

**Minutes of the 5th Meeting of
the Sha Tin District Council in 2020**

Date : 21 May 2020 (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 CHING Cheung-ying, MH	2:30 pm	11:45 pm
Vice-Chairman : Mr WONG Hok-lai, George	2:30 pm	11:45 pm
Members : Mr CHAN Billy Shiu-yeung	2:30 pm	10:05 pm
Mr CHAN Nok-hang	2:39 pm	9:29 pm
Mr CHAN Pui-ming	2:42 pm	11:45 pm
Mr CHAN Wan-tung	2:30 pm	11:45 pm
Mr CHENG Chung-hang	2:30 pm	11:45 pm
Mr CHENG Tsuk-man	2:42 pm	6:33 pm
Mr CHEUNG Hing-wa	2:30 pm	11:45 pm
Mr CHIU Chu-pong	2:30 pm	11:45 pm
Mr CHOW Hiu-laam, Felix	2:30 pm	8:56 pm
Mr CHUNG Lai-him, Johnny	2:30 pm	11:45 pm
Mr HUI Lap-san	2:48 pm	11:45 pm
Mr HUI Yui-yu	4:42 pm	11:45 pm
Mr LAI Tsz-yan	5:14 pm	11:45 pm
Dr LAM Kong-kwan	2:30 pm	7:10 pm
Mr LI Chi-wang, Raymond	2:30 pm	11:45 pm
Mr LI Sai-hung	2:30 pm	11:45 pm
Mr LI Wing-shing, Wilson	2:30 pm	11:45 pm
Mr LIAO Pak-hong, Ricardo	2:30 pm	11:45 pm
Mr LO Tak-ming	2:30 pm	11:45 pm
Mr LO Yuet-chau	2:30 pm	11:45 pm
Mr LUI Kai-wing	2:30 pm	11:45 pm
Ms LUK Tsz-tung	2:30 pm	11:45 pm
Mr MAK Tsz-kin	2:30 pm	11:45 pm
Mr MAK Yun-pui, Chris	2:30 pm	11:45 pm
Mr MOK Kam-kwai, BBS	2:30 pm	3:58 pm
Mr NG Kam-hung	2:30 pm	11:45 pm
Ms NG Ting-lam	2:30 pm	6:33 pm
Mr SHAM Tsz-kit, Jimmy	2:30 pm	11:45 pm
Mr SHEK William	2:30 pm	11:45 pm
Mr SIN Cheuk-nam	2:30 pm	6:33 pm
Mr TING Tsz-yuen	2:30 pm	11:45 pm
Mr TSANG Kit	2:49 pm	9:30 pm
Ms TSANG So-lai	2:49 pm	8:03 pm
Mr WAI Hing-cheung	2:30 pm	11:45 pm
Mr WONG Ho-fung	3:42 pm	9:49 pm
Ms WONG Man-huen	2:30 pm	11:45 pm

Present

Mr YAU Man-chun
Mr YEUNG Sze-kin
Mr YIP Wing
Mr YUNG Ming-chau, Michael
Secretary : Mr YUEN Chun-kit, Derek

**Time of joining
the meeting**

2:30 pm
2:30 pm
2:30 pm
2:40 pm
Senior Executive Officer (District Council)/
Sha Tin District Office

**Time of leaving
the meeting**

11:11 pm
11:45 pm
9:31 pm
11:45 pm

In Attendance

Ms CHAN Yuen-man, Amy, JP
Mr WONG Tin-pui, Simon
Mr WONG Shek-hay, Sebastian
Mr LEUNG Tsz-kin, Percy

Mr IP Cheuk-yu

Mr LAI Wing-chi, Derek

Mr CHAN Kai-lam, Allan

Ms LEUNG Yee-lee, Maggie

Mr CHIU Yue-tat, Franklin

Ms Jan LI Po-yi

Ms WONG Sau-kuen, Joe

Ms CHAN Siu-kin, Ester

Ms CHIANG Lam

Mr CHIU Hak-pui, Christopher

Mr HAR Sung-fu, Haven

Mr WONG Kwok-wai, Wilson

Mr YUEN Sze-chun

Ms CHU Ha-fan, Jessica

Mr HO Kin-nam, David

Title

District Officer (Sha Tin)
Assistant District Officer (Sha Tin)1
Assistant District Officer (Sha Tin)2
District Commander (Shatin)/
Hong Kong Police Force
Police Community Relations Officer (Shatin
District) / Hong Kong Police Force
District Environmental Hygiene
Superintendent (Sha Tin)/ Food and
Environmental Hygiene Department
Chief Manager/ Management (Tai Po, North
and Sha Tin)/ Housing Department
District Social Welfare Officer (Shatin)/
Social Welfare Department
Regional Officer/ New Territories East/
Independent Commission Against Corruption
Senior Community Relations Officer/
Independent Commission Against Corruption
District Leisure Manager (Sha Tin)/
Leisure and Cultural Services Department
Deputy District Leisure Manager
(District Support) Sha Tin/
Leisure and Cultural Services Department
Senior School Development Officer (Shatin) 5/
Education Bureau
Principal Transportation Officer
(New Territories) 1/ Transport Department
Senior Engineer/7 (North)/ Civil Engineering
and Development Department
District Lands Officer/ Sha Tin/
Lands Department
Administration Assistant/ Lands
(District Lands Office/ Sha Tin)/
Lands Department
District Planning Officer (Sha Tin, Tai Po and
North)/ Planning Department
Executive Officer I (District Council)1/
Sha Tin District Office

In Attendance by Invitation

Mr LAU Kwok-fu

Mr MUI Yin-wai

Title

Division Commander (New Territories East)/
Fire Services Department
Station Commander Sha Tin Fire Station/
Fire Services Department

Action

The Chairman welcomed Members and representatives from government departments to the fifth meeting of this year.

2. The Chairman informed all attendees that some reporters, being present as observers, were taking photographs and making video and audio recordings.

3. The Chairman said cleaning of the conference room would be carried out at 6:30 pm due to the epidemic situation, and the meeting would be resumed after adjournment if the meeting was not finished by then.

4. The Chairman welcomed Mr Haven HAR, Senior Engineer/7 (North), representing Mr YUEN Tat-yung, Zorro, Chief Engineer/North (SD4) of the Civil Engineering and Development Department; Ms CHIANG Lam, Senior School Development Officer (Shatin) 5 representing Ms YIP Sau-mei, Joyce, Chief School Development Officer (Shatin) of the Education Bureau; Mr Franklin CHIU, Regional Officer/ New Territories East and Ms Jan LI, Senior Community Relations Officer of the Independent Commission Against Corruption (ICAC) to the meeting.

Discussion Items**2020-2021 Work Plan of the ICAC Regional Office (NTE)**

(Paper No. STDC 46/2020)

5. Mr Franklin CHIU gave a PowerPoint presentation to briefly introduce the paper with the main points as follows:

- (a) the law enforcement power of the ICAC was vested by the Independent Commission Against Corruption Ordinance, the Prevention of Bribery Ordinance and the Elections (Corrupt and Illegal Conduct) Ordinance;
- (b) under Section 4 of the Prevention of Bribery Ordinance, including District Council Members, any public servant who, whether in Hong Kong or elsewhere, solicited or accepted any advantage by capitalising on their positions and powers, should be guilty of an offence; and the offeror should also be guilty of an offence and the maximum penalty was a fine of \$500,000 and seven years' imprisonment. Advantage included gifts, loans, reward, commissions, offices or contracts, any payment or release of any loan, any services or favours (except entertainment) and the exercise or forbearance from the exercise of any duty;
- (c) under Section 9 (3) of the Prevention of Bribery Ordinance, any agent (e.g. assistants of Members) who, with intent to deceive his principal (e.g. Members), used any receipt/account or other documents which were false or erroneous or defective, should be guilty of an offence and the maximum penalty was a fine of \$500,000

and seven years' imprisonment;

- (d) the ICAC Regional Office (New Territories East) (NTE Office) was under the Community Relations Department (CRD) of the ICAC, and was responsible for educating the public against the evils of corruption and enlisting public support in combating corruption. Providing services in Sha Tin, Tai Po and North District, the NTE Office promoted anti-corruption messages in the districts and received enquires related to corruption and corruption complaints from the public;
- (e) during the formulation of the Work Plan of this year, the CRD had taken five factors into account, including the findings of the ICAC Annual Survey 2019 (findings of the survey), the role and the nurture of young people, the striving for support of community leaders, the corruption risk assessment and "Support Clean Elections";
- (f) the findings of the survey showed that the public had nearly zero tolerance for corruption (score of 0.3), 98.7% of the respondents agreed that keeping Hong Kong corruption-free was important to the overall development of Hong Kong, 81.7% of the respondents indicated that they were willing to report corruption. The results showed that the public attached great importance to core values including honesty and integrity, while young people were more willing to report corruptions, upholding the values that they embraced by taking action. The CRD would strengthen the communication with Members of the new term of the Sha Tin District Council (STDC) to enhance their understanding of the corruption prevention and education work by the ICAC and to strive for their support, with a view to promoting the integrity culture in the community by working hand-in-hand. In respect of the corruption risk assessment, the proportion of corruption complaints involving different sectors received by the ICAC in 2019 was similar to that in the past years, which included the complaints concerning the private sector, government departments and public bodies. The ICAC would, in respect of the work characteristics of various industries and departments, reinforce the preventive education of the related sectors. Besides, in view of the upcoming public elections in Hong Kong (including the Legislative Council General Election, the Election Committee Subsectors Election and the Hong Kong Chief Executive Election), the ICAC would adopt an all-round approach to promote the culture of clean election;
- (g) in response to the considerations above and the characteristics of various districts, the CRD would hold a public engagement programme entitled "All for Integrity". Apart from displaying a series of illustration themed on integrity and publishing the journal "Weekend Walk for Integrity", the CRD also planned to organise "Anti-Corruption Community Walk" in all 18 districts, which would let young people plan the tour of the landmarks related to the anti-corruption history to promote public awareness. To complement the territory-wide public engagement programme "All for Integrity", the CRD planned to organise a public engagement activity entitled "Stand for Probity, All for Integrity" in Sha Tin to promote probity;

- (h) the CRD would carry out a study targeting young people by organising focus group discussions, which would serve as a reference for the strategy for publicity and education for young people. The two-year programme on promoting moral education through picture books, “Reading for Integrity” would continue and “Reading Carnival for Integrity” would be held at the end of this year;
- (i) in response to the 2020 Legislative Council General Election, the CRD would roll out the “Support Clean Elections” programme. For candidates, the ICAC would arrange talks on the Elections (Corrupt and Illegal Conduct) Ordinance at the request of political parties, political groups, candidates and their electioneering teams; publish “Clean Legislative Council Election” information booklet, “Checklist for Candidates”, etc., to help candidates, agents and electioneering teams know about the provisions of the ordinance and their application; set up a website about clean elections and an enquiry hotline, reminding them of the matters requiring their attention in each stage, from the preparation for electioneering to the submission of the Election Return. In addition, the ICAC would also produce different kinds of publicity leaflets for voters and combine the new and the traditional media, to widely promote the message of Clean Elections to all walks of life. The ICAC would also carry out timely publicity work in response to the areas touched by the complaints and enquiries received during the 2019 District Council Election;
- (j) for building management, in response to “Operation Building Bright 2.0”, Fire Safety Improvement Works Subsidy Scheme and Lift Modernisation Subsidy Scheme launched by the Government, the CRD would provide preventive education services for owners, owners’ corporations (OCs) and other stakeholders who had joined the above schemes, which included seminars held by the Urban Renewal Authority (URA) and the Home Affairs Department for the introduction of anti-corruption law and preventive measures in building maintenance. Information on corruption prevention would also be disseminated through channels including hotlines and a feature website. The NTE Office would promote the message of anti-corruption through the three-pronged approach of law enforcement, prevention and publicity and education;
- (k) for government departments, the CRD would launch a brand new online learning platform this year to expand the coverage of preventive education, and would continue to hold thematic seminars for government officers of different ranks to provide suitable corruption prevention education services; and
- (l) for the business sector, the CRD would roll out “Integrity for Success”, the 2-year “Ethics Promotion Programme” to enhance the professional ethics of practitioners of the insurance industry on various fronts, with a view to deepening the integrity culture in the industry.

6. The views of Mr TING Tsz-yuen were summarised below:

- (a) he thanked the ICAC for confirming DC Members as public officers;
- (b) regarding media reports of police officers trafficking drugs, he opined that drug

offences might be related to the collusion with triad gangs, and thus he would like to know whether the ICAC had initiated any investigations;

- (c) he said when handling funding applications from local organisations recently, some reports submitted to the Sha Tin District Office (STDO) showed fiscal balance and therefore he had reasons to suspect that some organisations split funding received with tutors. He said he would provide the information of the local organisations concerned and report to the ICAC later, and he also requested the ICAC to ask the STDO for the details of the local organisations concerned and initiate an investigation; and

[Post-meeting note: The ICAC had contacted Mr TING Tsz-yuen for follow-up actions.]

- (d) he thanked the ICAC for their work in Support Clean Elections and he wished that the ICAC would do a better job in the anti-corruption work of the Legislative Council General Election and the Hong Kong Chief Executive Election.

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

- (a) he opined that the work plans of the ICAC were similar every year. He was also dissatisfied that the ICAC did not give a detailed account when briefing on the preventive work targeting government departments and public organisations. He said there were cases of suspected corruption involving the Hong Kong Police Force (HKPF) and the Correctional Services Department (CSD) under investigation and asked why the awareness against corruption among disciplined forces was still low in spite of the publicity work by the ICAC over the years;
- (b) he would like to know whether the ICAC would immediately notify the Secretary for Security of corruption cases which involved improprieties of police officers or civil servants. He had reservations and opined that the preventive work was not efficient because officers implicated, including police officers breaching traffic regulations, were not suspended of duties;
- (c) regarding building management, he asked the ICAC to pay close attention to the URA. He said a consultant mistakenly stated the estimated price in the tender of the work of Chevalier Garden and the URA allowed the whole tender to be uploaded onto “Smart Tender”, causing invalidation of the entire tendering procedure. He asked how the ICAC would cooperate with the URA to carry out the preventive work in building management; and
- (d) he asked whether the ICAC would provide a handbook on corruption prevention to some two hundred thousand civil servants for the purpose of publicity and education.

8. Mr LO Yuet-chau opined that the fifth part of the work plan, which focused on government departments and public bodies, failed to address suspected malpractices of police officers. He urged the ICAC to strengthen the preventive education for the Police.

9. The views of Mr CHAN Pui-ming were summarised below:

- (a) he asked whether the ICAC took the initiative to take follow-up actions on allegations of defalcation, unauthorised building works, unlawful occupation of public parking spaces, etc., which involved staff members of disciplined forces reported by the media;
- (b) As owners' committees faced difficulties to convene meetings under the epidemic situation and the implementation of the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G), he would like to know how the STDO would assist the ICAC in organising seminars on building management; and
- (c) as the ICAC invited the STDC to become an event supporter, he asked the STDO whether the anti-corruption work was a territory-wide policy and whether it violated the District Councils Ordinance.

10. The views of Mr SIN Cheuk-nam were summarised below:

- (a) the publicity activities for building management organised by the ICAC included carnivals, exhibitions, quizzes, and he opined that non-governmental organisations always held the same kinds of activities too. He suggested that apart from the OCs, the ICAC should also organise more seminars on corruption prevention and anti-corruption for owners;
- (b) regarding clean elections, he asked whether it could be applied to OC elections of housing estates and whether the ICAC could give advice to owners and the OCs on issues such as the handling of fraudulent proxy votes, in order to support clean OC elections; and
- (c) he claimed that he was a victim of the "721 Incident". He asked the ICAC whether Mr YAU Nai-keung, the then Assistant District Commander (Crime) (Yuen Long) of the HKPF, transferred to the position that was responsible for the investigation of "721 incident", had committed an offence of misconduct in public office and whether corruption was involved. He also asked the ICAC to enhance public awareness of misconduct in public office.

