

**Minutes of the 2nd Meeting of
the Sha Tin District Council in 2020**

Date : 23 January 2020 (Thursday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

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

| | | | |
|-----------------|---------------------------|---------|-----------------------|
| Chairman : | Mr CHING Cheung-ying, MH | 2:30 pm | 00:35 am (24 January) |
| Vice-Chairman : | Mr WONG Hok-lai, George | 2:30 pm | 00:35 am (24 January) |
| Members : | Mr CHAN Billy Shiu-yeung | 2:30 pm | 00:35 am (24 January) |
| | Mr CHAN Nok-hang | 2:30 pm | 00:35 am (24 January) |
| | Mr CHAN Pui-ming | 2:30 pm | 00:35 am (24 January) |
| | Mr CHAN Wan-tung | 2:30 pm | 00:35 am (24 January) |
| | Mr CHENG Chung-hang | 2:30 pm | 00:12 am (24 January) |
| | Mr CHEUNG Hing-wa | 2:35 pm | 00:35 am (24 January) |
| | Mr CHIU Chu-pong | 2:30 pm | 00:35 am (24 January) |
| | Mr CHOW Hiu-laam, Felix | 2:30 pm | 00:35 am (24 January) |
| | Mr CHUNG Lai-him, Johnny | 2:30 pm | 00:35 am (24 January) |
| | Mr HUI Lap-san | 2:50 pm | 00:32 am (24 January) |
| | Mr HUI Yui-yu | 2:30 pm | 00:35 am (24 January) |
| | Mr LAI Tsz-yan | 2:46 pm | 00:35 am (24 January) |
| | Dr LAM Kong-kwan | 2:30 pm | 07:45 pm |
| | Mr LI Chi-wang, Raymond | 2:30 pm | 00:32 am (24 January) |
| | Mr LI Sai-hung | 2:35 pm | 00:35 am (24 January) |
| | Mr LI Wing-shing, Wilson | 2:30 pm | 00:35 am (24 January) |
| | Mr LIAO Pak-hong, Ricardo | 2:30 pm | 00:35 am (24 January) |
| | Mr LO Tak-ming | 2:30 pm | 00:35 am (24 January) |
| | Mr LO Yuet-chau | 2:30 pm | 00:35 am (24 January) |
| | Mr LUI Kai-wing | 2:30 pm | 00:35 am (24 January) |
| | Ms LUK Tsz-tung | 2:30 pm | 00:35 am (24 January) |
| | Mr MAK Tsz-kin | 2:30 pm | 00:35 am (24 January) |
| | Mr MAK Yun-pui, Chris | 2:30 pm | 00:35 am (24 January) |
| | Mr MOK Kam-kwai, BBS | 2:30 pm | 07:45 pm |
| | Mr NG Kam-hung | 2:30 pm | 00:35 am (24 January) |
| | Ms NG Ting-lam | 2:30 pm | 07:11 pm |
| | Mr SHAM Tsz-kit, Jimmy | 2:30 pm | 00:31 am (24 January) |
| | Mr SHEK William | 2:30 pm | 00:35 am (24 January) |
| | Mr SIN Cheuk-nam | 2:30 pm | 06:16 pm |
| | Mr TING Tsz-yuen | 2:30 pm | 00:35 am (24 January) |
| | Mr TSANG Kit | 2:30 pm | 00:32 am (24 January) |
| | Mr WAI Hing-cheung | 2:35 pm | 00:35 am (24 January) |
| | Mr WONG Ho-fung | 5:24 pm | 00:32 am (24 January) |
| | Ms WONG Man-huen | 2:30 pm | 00:35 am (24 January) |
| | Mr YAU Man-chun | 2:47 pm | 00:35 am (24 January) |

| <u>Present</u> | <u>Time of joining the meeting</u> | <u>Time of leaving the meeting</u> |
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| Members: | Mr YEUNG Sze-kin | 2:30 pm |
| | Mr YIP Wing | 2:30 pm |
| | Mr YUNG Ming-chau, Michael | 2:30 pm |
| Secretary : | Mr YUEN Chun-kit, Derek | 00:35 am (24 January) |
| | | 10:40 pm |
| | | 00:35 am (24 January) |
| | | Senior Executive Officer (District Council) / Sha Tin District Office |

