance 2004* came into force. According to the processing procedures of the TPB, the documents concerned were not available for public inspection without prior approval and consent of the party who requested for amendments to the layout plan. As a result, he was unable to obtain sufficient information for reference in time to express his views before the consultation period ended;
- (c) as far as he was aware, the respective plot ratios of Application Nos. Z/ST/12 and Z/ST/17 were 3.5 and 3.67. Application No. Z/ST/12 was rejected on 1 March 2002, while Application No. Z/ST/17 was rejected on 21 November 2003. Application No. Y/ST/36 involved 390 housing units and 110 metres above Principal Datum. Without sufficient information, he opposed Application No. Y/ST/36, which involved rezoning an open space into a Residential (Group B) 4 zone. The reasons were as follows:
 - (i) the site to be rezoned was located on the riverside of Shing Mun River. If the rezoning was approved, two buildings with 33 storeys each would be built there, consequently blocking the ‘visual corridor’ along the riverside of Shing Mun River from Sha Tin Park to Tsang Tai Uk;
 - (ii) the area involved in the rezoning had been an open space. The change of land use now would violate the original planning intention;
 - (iii) the applicant claimed that an increase in housing supply to tie in with the Long Term Housing Strategy was a justification for rezoning. However, long-term development at district level was not taken into consideration when the development project was planned, and thus the project could not help solve the housing problem in an effective manner;
 - (iv) a number of development projects and housing developments in Sha Tin and Ma On Shan would be completed in the near future. If the rezoning was approved, the area of open space in the district would be further

reduced, and that would set a very bad precedent;

- (v) if the project was approved, traffic congestion would become more serious at major trunk roads in the Sha Tin District, causing adverse impacts on traffic and the environment in the community; and

- (d) according to the organisation chart of the PlanD, *the Town Planning Board Section and the Town Planning Ordinance Review Unit* were under *the Board Division of the District Planning Branch*. He asked the PlanD to further elaborate on the relationship between such a structure and the TPB.”

42. Mr LI Sai-hung suggested amendment to paragraph 103 of the minutes as follows:

“103. Mr LI Sai-hung said that he had many views on the LandsD’s disposal of banners. Regarding the publicity banner that he had displayed on the roadside of Hung Mui Kuk Road earlier, he was not sure whether it was due to the problem with the LandsD or the outsourced contractor, and the spot was not spacious enough for display of one banner somehow. As a result, this had aroused some disputes. Someone slandered him without having sufficient evidence, saying that he had occupied other people’s space. The problem that he wanted to point out was the responsibility rested with the DLO. He requested an apology and that the department communicated with him before any action was taken to solve the problem. The DLO had promised him, but without taking any action. It turned out that the DLO moved the label and said to him, ‘Mr LI, please follow the instruction and move to the right position.’ He said that he did not know what the DLO was doing, and this was one of the problems. He continued that the colour of the identification labels at many designated spots approved by the LandsD had faded, and thus they were unable to clearly indicate the accurate position of the designated spots. When the outsourced contractors of the LandsD handled the complaints against the roadside publicity banners, they usually only dealt with the banners at the spots being complained about, without dealing with the adjacent unauthorised publicity banners at the same time. He urged the LandsD to improve.”

43. Mr Billy CHAN asked if the Secretariat had written to the Sai Kung District Council for follow-up action according to paragraph 72 of the last minutes. He asked the Secretariat whether such letters had been sent to district offices because he was worried that district councillors of the Islands District Office and other district offices might display unauthorised banners in the Sha Tin District.

44. The Chairman invited the Secretariat to respond to Mr Billy CHAN after the meeting.

45. The Council accepted and unanimously endorsed the amendment to the last minutes.

Discussion Items

The Sha Tin District Council (STDC) to Serve as Event Supporter
(Paper No. STDC 52/2017)

46. Ms Scarlett PONG added that the Working Group on Healthy City and International

Day of Disabled Persons wanted to promote to the people in the Sha Tin District the messages of healthy eating habits and prevention of diseases by publicity, education and practice. A competition for lunch box recipes would be held later on with a theme of reducing salt and sugar in food. She hoped that all councillors would suggest some healthy recipes for the working group to take part in the territory-wide 18-district competition to be held on 15 October 2017. She also hoped that everyone would support the event.