11. The Chairman said Mr CHAN Nok-hang would be the last Member to ask questions in this agenda item.

12. Mr HUI Yui-yu opined that it was not necessary to draw a line, and he pressed the button for follow-up questions mostly because the department did not give any responses.

13. Mr Franklin CHIU gave a consolidated response as follows:

- (a) in response to Members' views that the introduction to the promotion of probity culture in the civil service was too brief, he explained that he only gave the project titles during the latter part of the briefing because there were quite a number of work projects. The work of promoting probity in the civil service was one of the

focuses of the ICAC, and he planned to give a detailed account of this in the question session and the work of this aspect was not neglected. As for the media reports mentioned by Members, under the established policy, the ICAC would not comment on individual cases. The ICAC would definitely take stringent follow-up actions according to the established procedures;

- (b) the ICAC set up a special investigation team in August 2019, which was designated to probe into cases of suspected corruption related to the “events of opposition to the proposed legislative amendments”. As at February this year, the ICAC was handling 28 cases related to the “events of opposition to the proposed legislative amendments” and suspected corruption involving civil servants, among which 26 cases involved police officers. Due to the principle of confidentiality, the ICAC could not disclose the details of cases and the investigation progress;
- (c) the ICAC always attached great importance to the probity education for civil servants and suitable probity education services were provided for civil servants of different ranks and fields. Since 2013, the ICAC had provided briefings for major officials and newly appointed officials every year. The Commissioner of the ICAC gave a briefing on the corruption situation in Hong Kong and the issues related to integrity at a meeting in 2018 where department heads attended. The ICAC would carry on the cooperation with the Civil Service Training and Development Institute of the Civil Service Bureau to share information on ethical leadership and reinforce the concept of ethical management in leadership training courses for senior civil servants. The ICAC would also organise workshops or experience sharing sessions themed on “Ethical Leadership Programme” regularly for the ethics officers or assistant ethics officers of various bureaux/departments and encouraged departments to set training cycles and to hold talks on probity on a regular basis. The ICAC provided training on corruption prevention for over 28 000 personnel of management level and frontline civil servants, the topics of which covered misconduct in public office and how to avoid conflicts of interest. The CRD had also provided new online learning materials for supplementary training;
- (d) senior directorate officers of the ICAC attended the meetings of the Force Committee on Integrity Management of the HKPF regularly to advise on integrity training of the Police. The ICAC also worked together with the Hong Kong Police College to provide talks on ethics for police officers of different ranks and training days in various police districts, as well as reviewing the training contents with the HKPF every year, which included integrity training related to misconduct in public office;
- (e) regarding the cases of application for funding with false documents, he appealed to Members to provide relevant information or make a report after the meeting. The ICAC would take stringent follow-up actions in accordance with the established procedures;
- (f) the ICAC was an independent anti-corruption institution, and it was under neither the Security Bureau nor any other government departments, but was directly

accountable to the Chief Executive. The ICAC, upon receipt of reports of corruption, would commence investigations in accordance with the established procedures if there was sufficient information. The case would be handed over to the Department of Justice (DoJ) for prosecution if there was sufficient evidence. All cases would be reviewed by the Operations Review Committee; and

- (g) regarding building management, a three-pronged approach was adopted, namely law enforcement, prevention, and publicity and education. Reports of corruption would be stringently followed-up. For bid-rigging, the ICAC would carry out law enforcement actions at an early stage, reminding the OCs building management-related hidden corruption risks, letting OCs consider removing the consultant, contractor or restructuring the owners' committees. Regarding prevention, the Corruption Prevention Department (CPD) would advise the URA and other stakeholders on corruption prevention. As for publicity and education, the ICAC would organise themed seminars through the URA to explain the regulations and preventive measures for building management. At the district level, the ICAC would work with local organisations to organise talks to answer questions from OCs or owners on building management. The ICAC would also take the initiative to contact newly established owners' committees to provide suitable corruption prevention services, as well as providing enquiry service and information about corruption prevention through feature websites and enquiry hotlines.

14. The views of Mr CHENG Tsuk-man were summarised below:

- (a) the paper showed that the number of corruption complaints received in 2019 dropped 14% when compared to the number of 2018, but he pointed out that as the social movement took place during the second half of 2019, the ICAC should compare the numbers of 2018 and 2017 instead;
- (b) corruption complaints concerning the private sector, government departments and public bodies were 64%, 28% and 7% respectively. He would like to know what the remaining 1% was;
- (c) he opined that the standard of integrity of the society had dropped and he asked the ICAC whether they had initiated investigation of the incident of the cutting of steel reinforcement bars at Hung Hom Station to look into whether there was fraud and corruption;
- (d) he said in some large engineering works, invitations of tenderers were advertised in newspapers but the interview was just carried out as routine business as the company to be commissioned had already been fixed. He believed that it was far from fair and clean; and
- (e) in view of the District Council Election last year and the upcoming Legislative Council General Election, he said some residents received letters from the Registration and Electoral Office to voters who were not residing at their addresses. He would like to know about the ICAC's work in this aspect and the number of vote-rigging.

15. The views of Mr WAI Hing-cheung were summarised below:

- (a) referring to page 3 of “Weekend Walk for Integrity”, he would like to know why the ICAC gave an introduction of the corruption case of Peter Godber in Tai Kwun - Centre for Heritage and Arts (Tai Kwun);
- (b) he said there were museums of the HKPF and the CSD and he asked why there was not an ICAC museum themed on anti-corruption. He said he had voiced out his opinions a few times and had suggested a location in Sha Tin with justifications. He asked whether his opinions had been brought to the senior officials of the ICAC for their consideration;
- (c) regarding the introduction to the case of Peter Godber in Tai Kwun, he asked why “The Five-Hundred-Million-Dollar Inspector” was not the protagonist; and
- (d) he said a member of the public always stood outside the NTE Office of the ICAC on the ground floor of the Sha Tin Government Offices. He asked whether the member of the public had any grievances and whether the ICAC had communicated with him and tried to provide assistance.

16. The views of Mr Felix CHOW were summarised below:

- (a) the ICAC had investigated the UGL case for 4 years and claimed that prosecution was not initiated due to a lack of evidence, while junior civil servants might be charged for misconduct in public office for loafing during lunchtime, and therefore he was disappointed;
- (b) regarding the ICAC’s claim that it would initiate an independent investigation of the “721 Incident”, he said the public had reservation about the expected effectiveness;
- (c) he was concerned about the tendering work for building management. For example, among the tenders received, there was always a tender with very detailed contents and particulars, and the tenders were voted on without thorough discussion during general meetings. He would like to know how to, institutionally, ensure that all tenderers received the same complete information; and
- (d) for public education, he asked how the ICAC encouraged members of the public to take the initiative to make reports to the ICAC and how the effectiveness of publicity work was measured.

17. The views of Mr Wilson LI were summarised below:

- (a) he said he supported the work of the ICAC and the work of corruption prevention should be stepped up to uphold justice;
- (b) he opined that the ICAC and all civil servants should comply with political

neutrality and be accountable to the public, instead of the Chief Executive; and

- (c) 64% of the corruption complaints were related to the private sector and he would like to know the breakdown of the industries concerned and types of corruption cases.

18. The views of Mr Chris MAK were summarised below:

- (a) he pointed out that during the last election of the information technology functional constituency of the Legislative Council, some taxi operators distributed cash and gifts to voters of the information technology sector before the polling day and invited them to vote for a certain candidate, and the case was now under trial. He thanked the ICAC for collecting evidence and initiating prosecution; and
- (b) he said some organisations related to the taxi industry distributed goods including cooking oil and rice in public housing estates in Sha Tin, and invited residents to join their organisations. He believed that such an act fell into a grey area as visibility could be gained through the distribution of goods and it was related to bribery. He also asked whether caring activities before elections were bribery and whether the ICAC had any follow-up actions.

19. The views of Ms WONG Man-huen were summarised below:

- (a) she said it was reported by the media that a staff member of the CSD requested discounts which were dedicated to healthcare workers and that a female police officer asked an informant for a discount for purchasing jewellery. She asked how the ICAC educated the public about scenarios of possible corruption and misconduct in public office; and
- (b) she suggested that the ICAC visit the community more often to listen to the public and accept complaints from the public.

20. Mr Franklin CHIU gave a consolidated response as follows:

- (a) he explained that the total of complaints concerning the private sector (64%), government departments (28%) and public bodies (7%) was only 99% because the decimals of the three figures were rounded off for concise presentation;
- (b) the 14% decrease in the number of reports did not represent the decrease in Corruption Perceptions Index as the drop of the number of reports were contributed by many factors, for example, the economy, media reports of large-scale corruption cases, etc.;
- (c) regarding Members' statement that some consultancies carried out fake open recruitment while the candidate had already been internally predetermined, the ICAC would not comment on individual cases and he hoped that Members could provide relevant information after the meeting. The CPD had always been providing proposals on system improvement for corruption prevention for works departments of the government, with a view to wiping out opportunities for

corruption during departments' supervision of consultancies and contractors;

- (d) for supporting clean election, the ICAC had taken into account the Electoral Affairs Commission (EAC) report on the District Council Elections last year, as well as complaints of bribery, threats to use force, vote-rigging and false or misleading statements received last year, and rolled out suitable education and publicity measures, including the making of "Checklist for Electors", to remind voters that they must say no to bribery and "vote-rigging";
- (e) regarding Members' question on why only the corruption case of Peter Godber was introduced in "Weekend Walk for Integrity", but not the other major cases, he explained that it was mainly because of the strong connection between the case of Peter Godber and the establishment of the ICAC and its historical significance. The length of "Weekend Walk for Integrity" was limited and thus not many cases could be included. However, there was a "Major Cases" section on the ICAC website, which included the case of "The Five-Hundred-Million-Dollar Inspector" mentioned by Members just now;
- (f) he thanked Members for proposing the establishment of an ICAC museum. There was an exhibition hall at the ICAC Headquarters Building, displaying the exhibits of the infamous cases. The ICAC Headquarters Building was frequently visited by schools and organisations and it also served as a museum during open days;
- (g) regarding the member of the public who always stood outside the NTE Office, the staff members of the ICAC had repeatedly tried to communicate with him and inquire into his demands, but he did not wish to communicate with the staff members. The ICAC would continue to keep an eye on the situation and seek assistance from other departments when necessary;
- (h) it was not appropriate to disclose the details of the investigation progress of individual cases. The ICAC would definitely initiate investigations in accordance with the established procedures, regardless of the identity of the suspects, when there was sufficient information. After investigation and evidence collection, the ICAC would hand over the evidence to the DoJ, and the DoJ would decide whether prosecutions would be initiated, and each case would be reviewed by the individual Operations Review Committee finally;
- (i) regarding building management, the anti-corruption toolkit made by the ICAC provided related suggestions for corruption prevention, for example, for tendering process, the setup of an interest declaration mechanism, proper storage of tenders and procedures for the opening of tenders, etc. The ICAC also organised talks regularly for public education and disseminated relevant information to the public through OCs, estate management advisory committees and mutual aid committees at the district level;
- (j) in reply to Member's question on the industries that attracted complaints concerning private sector the most were building management, followed by finance and insurance, then construction industry;

- (k) in reply to Member's question on whether the offering of advantages to voters before election constituted an offence of bribery, there was a clear definition of bribery in the Elections (Corrupt and Illegal Conduct) Ordinance, that is, at any time, a person offered an advantage to another person as an inducement to vote, not to vote, to stand or not to stand as a candidate at an election, constituted an offence of bribery. The ICAC would certainly take stringent follow-up actions upon receipt of complaints; and
- (l) in reply to Members' questions on "misconduct in public office", the ICAC treated all investigations equally and never handled any cases differently because of the identity of the suspects. Any public officer, in the course of or in relation to his public office, willfully misconducted himself by act or omission, without reasonable excuse or justification, and where such misconduct departed from the duty of his public office and was serious, not trivial, might commit the offence of "misconduct in public office". The ICAC was only responsible for investigation while the initiation of prosecutions and the judgement rested with the DoJ and the courts respectively.

21. The views of Mr Ricardo LIAO were summarised below:

- (a) he said residents asked for his assistance, saying that they received from the EAC letters of new voter registration or reports on change of registration particulars. However, the recipients of the letters did not reside in their units, and thus he suspected there was vote-rigging;
- (b) he asked that except for reports from members of the public, what other channels the ICAC had to proactively collect evidence for investigation;
- (c) as some residents said that they were notified by the EAC of the receipt of forms with no signature, he asked whether it was election fraud; and whether the letters received by management offices without owners' signature that asked OCs questions should be considered forgery; and
- (d) he asked the ICAC to take the initiative to contact Hong Lam Court and Kwong Lam Court, which both aged thirty years, so that the OCs and the construction companies could receive information on anti-corruption and corruption prevention before the commencement of large-scale maintenance works with a view to preventing them from breaching the law inadvertently.

22. Mr Johnny CHUNG thanked the ICAC for the detailed introduction and explanation. He said the STDO had reservations about the establishment of the District Facilities Management and Security Affairs Committee (DFMSC) and whether, as originally stated in the terms of reference of its working group, the discussion of the law enforcement of disciplinary forces fell under the scope of district affairs of the Sha Tin District. He queried why the ICAC could introduce corruption prevention policy and actions combating corruption, as well as activities held in the South District, Central and Western District, but not the Sha Tin District. He did not understand why members of the public could sing the national anthem at the Sha Tin Racecourse every week, while the discussion of the "National Anthem Law" was not allowed at

the STDC meeting.

23. The Chairman asked Members to stay close to the topic for discussion.

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

- (a) he said when he graduated from university, he considered a job in the ICAC an ideal career because of the anti-corruption work of the ICAC. However, he did not apply for the position due to short-sightedness;
- (b) according to a survey conducted by the Hong Kong Public Opinion Research Institute, the public rating of the ICAC in 2019 and 2020 was 57.9 marks and 54.8 marks respectively. He asked the ICAC to comment on whether the decrease of 3.1 marks in the public rating represented the drop in the level of freedom from corruption or the change in the performance rating in public perception;
- (c) it had been 22 years since the handover of Hong Kong, and he was worried that the culture of “giving red packets” and “tea money” on the Mainland would have an impact on Hong Kong. He asked how the ICAC would enhance the awareness in corruption prevention among civil servants and the public; and
- (d) he received an enquiry from a member of the public that some organisations had donated fruits, face masks, or even money to the Police Welfare Fund after the “events opposing the proposed legislative amendments”. He said according to media reports, the three police welfare related funds had received donations of \$210 million over the past five years. He asked whether it was an acceptance of advantage.

25. The views of Mr CHENG Chung-hang were summarised below:

- (a) he appreciated that the publicity materials of the ICAC kept up with the trend;
- (b) he said the ICAC was directly accountable to the Chief Executive and the appointment of the Commissioner of the ICAC was nominated by the Chief Executive and approved by the State Council. As the ICAC claimed that it would not favour the rich and powerful people, he asked why the ICAC stopped the investigation of the UGL case; and
- (c) he asked the Chairman why the question raised by Mr Johnny CHUNG digressed.

26. Mr WONG Ho-fung said the property management company tendered by the Housing Department of a Home Ownership Scheme Estate in his constituency was suspected of malpractice and corruption by residents. He asked the representative of the ICAC to leave his contact information after the meeting for the arrangement for a meeting between the ICAC, residents and the OC.

[Post-meeting note: The ICAC contacted Mr WONG Ho-fung for follow-up actions after the meeting.]

27. The views of Mr LI Sai-hung were summarised below:

- (a) he said the ICAC adopted preventive measures mainly for the combat against election bribery;
- (b) he said a member of the public complained to the staff members of the polling station that some organisations attempted election bribery through the distribution of cash. However, the member of the public was told that further follow-up actions could not be taken because he did not receive any cash. He asked the ICAC what concrete measures could be taken for the facilitation of clean elections; and
- (c) he asked the ICAC whether contact information on the day of the Legislative Council General Election could be provided to facilitate the receipt of complaints or the assistance for the public to handle election bribery.