| <u>In Attendance</u> | <u>Title</u> |
|--------------------------------|--|
| Ms CHAN Yuen-man, Amy, JP | District Officer (Sha Tin) |
| Mr WONG Tin-pui, Simon | Assistant District Officer (Sha Tin) (1) |
| Mr WONG Shek-hay, Sebastian | Assistant District Officer (Sha Tin) (2) |
| Mrs MAK LAU Wai-mun, Josephine | District Commander (Shatin) |
| | Hong Kong Police Force |
| Mr CHAN Yan, Sam | Assistant District Commander (Crime) (Shatin) |
| | Hong Kong Police Force |
| Mr IP Cheuk-yu | Police Community Relations Officer (Shatin District) / Hong Kong Police Force |
| Mr WONG Kwok-wai, Wilson | District Lands Officer / Sha Tin |
| Mr YUEN Sze-chun | Administration Assistant / Lands (District Lands Office, Sha Tin) |
| Mr HAR Sung-fu, Haven | Senior Engineer / 7 (North) / Civil Engineering and Development Department |
| Ms CHU Ha-fan, Jessica | District Planning Officer / Sha Tin, Tai Po and North / Planning Department |
| Mr CHIU Hak-pui, Christopher | Principal Transportation Officer / New Territories 1 / Transport Department |
| Ms HEUNG Ching-yee, Alice | Chief Leisure Manager (New Territories East) / Leisure and Cultural Services Department |
| Ms WONG Sau-kuen, Joe | District Leisure Manager (Sha Tin) / Leisure and Cultural Services Department |
| Ms CHAN Siu-kin, Ester | Deputy District Leisure Manager (District Support) Sha Tin / Leisure and Cultural Services Department |
| Mr YAN Ka-kit, Ric | Chief Health Inspector (Sha Tin)3 / Food and Environmental Hygiene Department |
| Ms LEUNG Yee-lee, Maggie | District Social Welfare Officer (Shatin) / Social Welfare Department |
| Ms YIP Sau-mei, Joyce | Chief School Development Officer (Shatin) / Education Bureau |
| Mr CHAN Kai-lam, Allan | Chief Manager / Management (Tai Po / North / Shatin) / Housing Department |
| Ms CHENG Siu-ling, Katy | Chief Liaison Officer / Sha Tin District Office |
| Ms NG Suk-min | Senior Liaison Officer (East) / Sha Tin District Office |
| Ms LEUNG Wai-shan, Cecilia | Senior Liaison Officer (West) / Sha Tin District Office |
| Mr WONG Chun-wai, Edmund | Senior Liaison Officer (North) / Sha Tin District Office |
| Mr HO Kin-nam, David | Executive Officer I (District Council) 1 / Sha Tin District Office |

In Attendance by Invitation

Mr LEUNG Man-dik

Ms CHOW Estella

Title

Assistant Public Relations Manager (External Affairs)/
MTR Corporation Limited
Director (Business Development)
Hongkong Post

Absent

Mr CHENG Tsuk-man

Ms TSANG So-lai

(Application for leave of absence received)

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Action**Opening Remarks**

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

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

3. The Chairman welcomed the following to the meeting: Mr Haven HAR, Senior Engineer / 7 (North), representing Mr YUEN Tat-yung, Zorro, Chief Engineer / North (Special Duty 4) of the Civil Engineering and Development Department; Ms Joe WONG, newly appointed District Leisure Manager (Sha Tin) of the Leisure and Cultural Services Department (LCSD); and Mr Ric YAN, Chief Health Inspector (Sha Tin)³, representing Mr LAI Wing-chi, Derek, District Environmental Hygiene Superintendent (Sha Tin) of the Food and Environmental Hygiene Department (FEHD).

Application for Leave of Absence

4. The Chairman said that the Secretariat received applications for leave of absence in writing from the following Members:

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| Mr CHENG Tsuk-man | Sickness |
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| Mr WONG Ho-fung | " |
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| Ms TSANG So-lai | " |
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(Note: Mr WONG Ho-fung attended the meeting at 5:24 pm.)

5. The Council approved the applications for leave of absence submitted by the Members above.

6. Mr Michael YUNG said that since Paper No. STDC 4/2020 was only received this noon, he wished to invoke Order 13(2) of the Sha Tin District Council Standing Orders (Standing Orders) to move the discussion on Agenda Item 1(c) to the end.