47. The Council unanimously endorsed that the Council would serve as the event supporter for “the 8th 18-district Parent-child Cookery Competition in the Celebration of the 20th Anniversary of the Establishment of the HKSAR” organised by the Hong Kong and China Gas Company Limited, “HSMC Run 2018” by the Hang Seng Management College and “RBC Race for the Kids” by the Boys’ and Girls’ Clubs Association of Hong Kong, and allowed them to use the STDC logo on their publicity materials.

Meeting Schedule of the STDC for 2018

(Paper No. STDC 53/2017)

48. The Council unanimously endorsed the above paper.

Duty Visit of the STDC

(Paper No. STDC 54/2017)

49. The Chairman stated that the FGAC had endorsed the duty visit proposed by its Working Group on Public Relations and Publicity and recommended it for the Council’s approval. If it was endorsed, the working group would follow up on it based on everyone’s opinions.

50. Mr Wilson LI said that a need for good utilisation of resources had been mentioned at the FGAC’s meeting. He hoped the duty visit would provide an opportunity for them to look into the housing policy and the transportation of nearby regions, and he also suggested including a visit to learn more about the healthcare policy. For instance, the healthcare system of Singapore could be taken into consideration. He also opined that a trip of 5 days and 4 nights could be an in-depth one and believed that Members would be able to introduce relevant concepts to Hong Kong.

51. Mr NG Kam-hung suggested including a visit to desalination facilities.

52. The Council unanimously endorsed the above paper.

Funding Applications

2017-2018 Revised Plan of the Leisure and Cultural Services Department on Organisation of Recreation and Sports Activities in Sha Tin District

(Paper No. STDC 55/2017)

53. Mr TING Tsz-yuen suggested that the Leisure and Cultural Services Department (LCSD) consider including new items such as ice-skating and shooting.

54. Ms Jackie LO, District Leisure Manager (Shatin) of the LCSD responded that Mr

TING Tsz-yuen's opinion would be taken into consideration when they planned the activities.

55. The Council unanimously endorsed the above paper.

2017-2018 District Facilities and Improvement Works Proposals
(Paper No. STDC 56/2017)

56. Mr Yip Wing asked if the amusement facilities for children mentioned in the paper would contain inclusive elements and what kind of inclusive facilities would be chosen. He suggested that the LCSD use the facilities of Po Hong Park in Tseung Kwan O as a reference. He hoped that both able-bodied and children with a disability could enjoy the facilities provided by the LCSD.

57. Mr MAK Yun-pui asked whether the kind of inclusive facilities questioned about by Mr Yip Wing referred to that for the intergenerational, the able-bodied and the persons with a disability or the inter-sectional integration. He hoped that the LCSD, if the relevant information was available, would first discuss it with Mr Yip Wing and consult the residents in the district so as to respond to the community needs.

58. Mr WONG Hok-lai asked if the LCSD had existing facilities for the handicapped and disabled, or if it had provided mosque facilities for South Asians.

59. Ms Kate MA, Architect (Works) 8 of the Home Affairs Department responded that she and the consulting firm would consider the addition of inclusive facilities to the design as much as possible. Currently, the design was only at an initial stage. The choices for inclusive facilities included sensory playboards, a barrier-free seesaw and a barrier-free merry-go-round. She would liaise with Members regarding the detailed design in due course, and would report to Members after discussion with the LCSD.

60. Ms Jackie LO responded that the inclusive facilities were made for all children, including disabled ones, to enjoy. A detailed layout would be ready after the tender exercise for the works. She hoped that Mr Yip Wing would give opinions then. Facilities for children of different races would be provided based on district needs. She hoped that Mr WONG Hok-lai would give some opinions about it for the LCSD to follow up on.

61. The Council unanimously endorsed the above paper.

Funding Applications of the Planning Committee on Festive Lighting in Sha Tin
(Paper No. STDC 57/2017)

62. Mr CHING Cheung-ying, Mr Alvin LEE and Mr Tiger WONG declared that they were members of the Planning Committee on Festive Lighting in Sha Tin.

63. The Chairman said that Mr Rick HUI and two Members on leave were also members of the Planning Committee on Festive Lighting in Sha Tin.

64. The Council unanimously endorsed the above paper.

Funding Applications of the Working Group on Festive Celebrations

(Paper No. STDC 58/2017)

65. Mr Tiger WONG, Mr LI Sai-wing, the Vice-Chairman and Mr Victor LEUNG declared that they were members of the Working Group on Festive Celebrations.