28. The views of Mr HUI Yui-yu were summarised below:

- (a) he opined that Mr Johnny CHUNG's question on why the STDO did not support the DFMSC did not digress and he believed that the ICAC could answer whether such a situation constituted an offence of misconduct in public office;
- (b) he opined the malpractice of some police officers reflected the problem in the system and opined that it would affect the public; and
- (c) he would like to know how the ICAC handled misconduct in public office, including the "721 Incident", and how the public could cooperate with the ICAC. He also asked the ICAC to give an account of what sufficient evidence was.

29. Mr Jimmy SHAM suggested extending the terms of reference of the DFMSC and inviting the ICAC to the DFMSC meetings for the discussion and exchange of views on the promotion of integrity and corruption prevention with Members, so that the time of the representatives of other government departments at the STDC full council meeting would not have to be taken up.

30. Mr NG Kam-hung said the publicity materials of the ICAC gave an introduction to the case of Peter Godber in 1973. He asked the ICAC to see if there were not any other more recent cases in the past 37 years.

31. Mr Franklin CHIU gave a consolidated response as follows:

- (a) regarding suspected vote-rigging and wrong addresses as mentioned by Members, he said under Section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance, anyone voted at the election after having given to an electoral officer information that the person knew to be materially false or misleading, constituted corrupt conduct. Members of the public could report to the ICAC of suspected vote-rigging and the ICAC would take follow-up actions in accordance with established procedures when there was sufficient information. Members of the public could make an enquiry with the Registration and Electoral Office first if they received

notification letters in wrong address;

- (b) public complaints were the main source of ICAC's cases at present. Investigations were also initiated based on referrals from government departments and public bodies, and the collection of evidence by the ICAC;
- (c) apart from reporting to the ICAC in person, members of the public could also report corruption through the report hotline or by mail. The ICAC did not encourage members of the public to report corruption online or by email due to confidentiality;
- (d) to promote integrity building management, the ICAC would take the initiative to approach owners' corporation, for example, arranging talks for OCs before building maintenance works through sending invitation letters and channels including the STDO and District Council Members;
- (e) regarding the survey results mentioned by Members, it was not appropriate for the ICAC to give an explanation on behalf of the institution that carried out the survey, however, as different public opinion surveys adopted different research methods, it was not suitable to compare the results directly. The ICAC commissioned a professional individual institution for its survey and it was supervised by the Media Publicity and Community Research Subcommittee, with a response rate of 65%. In the past ten years, the support rating of the ICAC was between 96% and 99%, the effectiveness was between 76% and 88%, which showed the sustained public support and recognition for the work of the ICAC;
- (f) with regard to media reports on government departments' acceptance of donations from organisations mentioned by Members, the ICAC would not comment on isolated incidents. According to the present regulation, the acceptance of donations by government departments or staff welfare fund was subject to the regulation of and the approval by the Civil Service Bureau;
- (g) regarding the ICAC's investigation of the individual case mentioned by Members, the ICAC had always combated corruption in an impartial manner and would not handle case unfairly due to the identity of the suspects. As for the ICAC's suspension of the investigation of the UGL case mentioned by Members, the fact was that the ICAC had finished the investigation and handed over the case to the DoJ for consideration of prosecution, and the DoJ had also given a public account of why no prosecution was initiated;
- (h) concerning the suspected corrupt or bribery conduct involved in building management and election as suggested by Members, he asked Members to provide more information on the suspected cases after the meeting for follow-up actions; and
- (i) as for sending representatives of the NTE Office to meetings of committees under the STDC as suggested by Members, the ICAC was pleased to listen to Members' views and the NTE Office staff members were already the permanent representatives of the meetings of the Culture, Sports and Community

Development Committee (CSCDC). The ICAC would also collate views from Members and the local community in different occasions.

32. Ms Amy CHAN, District Officer (Sha Tin) (DO/ST) gave a consolidated response as follows:

- (a) in the case of the STDC, under Section 61(A) of the District Councils Ordinance, the agenda of the STDC must be related to matters of the Sha Tin District at the district level;
- (b) the briefing of the ICAC was to introduce the education work by the CRD on enhancing public awareness of the harms of corruption in the Sha Tin District, as well as soliciting and boosting public support for the work plan on combatting corruption;
- (c) before Year 2015 to 2016, the STDC allocated funds every year to support the ICAC's organisation of activities in the Sha Tin District. Since Year 2016 to 2017, the ICAC had sufficient resources and thus did not have to apply for funds from the STDC. But the ICAC still gave briefings on their activities and answered Members' questions at the STDC meetings every year; and
- (d) the ICAC had always worked closely with the STDO, including the organisation of building management workshops for the owners across the district every year to provide more information.

33. The Council unanimously endorsed that the STDC would serve as the event supporter of "Stand for Probity, All for Integrity", an anti-corruption programme in the Sha Tin District 2020/21 and the STDC logo would be used on the publicity materials of the said activity.

The 8th Hong Kong Games Organising Committee - Request for Use of the Logo of the Sha Tin District Council (STDC)
(Paper No. STDC 47/2020)

34. The Chairman said the CSCDC under the STDC endorsed the nomination of Ms WONG Man-huen to serve as a member of the above committee as the representative of the STDC at the meeting on 29 April this year.

35. The Council unanimously endorsed the display of the STDC logo at the publicity activities and on the publicity materials of the 8th Hong Kong Games and approved the set-up of the hyperlink to the website of the 8th Hong Kong Games at the STDC website.

Updated Membership Lists of Committees under the STDC
(Paper No. STDC 48/2020)

36. The Chairman said the Secretariat received the applications from Mr CHENG Tsuk-man for the withdrawal from the CSCDC, the Health and Environment Committee (HEC) and the Finance and General Affairs Committee (FGAC) on 6 May this year.

37. The Council unanimously endorsed the updated membership lists of the CSCDC, the

HEC and the FGAC under the STDC.

Amendment to the STDC Standing Orders concerning the Number of Members of Working Groups

(Paper No. STDC 49/2020)

38. The Chairman said the FGAC endorsed the amendment to the regulation on the maximum number of members of working groups in the “Sha Tin District Council Standing Orders” (“Standing Orders”) at the meeting on 12 May this year, and recommended the amendment to the STDC for endorsement. Orders 40 (3) and 41 (4) of the “Standing Orders” would have to be amended. The Chairman asked Members to consider whether to endorse the proposed amendment in Annex I of the paper.

39. The Council unanimously endorsed the amendment to the “Standing Orders” concerning the number of members of working groups.

Draft Estimates of the STDC for 2020-2021

(Paper No. STDC 50/2020)

40. The Chairman said the FGAC discussed the consolidated draft estimates for 2020-2021 and endorsed the proposed amendment stated in paragraph 3 and 4 in the paper at the meeting on 12 May this year. The total reserves of the STDC stated in the annex of the paper and the proposed total estimates of Expenditure Heads 3 and 9 would be adjusted accordingly if the proposed amendment was endorsed by the STDC. He asked Members to consider whether to endorse the above proposal by the FGAC to adjust the draft estimates of the 11 Expenditure Heads stated in the paper.

41. The Council unanimously endorsed the above draft estimates.

Matters in Relation to the Incident at the New Town Plaza in Sha Tin on 1 May

(Paper No. STDC 62/2020)

42. The Chairman said the representatives of the Fire Services Department (FSD) would attend the meeting. The Secretariat had sent emails to Kai Shing Management Services Limited and Sun Hung Kai Properties Limited (SHK) twice for the invitation to this meeting after the STDC special meeting on 14 May this year. The Secretariat received an email reply from the service centre of the New Town Plaza in the evening on 20 May, stating that “We apologise that we are unable to send representatives to the fifth meeting of the STDC in 2020.” Besides, he thanked the Secretariat for preparing the summary of the special meeting on 14 May.

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

- (a) he said Members had joint questions on the 1 May incident. But they could only discuss the paper now due to time limitation;
- (b) he said members of the public went shopping in the mall on the 1 May holiday as the epidemic subsided. However, the anti-riot police officers blocked the exits during the law enforcement action, affecting the business of the shops and those members of the public who wanted to go to Sha Tin MTR Station via the atrium;

- (c) he asked whether “Sing with You” activities and Yellow Economic Circle were illegal;
- (d) he said according to the information provided by reporters, a fire escape and a gate in the New Town Plaza was cordoned off by orange tape by anti-riot police officers that night. He asked whether the Fire Services Ordinance was violated; and
- (e) he asked whether the law enforcement action by the Police was an act of “scorched earth” tactic as the business of the shopping mall was disrupted.

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

- (a) he said he had already proposed at the FGAC meeting to cut the funds for fight crime activities in the draft estimates by half and remit the amount to reserves for epidemic prevention;
- (b) he said there were two motions requesting the Secretary for Home Affairs to explain the cut of funds at the STDC meeting and he would like to know what follow-up actions the STDO had taken;
- (c) he thanked the Secretariat for preparing a summary of the guests’ speech;
- (d) he said the Police did not send representatives to the special meeting, which was unfair to the members of the public with law enforcement actions taken against them. He said the decisions made by the Independent Police Complaints Council were based on media reports and photographs, while the STDC invited members of the public concerned to give an account of the situation that day;
- (e) he asked the Police whether any advice was given before issuing fixed penalty tickets for violation of the Prohibition on Group Gathering (gathering ban), which was similar to the handling of members of the public petitioning at the STDC last time;
- (f) he asked why a single person could violate the gathering ban and was issued a fixed penalty ticket;
- (g) he asked whether frontline police officers were aware of the “Disability Discrimination Ordinance” and why they queried a lawyer, who was blind, that how he could monitor the law enforcement actions by the Police. He said the lawyer was asked to take off his prosthetic eye in the police station and he asked whether it constituted an insult;
- (h) he asked the Police when they blocked the staircase on the third floor, which led down to the ground floor, whether they had thought of the possibility of causing people to scramble or stampede, and whether they had left a passageway for passersby or disabled persons; and

- (i) he asked the Chairman to demand that the Police listen to all Members' speeches and not leave early.

45. The views of Mr LI Sai-hung were summarised below:

- (a) he said apart from 1 May, the Police also entered the New Town Plaza on 10, 13 and 16 of May respectively. He opined that the activities by some members of the public did not necessarily affect the shop operators, however, many shops immediately closed when the Police entered the mall. It was hard for members of the public to gain access to Phase 3 of the mall when the atrium was blocked by the Police;
- (b) he enquired about the operational guidelines of the Police and the criteria for setting up cordons;
- (c) he was taking photographs in the New Town Plaza on 1 May and a police officer suspected him of violation of the gathering ban when he reached the third floor. He asked what kind of attitude the Police held regarding the monitoring of their law enforcement actions by members of the public; and
- (d) he said the Police stopped and searched five young people at Sha Tin Town Hall Plaza last Wednesday, and two of them were arrested. He and Mr YAU Man-chun tried to approach and understand the situation but the Police cordoned off the area. He asked whether cordoning off the area at that time was an appropriate arrangement.

46. Mr LUI Kai-wing regretted that the New Town Plaza did not send representatives to the meeting. He would like to know, when the Police entered the mall for law enforcement actions on 1 May, what the role of the management office of the mall was, what arrangement they had made and what coordination they had made with the Police. He asked whether the Police worked with the management office to help members of the public leave, including arranging a safe route for the elderly and children to leave.

47. The views of Mr LO Yuet-chau were summarised below:

- (a) he was very dissatisfied that some police officers queried that Solicitor LUK Yiu-fai, who was a lawyer, faked his blindness; and
- (b) he said some members of the public complained to him that they could not shop at the mall and queried why the Police had to enter the New Town Plaza to take law enforcement actions.

48. Mr Percy LEUNG, District Commander (Shatin) of the HKPF gave a consolidated response as follows:

- (a) the Government announced that the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G, Laws of Hong Kong) (also known as gathering ban) would come into force at the midnight on 29 March this year, under which the gathering of more than four people was prohibited for

14 days. The Government announced the extension of the gathering ban on 8 April and 11 April respectively. The government announced the relaxation of the gathering ban on 5 May, under which the number of people allowed in group gatherings was relaxed from four to eight. The gathering ban was extended to 4 June and the decision was announced on 11 May;

- (b) any person who participated in a prohibited group gathering, organised a prohibited group gathering, owned, controlled or operated the place of the gathering, and knowingly allowed the taking place of the gathering, committed an offence. Offenders were liable to a maximum penalty of a fine of \$25,000 and imprisonment for six months. Persons who participated in a prohibited group gathering might discharge liability for the offence by paying a fixed penalty of \$2,000. Public places referred to places where members of the public could get access to from time to time, for example, cinemas and shops that were private properties;
- (c) some internet users called on protesters to participate in “Sing with You” at various districts across the territory on 1 May and the New Town Plaza in Sha Tin was one of the locations. The Police deployed officers to the vicinity of the mall to prevent disorder in public places or other illegal acts;
- (d) since 6:00 pm that day, over a hundred people gathered inside and outside the New Town Plaza and chanted. Near 7:00 pm, a member of the public reported the violation of the gathering ban in the mall and thus the Police entered the mall to carry out law enforcement actions;
- (e) the Police repeatedly gave verbal advice and warning, as well as a reasonable time to people at the scene to adhere to the gathering ban; the mall also advised people in the mall through the public address system to keep social distance or to leave;
- (f) however, some people did not follow and the Police had no other choice but to carry out a law enforcement action;
- (g) the Police dispersed people at the scene and issued 11 fixed penalty tickets to people who ignored warnings during the law enforcement action. The Police left the mall as soon as the operation was finished and no one were arrested;
- (h) he said many people gathered at the atrium of the mall and violated the gathering ban that day. After the Police dispersed the people, a passageway was left, allowing members of the public to go to Sha Tin MTR Station from the escalators of the bus terminal of the New Town Plaza via the atrium to leave;
- (i) the Police used the orange cordon line to block the area concerned and removed it after the dispersal of the crowd. He said the orange cordon line could help the Police in dispersal operation, and most people would comply with the advice given by the Police and cease committing illegal acts;
- (j) there were reporters or people in yellow vests entering the fire escape from the passageway on the third floor. The fire exit was outside Shop 367 leading to the

small podium on the third floor, which could accommodate around 50 to 100 people;

- (k) he said the Police did not request a blind person to take off his prosthetic eye in the mall and the STDC was not a platform to handle complaints from a third party. Complaints could be made to the Equal Opportunities Commission or the Complaints Against Police Office (CAPO) if relevant information was available;
- (l) there were members of the public gathering inside the New Town Plaza on 10, 13 and 16 May, violating the gathering ban and therefore the Police carried out law enforcement actions. On the other days, members of the public left under the advice by the staff of the mall, so the Police did not enter the atrium for law enforcement actions;
- (m) the Police arrested a male for the offence of disorderly conduct in a public place at Sha Tin Town Hall Plaza last Wednesday. It was not suitable to let Members or other people approach the scene due to operational reasons;
- (n) the management office of the mall had made appeals when members of the public violated the gathering ban. If those people listened to the appeals, there was no need for the Police to enter the mall for law enforcement actions; and
- (o) regarding the monitoring of law enforcement actions by the Police, the STDC was not a place to handle complaints. Complaints could be lodged to relevant statutory bodies if sufficient information was available.

49. The views of Mr MAK Tsz-kin were summarised below:

- (a) he regretted that the Police did not attend the special meeting last time to directly communicate with the people concerned;
- (b) he quoted Mr TSANG Kin-fung's saying that with no verbal warning, the Police issued him two fixed penalty tickets in a row for violation of the gathering ban and there was no passageway for him to leave that day;
- (c) he said two reporters produced their press identification on the third floor of the New Town Plaza, but the Police said they obstructed the police officers, and issued fixed penalty tickets to them for violation of the gathering ban;
- (d) he enquired about the Police's enforcement standards for the gathering ban and demanded that the Police apologise to the people involved and Solicitor LUK Yiu-fai; and
- (e) he enquired about the progress of the handling of the complaint lodged by Solicitor LUK, as promised by Mr LAI, a police officer.

50. The views of Ms LUK Tsz-tung were summarised below:

- (a) although the passageway was open 24 hours, as claimed by the mall, she said the

passageway on the fourth floor might not be open at night. She opined that as it was a private property and if the mall disagreed, the Police should not enter the mall if there was not any specific target;

- (b) she said the Police entered the New Town Plaza from City Link Plaza at 7:00 pm that day and she asked whether the Police received any report from members of the public in the mall or security guards before entering the mall for law enforcement actions. If yes, she asked what the report was about, why a hundred of police officers were deployed, and whether the Police had sought the mall's consent before entering the mall for law enforcement;
- (c) she would like to know how many police officers were deployed at the vicinity of the New Town Plaza to stand by;
- (d) she enquired about the Police's standard on manpower deployment, queried why 100 anti-riot police officers had to be deployed for the handling of violation of the gathering ban;
- (e) she asked the Police whether the entry to the mall for law enforcement during the "1 May Golden Week" was an act of "scorched earth" tactic; and
- (f) she would propose a provisional motion later.

51. The views of Ms WONG Man-huen were summarised below:

- (a) she said her friend was surrounded by 50 anti-riot police officers at the atrium that day and she approached to check her friend's condition with her STDC Member ID held up high. She was dissatisfied that the police officers immediately set up a cordon line;
- (b) she did not understand why Mr TSANG Kin-fung was alone but still violated the gathering ban;
- (c) she opined that the Police was trying to obstruct Members from performing their duties by using the orange cordon line; and
- (d) she would propose a provisional motion later.

52. The views of Mr Billy CHAN were summarised below:

- (a) he enquired about the Police's enforcement standards for the gathering ban and asked why Mr TSANG Kin-fung received two fixed penalty tickets for violating the gathering ban when he was alone;
- (b) he asked the Police the reasons for their absence from the special meeting;
- (c) he said a Police Community Relations Officer was shoved by frontline police officers too, and he urged frontline police officers to control their emotion;

- (d) he would like to convey that members of the public did not know how to leave when cordons were set up; and
- (e) he would propose a provisional motion later.

53. The views of Mr Felix CHOW were summarised below:

- (a) he asked why the Police did not give any verbal warning before using pepper spray that day;
- (b) he said the Police did not take into account the needs of reporters in wheelchairs when setting up cordons. He urged the Police to review their operational guidelines, command, dispersal and escape routes, etc.;
- (c) he enquired about the case of a male being charged with disorderly conduct in a public place on 13 May and the definition of disorderly conduct in a public place; and
- (d) he asked the Police to review their law enforcement actions in a serious manner.

54. The Chairman welcomed Mr LAU Kwok-fu, Division Commander (New Territories East) and Mr MUI Yin-wai, Station Commander Sha Tin Fire Station of the FSD to the meeting.

55. Mr Percy LEUNG gave a consolidated response as follows:

- (a) the Police had already stated that they were not able to attend the special meeting on 14 May due to official commitment during the meeting with the STDC Chairman in early May. He pointed out that during the meeting between the DO/ST, the STDC Chairman and Mr YAU Man-chun, a consensus was reached, that government departments, including the STDO and the Police did not need to send representatives to the meeting;
- (b) as the prosecution by summons of individual cases had been initiated, the Police would not give any comment;
- (c) he said judgement should not be based on one single photo only. The Police would issue fixed penalty tickets if people present did not comply with verbal advice or warning. If a member of the public ignored the Police's warning and violated the gathering ban in different locations, the Police would still enforce the law and issue fixed penalty tickets;
- (d) regarding the claims by some reporters that they were issued fixed penalty tickets for violating the gathering ban, the parties concerned could prepare a defence at the court and explain why they broke the law;
- (e) regarding the offer of an apology, it was not appropriate to make any decision before the truth was out;

- (f) the Police Community Relations Office called Mr Johnny CHUNG by telephone on May 4, and by WhatsApp afterwards, to follow up the matters related to Solicitor LUK Yiu-fai but received no reply. The Police learnt that Solicitor LUK requested assistance from the Police Community Relations Office on 14 May, and the Office took follow-up actions with him on 15, 19 and 20 May respectively. It was learnt that Solicitor LUK would like to request the CAPO directly for follow-up actions;
- (g) since Members could make observation around the mall, it proved that the Police did not cordon off the mall entirely;
- (h) concrete complaints could be lodged via the existing mechanism;
- (i) the allocation of manpower of the Police was confidential. He could not disclose the details of operations without authorisation and he would not comment on the “721 Incident”;
- (j) on 1 May, the Police received reports that some people were suspected of violating the gathering ban inside the New Town Plaza. Upon arrival, the Police repeatedly reminded and warned people at the scene, appealing to them not to gather. The Police later issued fixed penalty tickets to those people who breached Cap. 599G of the Laws of Hong Kong and ignored warnings, and did not have any intention to launch an “orange tape attack”;
- (k) each police officers took part in operations was given a unique operational call sign with a view to expediting the deployment, identifying each police officer and safeguarding personal privacy;
- (l) if members of the public or other individuals were at a crime scene or witnessed people breaking the laws, they should ensure their own safety first and then notified the Police as soon as possible, in order to fight crime by working together with the Police;
- (m) any person obstructing police officers from acting in the execution of his duty constituted an offence of Section 63 of the “Police Force Ordinance” (Cap.232 of the Laws of Hong Kong), that is, any person assaulting or resisting police officers acting in the execution of his duty, or Section 36 (b) of the “Offences against the Person Ordinance” (Cap.212 of the Laws of Hong Kong), that is, any person assaulting, resisting or wilfully obstructing any police officer in due execution of his duty or any person acting in aid of such officer, was liable to imprisonment for six months or two years;
- (n) the Police entered the New Town Plaza for law enforcement upon the receipt of reports from members of the public that some people violated the gathering ban. In other days, the Police just carried out duty outside the mall and did not enter the mall for interference when members of the public did not violate the gathering ban;

- (o) the Police would review the strategy and arrangement of the manpower deployment in due course and minimise the inconvenience caused to the public during law enforcement actions as far as possible;
- (p) the Police had stringent guidelines on the use of pepper spray;
- (q) when there was a possibility that some individuals harming themselves or others by using violence, for example, participants of public meetings or processions crushed the police defence line by using violence, and advice given by the Police failed or verbal warning could not be given due to the circumstances, the Police might resort to the use of pepper spray to defend the attack from protestors, or to prevent protestors from charging the Police cordon line;
- (r) all police officers were well trained and were in compliance with the principle of using minimum force for the completion of mission; and
- (s) regarding the case of a member of the public being charged for the offence of disorderly conduct in public place at Sha Tin Town Hall Plaza on 13 May, the Police would not comment on the case as it might be brought before the court.

56. The views of Mr CHAN Wan-tung were summarised below:

- (a) he enquired about the law enforcement on the gathering ban by the Police and the definition of “common purpose”;
- (b) he asked why the Police had different law enforcement standards when gamblers violated gathering ban; and
- (c) he said the member of the public was at Sha Tin Town Hall Plaza and should not have violated the gathering ban. He was dissatisfied with the Police’s arrest and asked whether it was because the member of the public swore at the Police officers.

57. The views of Mr CHIU Chu-pong were summarised below:

- (a) he regretted that the Police did not attend the special meeting held on 14 May and that members of the public who attended the last meeting were not arranged to attend this meeting;
- (b) he asked whether the Police provided the operational call sign of the police officer who contacted Solicitor LUK that day for the facilitation of follow-up actions;
- (c) he quoted Mr MUI Chiu-yin, the reporter of the Community U Media, that he was issued a fixed penalty ticket for violating the gathering ban during his reporting and the address on the fixed penalty ticket was wrong. He asked the Police to respect the freedom of the press and pay attention to the criteria for exemption in the laws;
- (d) he said wheelchair users needed more time to leave the scene and asked the Police

to take care of the needs of different people;

- (e) he asked the Police to think how they should prove the identity of police officers to blind people; and
- (f) he asked the Police to pay attention to the health condition of people arrested, including whether they had heart disease.

58. The views of Mr CHEUNG Hing-wa were summarised below:

- (a) he asked the Police whether they had made sure that there was enough space for people to leave when they set up a cordon at the atrium of the New Town Plaza on 1 May, making reporters, Members and members of the public stay at the four sides of the atrium;
- (b) he enquired about the Police's objectives of cordoning the atrium for three hours and said inconvenience was caused to residents who had to go to Sha Tin MTR Station during that period;
- (c) he asked why the same person received two fixed penalty tickets for violating the gathering ban;
- (d) he asked why the Police had to deploy so many police officers to enter the mall for law enforcement; and
- (e) he asked why the Police used pepper spray at the cameras of reporters when handling the case of criminal damage of shops on 13 May.

59. The views of Mr Johnny CHUNG were summarised below:

- (a) he said he received WhatsApp messages from the Sergeant of the Police Community Relations Office and contacted him through phone calls on 4 May to follow up the operational call sign of the police officer who contacted Solicitor LUK. He said based on the information available, he decided that a complaint would be lodged;
- (b) he was dissatisfied that some police officers queried how blind people could monitor the law enforcement by the Police;
- (c) as there were people impersonating police officers earlier, he asked the Police to think how they could let blind people identify police officers from the police warrant cards; and
- (d) he appealed to the Police to conserve legal resources and avoid requesting the courts to handle unnecessary cases.

60. The views of Mr CHAN Pui-ming were summarised below:

- (a) he said the incident of the blind lawyer being requested to take off his prosthetic

eye happened last year. He asked the Police to take care of the needs of different individuals when carrying out law enforcement actions; and

- (b) he said police officers did not keep a social distance of 1.5 metres during operations, and he enquired about the law enforcement on the gathering ban by the Police and the criteria for exemption.

61. Mr Percy LEUNG gave a consolidated response as follows:

- (a) police officers could judge whether people at the scene had a common purpose based on different factors, including behaviour, clothing, placards they carried and their slogans;
- (b) police officers would try to first give advice and then warning, and would only issue fixed penalty tickets for the violation of gathering ban when warnings failed;
- (c) regarding the criminal case happened at Sha Tin Town Hall Plaza, he asked Mr CHAN Wan-tung to contact the Police and be a witness of the case. He pointed out seriously that police officers would notify the persons under arrest what offence they had committed when they were arrested;
- (d) he reminded that according to Section 30 of the “Handbook for District Council Members”, Members should ensure that their behaviour would not bring District Councils into disrepute and the wording that they used was proper, and they should not use abusive and insulting language;
- (e) the Police discussed issues related to the law and order and traffic of this district with Mr CHIU Chu-pong in early May. The Police could not attend the meeting on 14 May due to official commitment and he would answer Members’ questions at this meeting;
- (f) if Solicitor LUK lodged his complaint to the CAPO, the Police would find the police officers involved by referring to the record;
- (g) he would remind police officers that they must handle fixed penalty tickets carefully;
- (h) he would convey Members’ suggestion on how to let blind people identify police officers to the departments concerned for follow-up actions;
- (i) regarding the decease of a South Asian in another police district, as the case might be brought before the Coroner’s Court, it was not appropriate to comment on it at this stage;
- (j) to prevent rioters from throwing rubbish bins or other miscellaneous objects from the fourth or sixth floor to the atrium, injuring police officers who were carrying out law enforcement actions or innocent members of the public, police officers were thus sent to the locations near the guardrails for monitoring;

- (k) the cordon line set up by the Police that day ended outside “SaSa” and the cordon line was a straight line, and therefore members of the public could leave safely if they complied with the Police’s warnings and backed away;
- (l) over a hundred people gathered that day and they were suspected of having violated the gathering ban, and therefore the Police had to deploy enough manpower for law enforcement actions;
- (m) he stressed that members of the public could go to Exit B of Sha Tin MTR Station from the escalators of the bus terminal of the New Town Plaza via the two sides of the atrium that day;
- (n) he said the gathering of five people already committed an offence under the gathering ban and the Police would issue fixed penalty tickets when warnings were not heeded. If the same person violated the gathering ban in another location again, the Police would still take law enforcement actions;
- (o) he said some people in yellow vests attempted to snatch suspects from police officers, or jumped out from behind reporters and assaulted police officers. Therefore, to ensure personal safety, as well as the safety of suspects, the Police would not let unauthorised persons approach when making arrests;
- (p) he would convey to the headquarters that the operational call signs were more difficult to be identified under poor illumination;
- (q) the Police would definitely follow up issues related to misconducts in a solemn manner;
- (r) if a defendant doubted the legitimacy of the fixed penalty ticket, police officers would give an account of the fact on the court; and
- (s) police officers were exempted from the gathering ban and they wore face masks when carrying out law enforcement actions. He reiterated the “three-step mechanism” of the law enforcement of the gathering ban, advice first, then warning, and fixed penalty tickets at last.

62. The Chairman said the cleaning service of the Conference Room would be carried out at 6:30 pm.

63. Mr Michael YUNG asked the STDO what scientific evidence the cleaning of the Conference Room based on and suggested that the meeting continue.

64. Ms Amy CHAN said the meeting had been conducted consecutively for four hours and the Conference Room was crowded. For the sake of everyone’s health, representatives of government departments and Members could take a short break or go to restrooms during the cleaning of the Conference Room.

65. Mr Michael YUNG said Mr Percy LEUNG did not wear a face mask when he spoke just now.

66. Ms Amy CHAN reminded attendees to wear face masks.

67. The Chairman adjourned the meeting for 20 minutes.

(After the adjournment of the meeting)

68. The views of Mr Wilson LI were summarised below:

- (a) he believed that the incident on 1 May was the continuation of the social events last year and the “721 Incident” happened last year was controversial;
- (b) he asked the Police to exercise their powers in a prudent manner and opined that it was unreasonable that Mr TSANG Kin-fung violated the gathering ban when he was alone;
- (c) he asked whether the Police was selective in taking law enforcement actions; and
- (d) he urged frontline police officers to respect blind people and not to intensify social conflicts.

69. The views of Mr HUI Yui-yu were summarised below:

- (a) he opposed the gathering ban and opined that its definition was not clear;
- (b) he asked the Police how to ensure that frontline police officers adhered to the standard of law enforcement;
- (c) regarding how to distinguish between participants of “Sing with You” and ordinary customers, he asked whether police officers had received any briefing on that before the operation;
- (d) he asked whether any review on the law enforcement was carried out after the operation; and
- (e) he would like to know the Police’s enforcement standards for the gathering ban.

70. The views of Mr Ricardo LIAO were summarised below:

- (a) he said he wore a DC Member ID that day and Mr LI Sai-hung, who was at the New Town Plaza, wanted to approach and inquire why the Police set up a cordon, as well as helping members of the public leave. However, he was treated impolitely by the police officers at the scene. He urged the Police to improve;
- (b) he said members of the public had a lot of doubts regarding the law enforcement by the Police, including the entry to the mall for law enforcement, arrests that they made and the wording of their speeches;
- (c) he would like to reflect to the New Town Plaza that members of the public had

doubts about the safety of shopping in the mall; and

- (d) he asked whether the Police could enter any mall across the territory for law enforcement actions.

71. The views of Mr YIP Wing were summarised below:

- (a) he had doubts about the enforcement standards for the gathering ban and illegal gambling;
- (b) he was dissatisfied that his assistant and Solicitor LUK were treated impolitely in the New Town Plaza that day;
- (c) he said it was not easy to identify or jot down the operational call signs of the police; and
- (d) he invited the commander to jointly monitor the Police's law enforcement with him and Solicitor LUK in future.

72. The views of Mr LO Tak-ming were summarised below:

- (a) he said the Police's entry to the New Town Plaza caused the shops to close;
- (b) the law enforcement of the gathering ban by the Police was one of the epidemic prevention measures; and
- (c) police officers should wear warrant cards during operations.