66. The Council unanimously endorsed the above paper.

Questions

Question to be Raised by Mr YUNG Ming-chau, Michael on the Suspected Theft of the Laptops of the Registration and Electoral Office

(Paper No. STDC 35/2017)

67. The Chairman said that due to the absence of departmental representatives at the last meeting, Mr Michael YUNG proposed to raise his question again at this meeting. Mr YUNG said before the meeting that although the department had given him a written reply, no representative was present. Anyhow, the Chairman opined that Mr YUNG was allowed to follow up on this issue.

68. The views of Mr Michael YUNG were summarised below:

- (a) he stated that he was not asking a follow-up question. He hoped the Secretariat and the DO/ST would respond to the question he asked during the discussion about the rules of procedure as to why the department did not send any representative to answer his question;
- (b) the Secretariat replied last time that the Constitutional and Mainland Affairs Bureau (CMAB) and the Registration and Electoral Office (REO) could not send representatives to the STDC because they had to attend the LegCo meeting. Now that the LegCo was in recess they were still not able to attend it. He wondered if they would in the future decline to attend the STDC by reason of the case being investigated by the police. He said that even if some details could not be disclosed because the case was under investigation by the police, the departments could still provide internal code of practice or improvement measures when he approached them for enquiry. Hence, he opined that the departments should have sent representatives, and that the STDC should write to the REO and the Home Affairs Bureau (HAB) to facilitate coordination;
- (c) he officially requested that this question be postponed to the next meeting for discussion. He opined that departments should send representatives to answer Members' questions at the meeting. Otherwise, all Members had to do was to write to the relevant departments without asking any question or holding any meeting. Besides, he opined that district councillors would not be able to promote voter registration in the community if the HAB and the STDO allowed the departments' reluctance to send representatives; and
- (d) he was willing to revise the whole question and raise it at the next meeting.

69. Mr Wilson LI agreed on Mr Michael YUNG's suggestion and said that the question

should be postponed to the next meeting for discussion when departmental representatives were present. The issue was a serious one. The department not only lost voter's information, it also used public money to issue letters. Though the STDC had no control over the presence of the departmental representatives, it had to safeguard the dignity of the Council. He opined that the departments could send representatives in response to queries by providing information which could be disclosed. Departments and Members could not communicate just in writing.

70. Mr Sunny CHIU agreed with Messrs Michael YUNG and Wilson LI. He opined that the departments did not respect STDC, DO/ST and the voters in the district. He asked if a letter could be written in the name of the STDC to urge the departments to send representatives to the STDC. If the departments still did not accede to the request, the STDC should write again to vehemently condemn them or express regret so as to safeguard the dignity of the STDC, the Chairman, DO/ST and the voters in the district.

71. Mr MAK Yun-pui asked the STDC or its Chairman whether they had the power or authority to invite departments to send representatives to the STDC meeting. He asked if the STDO had no power to do so. He opined that departments did not respect STDC also did not respect the Chief Executive and so should be condemned.

72. Mr Derek YUEN, Senior Executive Officer (District Council) of the STDO said that the Secretariat had invited the CMAB and the REO thrice to send representatives to the meeting, but they declined because the case had been handed over to the police for investigation and they had no supplementary information to add.

73. Ms Amy CHAN, DO/ST of the STDO responded that both the CMAB and the REO said that they had already disclosed everything they could. The rest was left for the police to investigate. No representative was sent to the meeting because there was nothing more to disclose. The Secretariat just reported the fact to STDC.

74. The Chairman gave a consolidated response as follows:

- (a) he agreed that, with the availability of resources, the departments should do their best to send representatives to the meeting, and he regretted that they failed to do so. He suggested that, after getting the consensus of all Members, a letter be issued in the name of the STDC to the departments to express their requests and ask for further explanation and response. He also suggested that Mr Michael YUNG ask his questions again at the meeting for the departments to give a response altogether;
- (b) he was unable to answer Mr Michael YUNG's query as to whether the departments would send representatives if the question was postponed to the next meeting. However, since the question had already been postponed once, it might not be a solution to postpone it again. He said that, according to the Standing Orders, the issue under the same topic had to wait for six months after discussion before it could be raised again. He also agreed that it was the responsibility of the Government to give a more concrete response to this issue;
- (c) he suggested that Mr Michael YUNG took the opportunity to raise the follow-up

question at the meeting. The question could later on be referred to the relevant departments for their response;