73. Mr Percy LEUNG gave a consolidated response as follows:

- (a) the Police would definitely keep in view and duly address the wording and the emotion of frontline police officers;
- (b) regarding the violation of the gathering ban by TSANG, the Police would not give any comment as the case would be tried in court. He appealed to the people concerned to state clearly in court the circumstances of the gathering that day;
- (c) although there were members of the public gathering in the New Town Plaza on 10, 13, 16 May respectively, the Police did not enter the mall as the gathering at that time did not violate the gathering ban. So the Police absolutely did not abuse the gathering ban; and
- (d) the Police would give instructions to police officers before the operation, and reviews would be arranged, if time allowed, after the operation, in order to strive for the best.

74. Mr HUI Yui-yu raised a question on the order and enquired about the details of the Police's instructions to police officers and the details of reviews, and he opined that the Police did not give a precise response.

75. The Chairman said it was not a question on the order and he asked Mr HUI Yui-yu to ask follow-up question at the second round of speech.

76. Mr Percy LEUNG gave a consolidated response as follows:

- (a) he said Police Community Relations Officers were deployed to the scene for mediation during Police's operations;
- (b) shopping malls were public places and therefore the Police could enter for law enforcement actions when necessary;
- (c) for the gathering ban, the Police would first give verbal advice, then verbal warning, and issue fixed penalty tickets if the former two measures were ineffective;
- (d) regarding the violation of the gathering ban by a single person, he asked Members not to repeat biased information and the court would summon witnesses during the trial of the case;
- (e) upon entry to the New Town Plaza that day, the Police first cleared the space near the guardrails of the fourth to sixth floor to prevent people from throwing objects from height, injuring innocent members of the public or police officers carrying out law enforcement actions. Then a cordon was set up near the atrium of the third floor and advice was given to the people gathered and there was sufficient time for people who gathered and violated the gathering ban to leave;
- (f) he would remind police officers to pay attention to the choice of language; and
- (g) he would convey the comments about helping blind people identify police officers to the headquarters.

77. The views of Mr HUI Lap-san were summarised below:

- (a) he said many members of the public initiated public meetings from early May to now, and the Police had entered the shopping malls under SHK in Sha Tin, Tseung Kwan O, Tsuen Wan and Tai Po;
- (b) regarding the warning letter issued to the customers by SHK, he asked whether the Police had any agreement with SHK regarding the entry of malls for law enforcement actions; and
- (c) he enquired about the arrest made in a drink shop in the New Town Plaza by plainclothes police officers on 13 May.

78. The views of Ms TSANG So-lai were summarised below:

- (a) she said "Operation Pegasus" circulated online only referred to the shopping activity on 1 May;

- (b) she opined that reporters who reported at the New Town Plaza should be exempted from the gathering ban;
 - (c) she did not understand why the Police had to use pepper spray to disperse the crowd who violated the gathering ban; and
 - (d) she was dissatisfied that the Police did not attend the last meeting and most questions were replied in writing.
79. The views of the Vice-Chairman were summarised below:
- (a) he enquired about the law enforcement standards for the gathering ban and the definition of “common purpose”;
 - (b) he asked why the Police Community Relations Officers stayed in the New Town Plaza after the crowd was dispersed; and
 - (c) he said some frontline police officers treated people at the scene impolitely. He urged the Commander to monitor the behaviour of frontline police officers.
80. The views of Mr TING Tsz-yuen were summarised below:
- (a) he suggested that the Chairman invite the representatives of the FSD to reply to the questions related to the Fire Services Ordinance later and take the initiative to ask follow-up questions on Members’ behalf;
 - (b) he enquired about the refusal to produce warrant cards by police officers;
 - (c) he said the “District Councils Ordinance” vested DC Members with the power to safeguard the well-being of the people in the district concerned. Since the ICAC had confirmed that DC Members were public officers, he would like to, under Section 23 of the “Summary Offences Ordinance” (Cap. 228 of the Laws of Hong Kong), “resists or obstructs a public officer in the performance of any public duty”, lodge a complaint and report that some police officers obstructed DC Members from performing public duties;
 - (d) he said the freedom of reporting and the freedom of the press were protected under the Basic Law and the Hong Kong Bill of Rights. He urged the Police to show respect; and
 - (e) he would propose a provisional motion later.
81. The views of Mr WAI Hing-cheung were summarised below:
- (a) he would like to know from 14 July last year to 1 May this year, how many times the Police had entered the New Town Plaza for law enforcement action in response to reports made by the mall or requests for Police’s entry from the mall. Besides, he asked whether the Police had obtained the approval of the management office

or representatives of the mall before each entry to the mall;

- (b) regarding the law enforcement action by the Police on 1 May, he asked whether the mall requested the Police's entry because it was not able to handle the violation of the gathering ban;
- (c) he asked why the Police could not resolve the situation of people violating the gathering ban three hours after their entry to the mall;
- (d) he did not understand why some areas of the New Town Plaza were cordoned off by orange tape;
- (e) regarding the fact that the blind lawyer could tell the difference between the attitudes of two police officers, he urged the Police not to affect other police officers because of the defects of one single police officer and to push their subordinates to do better;
- (f) he was not sure whether Mr IP Cheuk-yu, the Chief Inspector, being shoved by other police officers was related to the emotional problem of frontline police officers;
- (g) he said Mr Raymond LI was shoved by police officers at Sha Tin Town Hall Plaza on the night of 13 May, and Mr Rupert Dover was pepper-sprayed at the New Town Plaza on 25 December last year. He asked whether the incidents indicated the loss of control of police officers during law enforcement;
- (h) he asked the Police whether there was any mechanism to ensure that the mental and psychological condition of police officers was suitable for carrying out law enforcement action at the meeting of the Education and Welfare Committee (EWC) on 12 September last year. The Police did not send representatives to the meeting and replied in writing, stating "in view of the duties of the police, with suitable measures and supports, the HKPF would continue to keep an eye on the fitness and mental health of police officers". He would like to know how the Police ensured that the psychological condition of the police officers taking part in operations was suitable for the execution of duties every time; and
- (i) he urged the Police to treat suspects arrested humanely and the penalties should be decided by the court.

82. Mr Percy LEUNG gave a consolidated response as follows:

- (a) whether the Police had to enter the New Town Plaza for law enforcement action depended on whether there were people breaking the laws;
- (b) on 13 May, three males intruded into "Heytea", a drink shop on the fourth floor of the New Town Plaza and vandalised the shop inside with hard objects. Two plainclothes police officers in the vicinity immediately subdued one of the males and a lot of people, including reporters and bystanders, surged forward in the meantime, and therefore the police officers had to protect themselves and the

suspect by using pepper spray. Thus, the crime risk was still high even when there was not a large crowd gathering in the mall;

- (c) the Police entered the mall for law enforcement on 1 May because there were people violating the gathering ban;
- (d) some people in yellow vests, who might not be reporters, charging the Police cordon lines at that time, and therefore the Police used pepper spray for dispersal;
- (e) the Police would first give advice, then warning, and issue fixed penalty tickets as a last resort;
- (f) the Police dispersed and drove the crowd to the exit of the Sha Tin Town Hall Plaza and then stopped, but the crowd gathered again, so the Police had to continue to deal with the situation and could not leave the scene;
- (g) he would definitely take action if any police officers used inappropriate language;
- (h) there might be three conditions under which police officers were unable to produce their warrant cards, first, the prevailing circumstances did not allow; second, the production of warrant cards would affect the operation or threaten the safety of police officers; last, the request was unreasonable;
- (i) he did not have in hand the number of Police's entry into the New Town Plaza for law enforcement since last year. He reiterated that the Police could enter the mall directly for law enforcement when crimes took place inside;
- (j) the Police intended to leave the mall as soon as possible that day, but had to stay inside the mall to handle the situation as the crowd gathered again;
- (k) the use of orange cordon tape could keep a safe distance between the protestors and police officers and minimise conflicts;
- (l) he would remind his colleagues to pay attention to their wording when they spoke to people with disabilities;
- (m) the scene of law enforcement operation was often chaotic, where bystanders, people in yellow vests, first-aiders and the press surged forward. Therefore, police officers at the scene had to control the situation by speaking more loudly;
- (n) before an operation, senior police officers could assess whether the emotion of their subordinates was stable and whether they were suitable to take part in the operation during briefing and chats; and
- (o) as the scene of law enforcement operation taken would be quite chaotic, police officers had to ensure the safety of suspects and themselves when they subdued suspects.

83. The views of Mr CHENG Chung-hang were summarised below:

- (a) regarding the definition of “common purpose”, he quoted Mr TSANG Kin-fung that he neither sang nor chanted any slogan nor dressed in black that day. He did not understand why Mr TSANG still received fixed penalty tickets for the violation of gathering ban twice;
- (b) regarding the arrests made at Sha Tin Town Hall Plaza, he said he had been arrested at Victoria Park before but the police officers did not inform him of the charge against him at that time. He asked whether the arrest was made in compliance with the arresting procedures; and
- (c) he said he would remind police officers of the “Police General Orders” in future police enforcement action.

84. Mr Billy CHAN asked the Chairman to let the FSD respond first.

85. The Chairman said the representatives of the FSD had not arrived at the Conference Room when Mr YAU Man-chun raised questions. He would ask Mr YAU Man-chun to show the photographs and repeat his questions later, and then let the FSD respond.

86. The views of Mr Jimmy SHAM were summarised below:

- (a) he opined that the Police’s attendance at the meeting was a public relations tactic;
- (b) he doubted the enforcement standards of the Police;
- (c) he said he went to the New Town Plaza to monitor the Police’s law enforcement that day and he opined that the Police’s cordon at the atrium caused a nuisance to the public;
- (d) he said some elderly people had difficulties in going to the Sha Tin MTR Station, and he eventually contacted Ms LAI, the female police officer, for the opening of the passageway. He urged the Police to review the planning of the operation;
- (e) he urged the Police to change the font and the colour of the operational call signs; and
- (f) he asked after giving advice and warning, how long the Police would wait before issuing fixed penalty tickets.

87. The Chairman said under the principle of fairness, he would let Mr YAU Man-chun repeat his questions to the FSD after the first round of speech.

88. The views of Mr WONG Ho-fung were summarised below:

- (a) he said the rubbish bins in the New Town Plaza had already been replaced by rubbish bags a few months ago, and opined that there would not be much impact even rubbish bags were thrown from a height, while the cordon affected the accessibility for the public; and

- (b) he asked whether the Police would report cases as “mystery shoppers”.

89. The views of Mr Raymond LI were summarised below:

- (a) he enquired about the standards of the Police’s enforcement and the criteria for setting up a cordon;
- (b) he was dissatisfied with the Police’s dispersal of crowds on a staircase on 13 May;
- (c) he said he personally disagreed with the “gathering ban”, considering the law an impediment to the expression of views by the public;
- (d) he said some reporters and Members wanted to inquire into the arrests on 1 May, however, some police officers used pepper spray on them at the atrium of the New Town Plaza without any warnings. He asked whether that was a breach of the guidelines for the use of pepper spray;
- (e) he said he was shoved by the Police and fell at the Sha Tin Town Hall Plaza on 13 May, which he opined that the Police threatened the safety of people at the scene by shoving them; and
- (f) he would like to propose two provisional motions.

90. The views of Mr LAI Tsz-yan were summarised below:

- (a) he asked how the Police should handle public enquiries about the Police’s law enforcement actions;
- (b) he asked whether the Police should work with Members to de-escalate the situation at the scene;
- (c) he would like to know the concept of “Members do not have privileges” stated by the frontline police officers;
- (d) he said he had repeatedly reflected that it was very important for frontline police officers to control their emotion;
- (e) he said he met Mr IP Cheuk-yu, Chief Inspector, at Sha Tin Town Hall Plaza on 13 May, but the Police Community Relations Officer might not have a deep understanding of the operational details. He opined that the Police Community Relations Office might not be able to perform its duty of helping frontline police officers control their emotion; and
- (f) he suggested urging frontline police officers to handle their emotion properly and removing them from the frontline if necessary.

91. Mr TSANG Kit urged the Chairman to take the initiative to press for responses to questions where departments failed to give a positive response.

92. The Chairman said he could not control the quality of the speech made by a third party. He asked departments to give precise responses to Members' questions.

93. Mr Percy LEUNG gave a consolidated response as follows:

- (a) the mechanism of the CAPO was effective;
- (b) police officers at the scene would make a judgement on "common purpose" based on the prevailing situation at the scene. Discussions in the community at present were often false or were simply rumours, and therefore the testimony made in the court under oath would help find out the truth of the case;
- (c) on 13 May, intruders broke into "Heytea", the drink shop on the fourth floor of the New Town Plaza and vandalised the shop. The Police entered the mall, not for dispersal, but to cordon off the crime scene, and therefore orange cordon lines were set up for investigation purpose. A 16-year-old male was later arrested at the scene;
- (d) the Police would, subject to the actual circumstances, inform the suspect of the charge against him as soon as possible;
- (e) the number and frequency of advice and warning given by police officers were subject to the actual circumstances;
- (f) since over a hundred people gathered at the atrium at that time, the Police had to clear the locations near the guardrails on the fourth to the sixth floor to prevent people from throwing hard objects from a height;
- (g) after advancing the check line, the Police opened passageways for members of the public to go to Sha Tin MTR Station from the escalators of the bus terminal of the New Town Plaza via two sides;
- (h) he would convey Members' comments on the colour of operational call signs to related branches for consideration;
- (i) although there were no rubbish bins in the mall, a 16-year-old male vandalised "Heytea", the drink shop with hard objects on 13 May. Therefore, the Police could not rule out the possibility of people throwing hard objects from a height;
- (j) the Police did not have "mystery shoppers" service or practice at present;
- (k) he reiterated that the enforcement standards were advice, warning and fixed penalty tickets;
- (l) the Police set up cordon lines and entered from the third floor of CityLink Plaza, dispersing the crowd. Then the Police advanced towards Sha Tin Town Hall Plaza and stopped in the vicinity of the staircase near "Zara". As the crowd

gathered in front of the cordon lines again, the Police had to stay inside the mall for law enforcement action;

- (m) the Police might use pepper spray to protect themselves and other people when the Police's cordon lines were charged;
- (n) he believed that the circumstance at Sha Tin Town Hall Plaza at that time was chaotic and if Members considered that they were unfairly treated, they could lodge complaints through the existing mechanism;
- (o) he hoped that Members could understand that frontline police officers might not have the chance to give an immediate explanation to members of the public when there was an emergency;
- (p) the role of the Police Community Relations Office at the scene was to serve as a communication bridge between Members and commanders; and
- (q) he agreed that frontline police officers should have good emotion control to make rational decisions.

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

- (a) he said according to the photographs provided by reporters, a fire escape and a gate in the New Town Plaza was cordoned off with orange tape by police officers that night. He asked whether this had breached any law;
- (b) he asked whether the objective of the gathering ban was to prevent the epidemic from spreading or to stop members of the public from voicing out opinions;
- (c) some members of the public protested at the Sha Tin Government Offices during the STDC meeting and were suspected of having violated the gathering ban. However, the Police did not issue any fixed penalty tickets. He expressed dissatisfaction with this; and
- (d) he doubted the Police's enforcement standards for the gathering ban and opined that it would lead to confrontation between the Police and the public.

95. The views of Mr Wilson LI were summarised below:

- (a) he questioned the fairness of the existing system for handling complaints about Police enforcement;
- (b) he quoted reporters as saying that they were treated impolitely by police officers at the scene and he urged frontline police officers to respect reporters and people with disabilities; and
- (c) he hoped that the Police and the press could respect each other and serve their respective duties, letting the press play the monitoring role as the fourth estate.

96. The views of Mr CHENG Chung-hang were summarised below:
- (a) he asked the Chairman to press for responses on Members' behalf; and
 - (b) he enquired about the standards of police enforcement and asked why Mr TSANG Kin-fung was still issued fixed penalty tickets when he neither sang nor chanted any slogan nor was dressed in black.
97. The views of Mr Ricardo LIAO were summarised below:
- (a) he asked the Police to show professionalism and restrain themselves in future enforcement action; and
 - (b) on 1 May, he and Mr LI Sai-hung were in the New Town Plaza and some officers of Police Tactical Units, with pepper spray in their hands, urging members of the public to leave the mall area to avoid breaching the gathering ban. However, other police officers upstairs used flashlights to shine on reporters and asked them not to leave. He asked why the Police gave opposite instructions, confusing members of the public at the scene.
98. The views of Mr Raymond LI were summarised below:
- (a) he said the setting up of cordon lines threatened the safety of members of the public at the scene;
 - (b) regarding the public passages in the New Town Plaza, he asked the Lands Department (LandsD) and the FSD whether the police's cordoning off of the area of the fourth to the sixth floor, which might cause obstruction to the fire doors, was legitimate; and
 - (c) he asked whether the New Town Plaza had the right to issue warning letters to members of the public staying in the public passages.
99. Mr LAU Kwok-fu gave a consolidated response as follows:
- (a) under the Fire Services Ordinance, locks could be installed at fire doors. The only condition was the door could be opened without the use of keys;
 - (b) the fire door shown in the photograph was fitted with a push bar, which was an acceptable design. If the fire door could be opened by pressing the push bar, it already met the requirements of the Fire Services Ordinance; and
 - (c) as the FSD was not aware of how the orange tape was hung up, an investigation would be needed before determining whether there was any breach of the Fire Services Ordinance.
100. Mr Wilson WONG, District Lands Officer / Sha Tin of the LandsD gave a consolidated response as follows:

- (a) a land lease was a civil contract signed by the Government in its capacity as the landlord and the grantee to oversee the development and the use of individual sites. The civil nature of land lease did not affect the power vested in public officers by the related ordinances for the performance of statutory duties;
- (b) under the terms of the relevant lease, the owner of the New Town Plaza had to permit access of members of the public over the said site to the adjacent private sites for all lawful purposes at any time; and
- (c) the District Lands Office/Shau Tin (DLO/ST) had received and was handling the complaint about the issue of warning letters by the New Town Plaza. The DLO/ST would seek legal advice if necessary and take follow-up actions with the New Town Plaza in due course.

[Post-meeting note: After seeking legal advice, the DLO/ST believed that the display or distribution of the notice concerned by the lessee did not breach the terms of the lease.]

101. Mr Percy LEUNG gave a consolidated response as follows:

- (a) to reduce the risk of the spread of COVID-19, the Police took action to enforce the gathering ban, demanding the dispersal of gathering in public places;
- (b) there were singing activities in the New Town Plaza on 10, 13 and 16 May. The Police did not enter the mall to disperse the crowd as there was no violation of the gathering ban at the scene;
- (c) the effectiveness of the Police complaints system was not under his purview;
- (d) the Police attached great importance to their relationship with the media and the Media Liaison Team would be deployed in operations to facilitate the communication between frontline police officers and the media;
- (e) the Police had given repeated warnings and allowed enough time for members of the public to disperse before issuing fixed penalty tickets to individuals who did not heed warnings of gathering ban;
- (f) the Police would not comment on individual cases at the meeting;
- (g) he had to look into the situation mentioned by Mr Ricardo LIAO on 1 May before giving a written reply; and
- (h) when the Police set up cordon lines, arrangements would be made in view of the actual circumstances, for example, allowing people on escalators or other people in need to proceed to other locations first.

102. Mr YAU Man-chun asked whether it was still legitimate if the gate was tied up from the bottom to the top by orange tapes and could not be opened. He urged the Police to conduct a review in a serious manner in the future.

103. Mr LAU Kwok-fu gave a consolidated response as follows:

- (a) as shown in the photograph, there was supposed to be a pair of handles on the gate as designed. However, there was only one handle on the left side but not the right side, so the possibility that the gate on both sides were tied up by rope could not be ruled out;
- (b) the opening of the fire door of this design in the photograph did not require any key and therefore it met the requirements on the locking of the means of escape in fire safety related ordinances; and
- (c) as it was not clear who tied the orange tape and how it was tied, and thus the FSD had to carry out an on-site investigation before determining whether the complaint was substantiated.

104. Mr NG Kam-hung would like to know whether the laws allowed the gate to be tied up and kept closed.

105. Mr YAU Man-chun quoted reporters as saying that the police officers on duty removed the door handles of the fire door and tied them up when they left. He said the damage that took place in the New Town Plaza on 1 May was the damaged door handles.

106. Mr LAU Kwok-fu gave a consolidated response as follows:

- (a) an investigation had to be conducted at the scene, hence the FSD could not judge whether it constituted locking of means of escape only by a photo; and
- (b) as it could not be ascertained what the structures of the scene were, who tied up the fire door and whether it had to take a long time to untie the knot, it could not be determined whether the circumstances in the photo constituted obstruction or locking of means of escape.

107. The Chairman said the air-conditioning supply in the Conference Room would be suspended from 9:00 pm. He asked Members to be concise in their speeches and he hoped that the remaining agenda items could be covered as much as possible.

108. The views of Mr CHAN Pui-ming were summarised below:

- (a) he asked how the situation should be handled if a member of the public did not dare to push and open the fire door when there was a fire because he saw the police tying up the door handles with an orange tape; and
- (b) he disagreed with the replacement of warrant cards with operational call signs.

109. The views of Mr HUI Yui-yu were summarised below:

- (a) he asked the Chairman to help Members raise follow-up questions;

- (b) he opined that the Police were dodging the questions and their attendance at the meeting was just a public relations tactic;
- (c) he opined that the Police should apologise to the public for improprieties in the past; and
- (d) he asked whether the Police had provided any specific enforcement standards for frontline police officers' reference before the operation on 1 May and whether they had conducted any reviews after the operation. If not, he asked what the reasons were.

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

- (a) regarding the efficiency of the meeting, he advised the Chairman to, after handling "Matters in Relation to the Incident at the New Town Plaza in Sha Tin on 1 May", handle the seven reports of Item 3(a) under the information items first and consider handling the questions raised by him and Mr CHAN Pui-ming, and Items 3(b) to (e) at the resumption of the meeting. He also suggested that other government departments need not attend the resumption of the meeting;
- (b) he urged the Commander to instruct the police officers of the Sha Tin District to have manner up to standards and not to be antagonistic; and
- (c) he hoped that police officers could have self-control and be cautious of their behaviour.

111. The views of Mr WONG Ho-fung were summarised below:

- (a) he said under Section 15 of the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F of the Laws of Hong Kong), the locking of means of escape referred to "anyone secures or causes to be secured the means of escape in respect of any premises, which might render escape materially more difficult, commits an offence"; and
- (b) he opined that the Police had excessive power.

112. The views of Ms WONG Man-huen were summarised below:

- (a) she asked why the Police did not enforce the gathering ban when a number of Members complained about the gathering of members of the public outside the Conference Room last time;
- (b) she asked why police officers used pepper spray towards her DC Member ID when she performed her duties as a DC Member in the New Town Plaza on 1 May; and
- (c) she opined that frontline police officers did not show restraint when performing duties.

113. Mr Percy LEUNG gave a consolidated response as follows:

- (a) as some police officers had been doxxed, operational call signs could help identify police officers and protect their privacy at the same time;
- (b) there were operational orders before every police operation, including objectives and planning of the operation. However, these were confidential details and he could not disclose the detailed contents at DC meetings. Reviews after operations were not one-off and were conducted in due course, with a view to striving for the best;
- (c) he pointed out that the issue of fixed penalty tickets was not the only way to enforce the law. For example, for illegal parking or jaywalking, if advice and warning were effective, police officers might consider not issuing fixed penalty tickets; and
- (d) the target of police enforcement action was criminals.

114. The Vice-Chairman asked why Ms WONG Man-huen was still pepper-sprayed after producing her DC Member ID.

115. Mr Percy LEUNG said Members could lodge their complaints with the CAPO if they had any grievances.

116. The Chairman asked attendees to have rational discussions and behave in an orderly manner.

117. Mr Percy LEUNG added that Members could lodge their complaints with the CAPO if they had concrete information. He asked Members not to make any conclusion before investigation and discussion should be unbiased.

118. Mr LAU Kwok-fu said besides the fire door not locked, another factor was whether it “rendered escape materially more difficult”, but not about whether the gate was tied up by ropes.

119. The Chairman asked the FSD to note Members’ comments on the FSD’s responses with regard to the fire door. He suggested allowing Members to speak in one go first before allowing representatives of government departments to speak, and he accepted Mr Michael YUNG’s proposal to only handle reports from committees at this meeting.

120. The views of Mr WAI Hing-cheung were summarised below:

- (a) he asked the Police to give a written reply regarding the number of times of Police entering the New Town Plaza for law enforcement action in response to reports or requests made by the mall;
- (b) he asked the Secretariat to give Paper No. EW 24/2019 and minutes of the EWC meeting on 26 September 2019 to the Commander for him to respond to the questions on the emotion of frontline police officers;

- (c) he asked if a police officer on duty was found to be losing his temper, whether they could be suspended from carrying out law enforcement action in a short period of time;
- (d) a situation similar to what Mr Ricardo LIAO had just mentioned happened in the New Town Plaza on 14 July 2019, too. Some police officers tried to disperse the crowd while another batch of police officers stationed near or at the gates of Sha Tin MTR Station, making members of the public unable to leave by taking the East Rail Line. He opined that members of the public were confused as two batches of police officers gave different orders; and
- (e) regarding police officers not showing their police identification numbers, he believed that “if one had done nothing wrong, one needed not to panic at the tap on the door in the middle of the night”.

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

- (a) he pointed out that the orange tape was the Police’s cordon lines. He asked whether a member of the public would break the law if he removed the orange tape;
- (b) he said there were only three people stationing at his street counter and four people in total including the member of the public who was getting a leaflet. However, they were suspected of having violated the gathering ban by police officers. He asked the Police to explain the enforcement standards for the gathering ban; and
- (c) he asked whether the locking of fire doors by a metal chain was in compliance with the Fire Services Ordinance.

122. The views of Mr CHIU Chu-pong were summarised below:

- (a) he asked whether it was undesirable for the Police to leave before removing the orange tape that they tied onto the fire door; and
- (b) apart from Police Community Relations Officers, he urged frontline police officers to treat DC Members politely and maintain good communication with them.

123. The views of Mr CHEUNG Hing-wa were summarised below:

- (a) for the case mentioned by Mr Ricardo LIAO, he believed it was due to the inadequate internal communication of the Police which confused members of the public at the scene. He urged the Police to learn about the situation of the scene when carrying out law enforcement action and to maintain good communication with people at the scene; and
- (b) he did not understand why the Police first advised, then warned and issued fixed penalty tickets to one single person for the violation of the gathering ban.

124. The views of Mr YEUNG Sze-kin were summarised below:

- (a) he opined that it was not necessary for the Police to interpret the laws. He said he had called the Police Station of the Sha Tin Division under New Territories South every day since 29 March, complaining about members of the public gambling, smoking and urinating in public places, etc., and recorded the time and details of police enforcement. He was dissatisfied that the Police issued penalty tickets in the New Town Plaza; and
- (b) he asked the Police and the FSD to pay attention to the dropping public rating and listen to DC Members' feedback based on observation.

125. The views of Mr NG Kam-hung were summarised below:

- (a) he asked why some frontline police officers treated members of the public impolitely;
- (b) he enquired about the connection between the presence of a large crowd and group gathering;
- (c) he asked in what way the singing of members of the public was related to group gathering;
- (d) he would like to ask the Police to give an account of how reviews were conducted at the next meeting;
- (e) he believed that it would only cause more problems instead of solving problems if the Police Community Relations Office was contacted at present;
- (f) he asked if someone tied a complex knot, whether he, as a member of the public, could cut the knot for the FSD, and whether he would be charged by the police for criminal damage; and
- (g) he asked if he tied a fisherman's knot or a timber hitch, etc., on the fire door, whether Members present knew how to untie the knot.

126. The views of Mr Jimmy SHAM were summarised below:

- (a) he asked Members not to make things difficult for the FSD;
- (b) he believed that police officers who breached the laws should be punished; and
- (c) regarding Ms WONG Man-huen being pepper-sprayed, he would like to know what kind of attitude the Police adopted towards those DC Members who were performing their duties.

127. The views of Mr LI Sai-hung were summarised below:

- (a) he was disappointed with the FSD's reply;

- (b) he opined that the Police did not reply in response to the fact;
- (c) for the cases of Ms WONG Man-huen and Mr Raymond LI, he said complaints could not be lodged as they did not have the police identification numbers;
- (d) he opined that the existing complaint system was “investigating their own people”; and
- (e) he was very dissatisfied that DC Members could not approach the scene to learn about the arrests made by the Police and to help members of the public in need. He was also very discontented with the Police enforcement action.

128. The views of Mr Billy CHAN were summarised below:

- (a) he opined that the Police did not respond to Members’ questions directly;
- (b) he would like to know the identity of the police officer who shoved him and Mr IP Cheuk-yu that day; and
- (c) he asked besides “not perfect, acceptable, improvement needed”, what else the Police would do to rebuild the public confidence in the Police.

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

- (a) he opined that the emotion of frontline police officers was stirred up during public activities as they could carry out action permitted by the laws, by which he opined the relations between the Police and the public was undermined;
- (b) he told the Police that he had reservations about the effectiveness of their reviews; and
- (c) he said a fire broke out at Fung Shing Court on 6 November last year, killing members of the public and there was no water supply in the fire hose to put out the fire at that time. However, the report still had not been available so far. He urged the FSD to take follow-up action.

130. Mr LO Yuet-chau enquired about the incident of Mr IP Cheuk-yu being shoved by anti-riot police officers that day.

131. The views of Mr SHEK William were summarised below:

- (a) he believed that the singing of members of the public would not disrupt other people who were doing shopping or other activities that took place in the mall. However, the shops had to be closed when the Police entered the mall;
- (b) he said members of the public could only go back and forth from Phase 1 to Phase 3 of the New Town Plaza during the lockdown, and he opined that the operation that night was confusing;

- (c) he asked what the definition of a reasonable cordon was; and
- (d) he asked what “might render escape materially more difficult” meant.

132. The views of Mr CHENG Chung-hang were summarised below:

- (a) according to the “Guidance to an Arrested Person”, “If you are arrested by a police officer, you will be informed that you are under arrest and the reasons for your arrest”. He asked whether police officers already had to inform the suspect of the reasons for his arrest when making the arrest; and
- (b) he asked whether the FSD would initiate an investigation of the incident to see whether the Fire Services Ordinance was breached.

133. The views of Mr Chris MAK were summarised below:

- (a) he was concerned about the emotional issue of police officers;
- (b) he had observed that the Police would become very sensitive when passersby held up their mobile phones;
- (c) he was worried that police officers, who were equipped with weapons, including pepper spray and batons, might undermine public safety or have conflict with the public when they were emotionally unstable; and
- (d) he opined that both the Commander and police officers should treat DC Members with a good mentality.

134. Mr LAU Kwok-fu gave a consolidated response as follows:

- (a) regarding Members’ question on the definition of difficult knots, he said there was no specific definition in the laws and the laws did not specify whether a chained fire door might render escape materially more difficult, and an on-site investigation was necessary for an outcome;
- (b) the FSD always received public complaints that the exit routes in the New Town Plaza being obstructed by miscellaneous items or locked, hence the FSD conducted inspections from time to time and kept close contact with the management company; and
- (c) the FSD did not receive any request from the office of Mr CHAN Nok-hang. The FSD had established an independent task force for an inquiry to look into the causes and casualties of the fire that broke out at Fung Shing Court on 6 November last year.