- (d) he agreed that a letter could be issued to the departments to convey a stronger message after this meeting. He opined that the question could be retained. As long as there were not too many agenda items at the next meeting, Mr Michael YUNG's question could be taken into consideration; and
- (e) he stated that the Standing Orders had clauses about inviting departments to send representatives to meetings. The STDC had the authority to do so, but could not force them to attend the meeting. He was not aware of any regulations requiring the presence of the departments at the STDC. The former Chief Executives had publicly expressed their respect for district councils. He also felt the same as everyone did that the STDC could use different channels and methods to express its discontent.

Information Items

Reports of Committees under the STDC

District Facilities Management Committee

(Paper No. STDC 59/2017)

Culture, Sports and Community Development Committee

(Paper No. STDC 60/2017)

Education and Welfare Committee

(Paper No. STDC 61/2017)

75. Mr MAK Yun-pui said that he had written to the Secretariat today to tender his resignation as Vice-Chairman of the Education and Welfare Committee with effect from today.

76. The Chairman stated that the issue would be addressed at the relevant meeting.

Development and Housing Committee

(Paper No. STDC 62/2017)

77. Mr Alvin LEE asked Members to encourage housing estates in their constituencies to participate in the *Quality Building Management Competition* organised by the Working Group on Building Management and Housing Affairs of the DHC.

Traffic and Transport Committee

(Paper No. STDC 63/2017)

Health and Environment Committee

(Paper No. STDC 64/2017)

Finance and General Affairs Committee

(Paper No. STDC 65/2017)

78. The Council noted the seven reports above.

Financial Account of the STDC (as at 18 July 2017)
(Paper No. STDC 66/2017)

79. The Council noted the paper above.

Information Papers

Crime Brief of Sha Tin District for the First Half of 2017
(Paper No. STDC 67/2017)

80. The Council noted the paper above.

Report of the District Management Committee
(Paper No. STDC 68/2017)

81. Mr WAI Hing-cheung said that, according to paragraph 16 of the DMC's report, the Food and Environmental Hygiene Department (FEHD) merely issued two "Nuisance Notices" regarding the problem of water dripping from air conditioners in 2016. He asked whether it meant that the problem had dramatically improved in the district and hence it was not serious at all, or that the FEHD was short of manpower. Besides, he asked for the number of complaints about the problem of water dripping from air conditioners in 2016 and the number of people discharging the duties.

82. Mr CHAN Nok-hang asked if the FEHD had to handle the complaints within a specific timeframe, and how many advisory letters it would issue before officially pressing charges.

83. Mr WONG Ka-wing said that the problem of water dripping from air-conditioners recurred every year. He opined that it would be necessary for the FEHD to review its prosecution procedures and prevent the problem from happening again. Relevant policies should also be formulated, e.g. education, promotion, simplified prosecution procedures, so as to alleviate the situation.

84. The Chairman responded that different departments briefly reported their work under this agenda item. The representatives of the FEHD might not have enough information to give instant response. He hoped the DO/ST would keep on following up.

85. Ms AU Wai-ha, District Environmental Hygiene Superintendent (Sha Tin) (Atg) of the FEHD stated that the FEHD handled the problem of water dripping from air-conditioners from different aspects, e.g. contacting the management office to find out the origin of the dripping water, issuing an advisory letter, etc. Only after the origin of the dripping water was confirmed would the "Nuisance Notice" be issued. She said that she would respond to the request for the numbers of water dripping after the meeting and she would follow up.

[Post-meeting note: The FEHD received 1 848 cases of water dripping from air-conditioners in the Sha Tin District in 2016.]

86. Ms Amy CHAN said that she would continue to follow up with the FEHD on the problem of water dripping from air-conditioners, discuss the issue in detail at the next DMC meeting, and report to Members at the next STDC meeting.

87. The Council noted the paper above.

Date of Next Meeting

88. The next meeting was scheduled to be held at 2:30 pm on 28 September 2017 (Thursday).

89. The meeting was adjourned at 4:51 pm.

Sha Tin District Council Secretariat
STDC 13/15/50

September 2017