135. Mr Percy LEUNG gave a consolidated response as follows:

- (a) he would take follow-up action to explore how to effectively help frontline police officers control their emotion in actual circumstances;

- (b) as mentioned by Members that the Police gave different orders on 1 May, he would further inquire into the situation and make improvement in the next operation;
- (c) he pointed out that some criminals committed crimes by making use of the personal information of those people being “doxxed”;
- (d) he would learn about the situation and take follow-up action regarding the use of orange tape;
- (e) if the gathering ban was observed, instead of giving warnings, police officers would only remind people at Members’ street counters to beware of the number of people there;
- (f) he recognised the importance of politeness and calm emotion;
- (g) he pointed out that the 16-year-old male arrested on 13 May exactly had his face covered when he broke into “Heytea” and damaged the shop;
- (h) during the law enforcement action on 1 May, the Police first gave advice and only resorted to issuing fixed penalty tickets because warnings were not heeded;
- (i) for individual cases, persons concerned could make their argument in the court;
- (j) the singing activity exactly was a gathering of a crowd, which violated the gathering ban; and
- (k) he and the Police Community Relations Office would continue to maintain good communication with Members to exchange views on the law and order, traffic and livelihood of the district.

136. The Chairman concluded the main points of Members speeches, including the possibility of abuse of the gathering ban by the Police; the disruption to the leisure time and shopping activity of members of the public caused by the Police’s entry to the New Town Plaza; police officers treating Members and the press impolitely, which made the public questioning the Police’s enforcement standards; and some police officers being impolite when they talked or enforced the law, which made the public have negative feelings. Besides, some members of the public believed that the existing police complaint system was imbalanced and ineffective. He asked the Police to reflect on Members’ advice and comments.

137. Mr CHIU Chu-pong asked why the air-conditioning in the Conference Room stopped, but the air-conditioning remained normal in Members common room.

138. Mr Raymond LI said he would like to propose a provisional motion regarding the air-conditioning.

139. The Chairman opined that the supply of air-conditioning should be general administration matters of the STDO. He did not intend to address the provisional motion regarding the air-conditioning.

140. Ms Amy CHAN gave a consolidated response as follows:

- (a) as the battle against the epidemic was currently underway, the STDO had issued letters long ago stating that air-conditioning would only be provided until 7:00 pm. Since a heated discussion was expected at this meeting, the provision of air-conditioning had already been extended to 9:00 pm;
- (b) when the meeting proceeded at 8:00 pm, she had reminded the Chairman that the air-conditioning would only be provided until 9:00 pm; and
- (c) as the air-conditioning was centrally-controlled, the STDO was unable to switch it on or off.

141. Mr CHAN Nok-hang asked the FSD to give him the information about the investigation report of the fire at Fung Shing Court after the meeting.

[Post-meeting note: The FSD had established an independent task force for inquiry to look into the causes and casualties of the fire that broke out at Fung Shing Court on 6 November last year.]

142. The Chairman asked Members whether they agreed to address the following provisional motions.

143. Members agreed to address the provisional motions.

144. The Chairman said, under Order 13(3) of the Sha Tin District Council Standing Orders, “Members of the Council shall not at the meeting of the Council discuss any matter not included in the agenda. No more than one discussion item, motion or question shall be raised by each member at a meeting of the Council, except for provisional motions related to the agenda or the procedures for meetings.” He asked Mr Raymond LI to choose from the two provisional motions or consider combining the two provisional motions.

145. Mr LO Yuet-chau proposed the provisional motion as follows:

“Short title of the motion: Condemn the Police for blocking the emergency exit route in the New Town Plaza

Motion Background: On Labour Day, 1 May this year, a significant number of members of the public went shopping in various districts in response to the calls for participation in the shopping activity during the Golden Week of 1 May. From what Members of the Sha Tin District Council observed in person and the news footage, there was nothing special during the daytime shopping activity that day and members of the public also wore face masks and maintained suitable social distance for epidemic prevention, the activity was peaceful and conducted in an orderly manner overall; however, in the evening, the Police falsely claimed that there were people violating the gathering ban and suddenly barged into the New Town Plaza, where anti-riot police officers gradually locked up the entire shopping mall, intimidated, drove away by force or even issued fixed penalty tickets to the customers inside, causing utter chaos.

During the later stage of the conflict that night, the Police tied up and locked a means of escape and a gate in the New Town Plaza, making them inaccessible. Under Section 15, <Locking of Means of Escape> of the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F of the Laws of Hong Kong):

‘A person commits an offence if the person—

(a)secures or causes to be secured the means of escape in respect of any premises; or

(b)being the owner, tenant, occupier or person in charge of any premises, permits or suffers to be secured the means of escape in respect of the premises, by any lock or other device which in the event of fire or another calamity—

(c)cannot readily and conveniently be opened from within the premises without the use of a key; or

(d)might render escape materially more difficult.’

Obviously, the police officer who tied up with rope and locked the means of escape and the gate in the New Town Plaza that day, and the commander who gave such an order had breached the “Fire Services (Fire Hazard Abatement) Regulation” above, which would be liable to a fine at level 6 on a first conviction; or liable to a fine of \$200,000 and to imprisonment for 1 year on a subsequent conviction.

Motion: The Sha Tin District Council condemns the Police, during the conflict provoked by the Police themselves on 1 May, for rendering a means of escape and a gate in the New Town Plaza inaccessible by tying them up with a rope and locking them, and is suspected of having violated the Fire Services (Fire Hazard Abatement) Regulation, Cap. 95F1 of the Laws of Hong Kong; at the same time, the Council urges the Fire Services Department to investigate this case and suggests that the Department of Justice initiate prosecution when necessary; the Police also have to be reminded again to comply with the relevant ordinances to ensure that they will not repeat the same mistake in the future.”

Mr TING Tsz-yuen, Mr CHAN Nok-hang, Mr CHIU Chu-pong, Mr YAU Man-chun, Mr George WONG, Mr Billy CHAN, Mr Wilson LI, Mr LO Tak-ming, Mr SHEK William, Mr HUI Yui-yu, Mr WONG Ho-fung, Mr LAI Tsz-yan, Mr NG Kam-hung, Mr TSANG Kit, Mr Jimmy SHAM, Mr Raymond LI, Ms WONG Man-huen, Ms LUK Tsz-tung, Mr CHAN Pui-ming, Mr MAK Tsz-kin, Mr Felix CHOW, Ms NG Ting-lam, Mr Johnny CHUNG, Mr HUI Lap-san, Mr LI Sai-hung, Mr CHENG Chung-hang, Mr LUI Kai-wing, Mr WAI Hing-cheung, Mr YIP Wing, Mr YEUNG Sze-kin, Mr Ricardo LIAO, Mr CHAN Wan-tung, Mr Chris MAK, Mr CHING Cheung-ying, Mr Michael YUNG and Mr CHEUNG Hing-wa seconded the motion.

146. The Council unanimously endorsed the provisional motion in paragraph 145.

147. Ms WONG Man-huen proposed the provisional motion as follows:

“Short title of the motion: The Sha Tin District Council (STDC) condemns the Police for showing contempt for the functions of District Council (DC) Members and treating DC Members with violence, which renders the cooperation between the Council and the Police impossible.

Background:

Under Section 61 (a)(i) of the District Council Ordinance, Cap. 547 of the Laws of Hong Kong, the functions of DCs are as follows, which includes advising the Government on “matters affecting the well-being of the people in the District”. In view of this, it is indeed the duty of DC Members to show concern for the well-being of people of their respective districts.

On 1 May, the Police barged into the New Town Plaza for no reason, creating massive chaos. A member of the public went to the mall alone, but was surrounded by over 50 anti-riot police officers, first accused of misconduct, then issued with fixed penalty tickets for violation of the gathering ban. Ms WONG Man-huen, an STDC Member, identified herself as a DC Member and approached to learn about the situation, but was treated rudely and doubted by the police officers who said, “You think DC Members are privileged, huh?”. The Police then expanded the cordon arbitrarily and shoved DC Members, and even used pepper spray afterwards, hurting two STDC Members, Ms WONG Man-huen and Mr Raymond LI. Such an action was a display of total disrespect for the powers bestowed on DC Members by the Laws of the Hong Kong Special Administrative Region. Therefore

Motion: The STDC strongly condemns the Police for their contempt towards DC Members, their wilful obstruction to DC Members in the performance of duty and the arbitrary use of violence, which hurt two elected DC Members and reporters at the scene during the use of pepper spray. The Council respectfully advises the Hong Kong Police Force that, as the saying goes, a man must first despise himself, and then others will despise him, so do not be conceited over their force and become the enemy of people by abusing their power and obstructing DC Members from performing their duties bestowed by the laws.”

Mr LUI Kai-wing, Mr MAK Tsz-kin, Mr CHAN Nok-hang, Mr Felix CHOW, Mr CHAN Pui-ming, Ms NG Ting-lam, Mr HUI Lap-san, Mr Johnny CHUNG, Mr CHENG Chung-hang, Mr YIP Wing, Mr WONG Ho-fung, Mr TING Tsz-yuen, Mr SHEK William, Mr Billy CHAN, Mr CHIU Chu-pong, Mr HUI Yui-yu, Mr Wilson LI, Mr CHEUNG Hing-wa, Mr LI Sai-hung, Mr CHAN Wan-tung, Mr Ricardo LIAO, Mr YEUNG Sze-kin, Mr LO Yuet-chau, Mr NG Kam-hung, Mr Michael YUNG, Ms LUK Tsz-tung, Mr LO Tak-ming, Mr Chris MAK, Mr Raymond LI, Mr George WONG, Mr YAU Man-chun, Mr LAI Tsz-yan and Mr CHING Cheung-ying seconded the motion.

148. The Council unanimously endorsed the provisional motion in paragraph 147.

149. Ms LUK Tsz-tung proposed the provisional motion as follows:

“Short title of the motion: Condemnation of the malicious lockdown of shopping malls by the Police which spoils the economic activity in Sha Tin

Motion Background: Since the past few weeks, the Police have intimidated, driven away members of the public by force and made arbitrary prosecutions in various districts under the guise of the “gathering ban”, and they even repeatedly dispatched anti-riot squad to

lock down shopping malls, where countless of shops, including those in the Sha Tin District, were forced to be closed early over and over again.

In the past five months, the China-originated Wuhan Pneumonia has dealt a huge blow to the economy of Hong Kong. Recently, the epidemic has slightly subsided and many members of the public go outside for consumption again, with a view to supporting the retail and catering sectors which have been hit hard. The anti-epidemic awareness of Hong Kong people is widely applauded, as everyone can see, most of the Hong Kong people wear face masks and maintain sufficient distance for epidemic prevention during shopping; however, the Police just ignore the right and wrong and argue fallaciously time and time again that members of the public have breached the gathering ban, followed by intimidation, dispersal with force and arbitrary prosecutions. The Police operations often create massive chaos and conflicts, and their outrageous behaviour not only does not help epidemic prevention, but also disrupts normal business operations in shopping malls, strangling economic activities.

Motion: The Council condemns the Police for their repeated intimidation, dispersal of members of the public with force and arbitrary prosecutions under the guise of the “gathering ban” in the past few weeks, as well as the deployment of the anti-riot squad for the malicious and unreasonable lockdown of malls in the district, where the business operation of the malls and shops in the district was seriously disrupted and exacerbated under the epidemic situation, strangling economic activities in Sha Tin.”

Mr TING Tsz-yuen, Mr CHAN Nok-hang, Mr CHIU Chu-pong, Mr YAU Man-chun, Mr George WONG, Mr Billy CHAN, Mr Wilson LI, Mr LO Tak-ming, Mr SHEK William, Mr HUI Yui-yu, Mr WONG Ho-fung, Mr LAI Tsz-yan, Mr NG Kam-hung, Mr TSANG Kit, Mr Jimmy SHAM, Mr Raymond LI, Ms WONG Man-huen, Mr MAK Tsz-kin, Mr Felix CHOW, Ms NG Ting-lam, Mr Johnny CHUNG, Mr HUI Lap-san, Mr CHENG Chung-hang, Mr LUI Kai-wing, Mr WAI Hing-cheung, Mr YIP Wing, Mr Michael YUNG, Mr CHEUNG Hing-wa, Mr LI Sai-hung, Mr CHAN Wan-tung, Mr Ricardo LIAO, Mr YEUNG Sze-kin, Mr LO Yuet-chau, Mr Chris MAK and Mr CHING Cheung-ying seconded the motion.

150. The Council unanimously endorsed the provisional motion in paragraph 149.

151. Mr Johnny CHUNG proposed the provisional motion as follows:

“Short title of the motion: Condemnation of discrimination and insults against the blind by the Police and demand for Equal Opportunities Commission (EOC) investigation

Motion Background: On Labour Day, 1 May this year, a significant number of members of the public went shopping in various districts in response to calls for participation in the shopping activity during the Golden Week of 1 May. From what Members of the Sha Tin District Council observed in person and the news footage, there was nothing special during the daytime shopping activity that day and members of the public also wore face masks and maintained suitable social distance for epidemic prevention, the activity was peaceful and conducted in an orderly manner overall; however, in the evening, the Police falsely claimed that there were people violating the gathering ban and suddenly barged into the New Town Plaza, where anti-riot police officers gradually

locked up the entire shopping mall, intimidated, drove away by force or even issued fixed penalty tickets to the customers inside, causing utter chaos.

From live broadcast and the testimony of Members of the Council and the complainant, Ms LUK Yiu-fai, who is a blind female lawyer, was monitoring the Police enforcement at the scene. A female police officer suddenly approached and drove Ms LUK away, and Ms LUK thus stated clearly her intention and then asked the female police officer to prove her identity. However, she was not only rejected, but even teased “You are blind, how can you monitor police brutality?”. The female police officer and other police officers then kept making discriminatory remarks and accused her of having violated the gathering ban. Even though Ms LUK has pursued the Police over the incident afterwards, the Police still has not taken any follow-up action or given her any explanation.

Motion: The Council condemns the Police for insulting Ms LUK Yiu-fai, a blind female lawyer by making discriminatory remarks in the New Town Plaza on 1 May this year. The Council demands that the Police initiate an internal investigation on the police officers involved as soon as possible and give Ms LUK and the public an explanation of the incident; the Council also urges the EOC to initiate an investigation on the police officers involved and the commander in charge for the suspected violation of the Disability Discrimination Ordinance (Cap. 48 of the Laws of Hong Kong), and to provide appropriate support to Ms LUK when necessary.”

Mr TING Tsz-yuen, Mr CHAN Nok-hang, Mr CHIU Chu-pong, Mr YAU Man-chun, Mr George WONG, Mr Billy CHAN, Mr Wilson LI, Mr SHEK William, Mr HUI Yui-yu, Mr WONG Ho-fung, Mr LAI Tsz-yan, Mr NG Kam-hung, Mr TSANG Kit, Mr Jimmy SHAM, Mr Raymond LI, Ms WONG Man-huen, Ms LUK Tsz-tung, Mr CHAN Pui-ming, Mr Felix CHOW, Ms NG Ting-lam, Mr HUI Lap-san, Mr CHENG Chung-hang, Mr LUI Kai-wing, Mr WAI Hing-cheung, Mr YIP Wing, Mr LO Tak-ming, Mr Michael YUNG, Mr CHEUNG Hing-wa, Mr LI Sai-hung, Mr CHAN Wan-tung, Mr Ricardo LIAO, Mr YEUNG Sze-kin, Mr LO Yuet-chau, Mr Chris MAK and Mr CHING Cheung-ying seconded the motion.

152. The Council unanimously endorsed the provisional motion in paragraph 151.

153. Mr Billy CHAN proposed the provisional motion as follows:

“Short title of the motion: To condemn the Police for selective enforcement of the gathering ban and demand the Government to abolish the gathering ban

Motion Background: The Government, on the pretext of ‘epidemic prevention’, promulgated the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (gathering ban) on 29 March this year, banning the gathering of four or more people in public places (later relaxed to eight people).

In the past two months, the Police oppressed multiple peaceful public events under the guise of enforcement of the gathering ban, intimidated, drove away members of the public by force and made arbitrary prosecutions. From the news footage, many members of the public, who were only doing shopping in the malls alone, were

prosecuted for “gathering of four or more people in public places”; while activities of pro-China and pro-establishment organisations, for example, Leticia LEE See-yin and a crowd of 10 people created disturbances at the Sha Tin District Council on 24 April, pulling down their facemasks and sending spittle flying, but the Police just turned a blind eye to this situation. The Police are not even secretive nor shameful about their blatant selective enforcement, which is so outrageous, as if the story of ‘1984’ created by George Orwell has come true.

As a matter of fact, there is no more connection between the gathering ban and ‘epidemic prevention’, and the gathering ban has somehow become a convenient tool for the Government and the Police to oppress the public. Wuhan Pneumonia has ravaged the globe for months, the epidemic has slightly subsided around the world so far and largely calmed down in Hong Kong; meanwhile, as the public now has better epidemic prevention awareness and protective gears, the gathering ban is thus no longer necessary. The gathering ban, in the guise of epidemic prevention, is in fact a draconian law harming freedom, and therefore the Council believes the correct approach is to promptly abolish the gathering ban.

Motion: The Council condemns the Police for their selective enforcement of the gathering ban based on political stands in the past two months, suppressing public freedom while harbouring pro-China cohorts; the Council also demands that the Government face up to the public anger and abolish the gathering ban promptly.”

Mr TING Tsz-yuen, Mr CHAN Nok-hang, Mr CHIU Chu-pong, Mr YAU Man-chun, Mr George WONG, Mr Wilson LI, Mr LO Tak-ming, Mr SHEK William, Mr HUI Yui-yu, Mr WONG Ho-fung, Mr LAI Tsz-yan, Mr NG Kam-hung, Mr TSANG Kit, Mr Jimmy SHAM, Mr Raymond LI, Ms WONG Man-huen, Ms LUK Tsz-tung, Mr CHAN Pui-ming, Mr MAK Tsz-kin, Mr Felix CHOW, Mr Johnny CHUNG, Mr HUI Lap-san, Mr CHENG Chung-hang, Mr LUI Kai-wing, Mr WAI Hing-cheung, Mr YIP Wing, Mr CHEUNG Hing-wa, Mr LI Sai-hung, Mr CHAN Wan-tung, Mr Ricardo LIAO, Mr YEUNG Sze-kin, Mr LO Yuet-chau, Mr Chris MAK, Mr CHING Cheung-ying and Mr Michael YUNG seconded the motion.

154. The Council unanimously endorsed the provisional motion in paragraph 153.

155. Mr Raymond LI proposed the provisional motion as follows:

“Motion to condemn the abuse of force and power by the Police in the New Town Plaza on 13 May

Motion Background:

On 13 May, some members of the public expressed their discontent with the Government by singing and putting up big-character posters at the Sha Tin Town Centre, which proceeded in a peaceful and orderly manner. The Police then arrived, where the anti-riot squad locked up the area around the Sha Tin Town Hall and Sha Tin Town Hall Plaza and dispersed members of the public at the scene.

Several Members of the Council witnessed at the scene that a middle-aged male

quarreled with the police officers using swear words, and was questioned by the police officers who said, 'Why are you cursing'; the male then asked, 'Is it illegal to curse?' and was subsequently pressed on the ground and arrested by the Police. Another two young males, who were near the staircase of the New Town Plaza facing the Sha Tin Town Hall, were demanded by the police officers to 'come over and talk', however, they were suddenly accused of "chanting slogans", handcuffed and arrested when they approached the police officers. The Police later confirmed that those three people were arrested for "disorderly conduct in a public place" and "obstructing police officers in the execution of duties" respectively. The Council opines that the arrests of the three people by the Police were unjustifiable, not only because the Police seemed to have set up traps for the arrests, but they also took revenge on innocent members of the public who scolded the police officers by abusing public powers, such misdeeds reflect the shamefully low standard of ethics of the Police.

Besides, the Police also dispersed the press reporting at the scene and many Members of the Council for no reason, shoving them violently, during which Mr LI Chi-wang, Raymond, a Member of this Council, was pushed to the ground. It should be noted that the Police ignored the potential danger of the steep and long staircase when they dispersed the crowd at the Sha Tin Town Hall Plaza and kept shoving the crowd when they did not even show a clear way out, putting the people in danger.

The Council opines that the Police operation at the Sha Tin Town Centre on 13 May was unnecessary and their abuse of force and power during the operation was utterly inappropriate.

Motion:

The Council condemns the Police for their abuse of force and power during the operation at the Sha Tin Town Centre on 13 May, revenging against innocent members of the public by abusing public powers, and such misdeeds reflect the shamefully low standard of ethics of the Police."

Mr George WONG, Ms WONG Man-huen, Ms LUK Tsz-tung, Mr WAI Hing-cheung, Mr YIP Wing, Mr Billy CHAN, Mr CHAN Pui-ming, Mr YAU Man-chun, Mr NG Kam-hung, Mr MAK Tsz-kin, Mr LO Tak-ming, Mr Johnny CHUNG, Mr Felix CHOW, Ms NG Ting-lam, Mr CHENG Chung-hang, Mr HUI Lap-san, Mr Ricardo LIAO, Mr YEUNG Sze-kin, Mr LO Yuet-chau, Mr LUI Kai-wing, Mr CHIU Chu-pong, Mr SHEK William, Mr TING Tsz-yuen, Mr TSANG Kit, Mr LAI Tsz-yan, Mr Chris MAK, Mr CHING Cheung-ying, Mr Michael YUNG, Mr Wilson LI, Mr LI Sai-hung, Mr CHEUNG Hing-wa and Mr CHAN Nok-hang seconded the motion.

156. Mr Percy LEUNG said the description in the second paragraph of the provisional motion proposed by Mr Raymond LI involved legal proceedings, and he asked the Chairman to consider whether it was appropriate to address it as a motion in the STDC.

157. The Chairman asked Mr Raymond LI that if the legal proceedings of the case had started, whether he would still propose the provisional motion.

158. Mr Raymond LI said he would still propose the provisional motion

159. The Chairman was of the view that the content of the provisional motion proposed by Mr Raymond LI had already been widely described or reported by the media, and thus he approved to proceed it.

160. Mr YAU Man-chun said he believed that Members would be willing to be summoned as witnesses if there were any legal problems.

161. The Council unanimously endorsed the provisional motion in paragraph 155.

162. Mr Raymond LI proposed another provisional motion as follows:

“Motion to express regret in response to the unreasonable actions taken by the New Town Plaza against members of the public

From June last year to the present moment, members of the public in Sha Tin have expressed their discontent with the Government and Police brutality through different activities in the district countless times, and the New Town Plaza, which is located at the Sha Tin Town Centre, has naturally become one of the locations where members of the public express their opinions.

During the early stage of the Anti-Extradition Law Amendment Bill Movement, the New Town Plaza was widely applauded for its liberal, unbiased and understanding attitude towards members of the public, as it did not interfere with peaceful activities of the public and stood fast in the face of the Police’s pressing threats. However, during the demonstration in Sha Tin on 14 July last year, the New Town Plaza succumbed quickly after the Police barged in and occupied the mall without the mall’s consent. It not only accepted the Police’s unreasonable demands and let the anti-riot squad have unfettered access to the mall, but also complemented the Police in the oppression and dispersal of members of the public.

On 1 May, the Police entered the New Town Plaza to oppress the peaceful activity of the public again. Four days later, the two pillars at the atrium of the third floor, which were called “Lennon Pillars” by the public, were cordoned off with mills barriers by the New Town Plaza, with a notice stating “Private Property. Post No Bills” on it. The pillars were guarded by security guards 24 hours a day and members of the public were not allowed to approach. On 13 May, the security guards of the New Town Plaza distributed “warning letters” to members of the public at the scene, claiming that the land lease forbade “anyone to conduct unauthorised activities” and legal actions might be taken against the recipients of the letters.

The Council opines that the deeds of the New Town Plaza this month were obviously moves to aid and abet the brutal Police in the suppression of the freedom of expression, assembly and speech.

Motion:

The Council expresses regret for the successive unjustifiable moves taken by the New Town Plaza against members of the public since May this year. The Council reminds

the New Town Plaza that the long-term support and spending by Sha Tin residents is the key to success of the mall. However, the New Town Plaza aids and abets the brutal Police in the suppression of the freedom of expression, assembly and speech and confronts its own customers by betraying Sha Tin residents, who have always been the key to its success. Such a despicable and cowardly act is simply foolish. The Council urges the New Town Plaza to review its practices and lift the unjustifiable restrictions which forbids the peaceful expression of opinions of the public.”

Mr George WONG, Ms WONG Man-huen, Ms LUK Tsz-tung, Mr Billy CHAN, Mr LO Yuet-chau, Mr YEUNG Sze-kin, Mr Ricardo LIAO, Mr YAU Man-chun, Mr CHENG Chung-hang, Mr WAI Hing-cheung, Mr YIP Wing, Mr CHAN Pui-ming, Mr LO Tak-ming, Ms NG Ting-lam, Mr MAK Tsz-kin, Mr Johnny CHUNG, Mr NG Kam-hung, Mr Felix CHOW, Mr HUI Lap-san, Mr LUI Kai-wing, Mr CHIU Chu-pong, Mr SHEK William, Mr TING Tsz-yuen, Mr TSANG Kit, Mr LAI Tsz-yan, Mr Chris MAK, Mr CHING Cheung-ying, Mr Michael YUNG, Mr Wilson LI, Mr CHEUNG Hing-wa, Mr CHAN Nok-hang and Mr LI Sai-hung seconded the motion.

163. The Council unanimously endorsed the provisional motion in paragraph 162.

164. The Chairman said he accepted Mr Michael YUNG’s suggestion that Item 3 of the agenda be dealt with as soon as possible. Meanwhile, the questions raised by Mr Michael YUNG and Mr CHAN Pui-ming, “Sha Tin District Police Action Plan for 2020” and “2020-2021 Work Plan of the Sha Tin District Office” would be dealt with at another meeting or the next meeting.

Information Items

Reports of Committees under the STDC

Traffic and Transport Committee (Paper No. STDC 51/2020)

165. Mr Michael YUNG said the special meeting mentioned under Item 4 in the paper would be held at 10:00 am on 26 May (Tuesday).

District Facilities Management and Security Affairs Committee (Paper No. STDC 52/2020)

166. The Chairman said he, Mr CHIU Chu-pong and Mr Jimmy SHAM would discuss and follow up the terms of reference concerned with the STDO later and would report to members at the DFMSC meeting.

Development and Housing Committee (Paper No. STDC 53/2020)

Culture, Sports and Community Development Committee (Paper No. STDC 54/2020)

Health and Environment Committee

(Paper No. STDC 55/2020)

(Paper No. STDC 55A/2020)

167. Mr Chris MAK reported to Mr TING Tsz-yuen, the Chairman of the HEC that the meeting of the Working Group on Enhancing the Public Health in Sha Tin District (Ad Hoc) was convened yesterday. He suggested that the HEC amend the terms of reference and the content of the funding of the working group.

168. Mr TING Tsz-yuen noted that the meeting of the working group was convened yesterday. He would include the discussion about the establishment of the working group and the adjustment of the maximum number of working group member in the agenda of the next HEC meeting.

Education and Welfare Committee

(Paper No. STDC 56/2020)

(Paper No. STDC 56A/2020)

169. Mr Chris MAK would like to know why the STDO still had not submitted the information of the establishment of the working group under the committee.

170. The Chairman asked the Secretariat of the committee to assist in handling the relevant matters.

171. Ms Amy CHAN pointed out that the committee had to propose the establishment of the working group itself if the committee wished to form one and the terms of reference concerned had to be submitted to the Secretariat for follow-up action.

Finance and General Affairs Committee

(Paper No. STDC 57/2020)

172. Mr Michael YUNG would like to enquire of Mr YAU Man-chun, the Chairman of the FGAC, about a letter, which was about the content of a motion of the committee falling outside the terms of reference of the STDC and the motion would not be recorded.

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

- (a) he said he received the letter from the District Officer this morning, which stated that a provisional motion endorsed at the FGAC meeting on 12 May was not compatible with the functions of District Councils as stated in Section 61 (A) of the District Councils Ordinance, and therefore the motion and discussions concerned would not be recorded in the official record;
- (b) he was of the view that the provisional motion was compatible with the District Councils Ordinance, and the meeting that day discussed the estimates and expenditure of the STDC. Since the beginning of this term of the STDC, several special meetings were convened for the discussion of matters related to epidemic prevention and Members had performed their duties competently. So, Mr Raymond LI proposed the provisional motion;

- (c) he opined that it was a matter of the well-being of the 700 thousand residents of Sha Tin District and asked the District Officer to withdraw her decision stated in the letter. He believed that the letter might not be compatible with the suggestions stated in the District Councils Ordinance and he might make an application for judicial review; and
- (d) to prevent the public from misunderstanding that the STDC did not perform its duties, he asked the Chairman to send a letter regarding the concerned motion to the Office of the Chief Executive, as well as a copy to all Principal Officials, on the behalf of the STDC, to reiterate the stance of the Members present.

174. Mr Raymond LI agreed with Mr YAU Man-chun and believed that the motion did not breach the District Councils Ordinance. He hoped that the motion could be delivered to the Chief Executive in writing.

175. The Chairman said, under the terms of reference of the STDC, he would follow up all discussed items.

176. Ms Amy CHAN said the subject of the motion was not an issue of the Sha Tin District at the district level and the Government believed that the motion concerned was not compatible with the DC functions specified in Section 61(A) of the District Councils Ordinance. Therefore, it would not be included in the official record.

177. The Chairman said he would convey Mr YAU Man-chun's views to government officials of different ranks.

178. Mr CHAN Nok-hang pointed out that Section 61(A) of the District Councils Ordinance stated that matters discussed should be related to the well-being of the Sha Tin District. So he asked why the STDC could endorse the motion on "Support and Uphold the White Paper on the Practice of the One Country Two Systems Policy" in 2014 and the motion was recorded in the minutes of the meeting, while the present motion concerned would not be included in the official record now.

179. The Chairman stressed that he would convey the views of the STDC in this regard to different officials and follow up the matter.

180. Mr Michael YUNG agreed to postpone his question. He hoped that the paper of the question could include the new questions he had just added and the reply from the Secretariat.

181. The Council noted the above 9 reports of the committees.

Financial Year 2019-2020 STDC Account Statement
(Paper No. STDC 58/2020)

182. The Council noted the above paper.

Financial Account of the STDC (as at 30 April 2020)
(Paper No. STDC 59/2020)

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

- (a) regarding the \$550 thousand cut in the STDC funding, he had, on different occasions, demanded that the District Officer convey the concern to the Home Affairs Bureau (HAB) and invite Mr Caspar TSUI Ying-wai, the Secretary for Home Affairs to give an explanation at the STDC meeting. He would like to know the arrangement concerned; and
- (b) he asked why the estimates for Expenditure Head 3.3 had decreased and the amount of appendix 3 was not up to date.

184. Ms Amy CHAN said the motion concerned had been conveyed to the HAB for consideration and under the Rules of Procedure, departments and bureaux would provide written response to motions.

185. The Council noted the above paper.

186. The Chairman tended to postpone the two questions and the work plans of the two departments to the next meeting.

187. Mr CHAN Pui-ming agreed with the postponement of the two questions to the next meeting. Regarding the briefing on 23 December last year, he asked the STDO to enclose the content of the letter issued in March this year in his questions to keep the public informed.

188. Mr Ricardo LIAO disagreed with the postponement of the two questions to the next meeting. He asked the Chairman to consider handling the question raised by Mr CHAN Pui-ming on the “Assistance Provided to Newly Elected District Council Members and the Secretarial Support Provided by the STDC Secretariat” at another meeting.

189. Mr YAU Man-chun demanded that the Chairman convene a resumption of meeting with a view to handling the remaining agenda items effectively.

190. The Chairman said the convening of meetings was subject to the availability of venues.

Date and Time of Next Meeting

191. The next meeting was scheduled to be held at 2:30 pm on 23 July 2020 (Thursday).

[Post-meeting note: Due to the epidemic situation, the Chairman decided to postpone the meeting to 2:30 pm on 20 August 2020 (Thursday).]

192. The meeting was adjourned at 11:45 pm.

Sha Tin District Council Secretariat
STDC 13/15/15/1

October 2020