7. The Chairman agreed to move Agenda Item 1(c) to the end if there was no objection from the Members present. Besides, he proposed discussing Mr Michael YUNG's motion (Agenda Item 3(a)) and question (Agenda Item 4(e)) consecutively.

Discussion Items

Amendment to the Sha Tin District Council (STDC) Standing Orders
(Paper No. STDC 2/2020)

8. Mr Michael YUNG, considering references of other districts, wished to know when the District Officer (Sha Tin) (DO/ST) would excuse herself or under what circumstances the Secretariat would stop providing support for the Sha Tin District Council (STDC).
9. Ms Amy CHAN, DO/ST, gave a consolidated response as follows:
 - (a) she said that the District Officers of the Central and Western District and the Tsuen Wan District explained on the spot why they left the meeting. Their reasons included untrue and humiliating statement made and motions endorsed by the Members. The DOs hence left with the relevant government officers;
 - (b) she said the situation of the Sha Tin District at present could not be predicted, and hoped the Members would respect one another during discussion at the STDC; and
 - (c) the Secretariat provided services in accordance with the regulations. If agenda items addressed at the STDC exceeded the legal scope, the Secretariat might not be able to provide services for those parts.
10. Mr Michael YUNG pointed out that Orders 7(3) to (5) of the Standing Orders stipulated the functions of the Secretariat. He asked how the functions stipulated in the Standing Orders would be carried out if the Secretariat left the conference room for reasons not known to him.
11. The Chairman said that what Mr Michael YUNG had mentioned was not related to the amendment set out in Paper No. STDC 2/2020.
12. Mr Derek YUEN, Senior Executive Officer (District Council) of the Sha Tin District Office (STDO), said that the situation could not be predicted as DO/ST had said, and he had nothing to add.
13. The Council unanimously endorsed the above paper.

STDC Budgetary Procedures and the Procedures and Rules of Application for STDC Funds
(Paper No. STDC 3/2020)

14. The Chairman asked the Members to consider and endorse the “STDC Budgetary Procedures” and the “Procedures and Rules of Application for STDC Funds”.
15. The Council unanimously endorsed the above paper.

Schedule of Meetings of the STDC for 2020
(Paper No. STDC 5/2020)

16. Mr Derek YUEN summarised that the STDC meetings were scheduled for the second

half of each odd month, but the one in November would be held earlier because of Christmas holidays and distancing it from the dates of two committee meetings.

17. Mr Michael YUNG proposed inviting the Transport Department (TD) to the meeting on 6 February to introduce the service commencement of the Tuen Ma Line on 14 February. He would propose a provisional motion later on.

18. The Chairman suggested that the Secretariat ask the TD in advance to be well prepared for discussing the service commencement of the Tuen Ma Line immediately after the election of the committee chairman in the meeting of the Traffic and Transport Committee (TTC) on 6 February.

19. Ms Amy CHAN said that, if need be, the Secretariat could contact the TD to hold two briefing sessions before the meeting so as to familiarise the Members with the details of the Tuen Ma Line as soon as possible.

20. Mr CHAN Pui-ming said he would propose a provisional motion concerning the Wuhan Pneumonia in a moment.

21. The Chairman asked the Members to consider if they would endorse the meeting schedule of the STDC for 2020.

22. The Council unanimously endorsed the above paper.

The Latest Financial Position of the STDC and Confirmation of the Community Involvement Projects to be Held from January to March 2020 as Approved by the STDC 2019-2020
(Paper No. STDC 6/2020)

23. The Chairman said that the previous term could in advance endorse the first 3 activities carried out in the current term in order to ensure continual operation of the STDC, but these activities were required to be verified by the current term as a confirmation. He asked the Members to consider verifying the activities set out in the paper and to note the latest financial position of the STDC.

24. The Council unanimously verified the activities set out in the paper and noted the latest financial position of the STDC.

The STDC to Serve as Event Supporter
(Paper No. STDC 7/2020)

25. The Chairman asked the Members to consider if they would endorse the STDC to serve as a supporting organisation for the “HSUHK FunD Run” held by the Hang Seng University of Hong Kong (HSUHK).

26. The Council unanimously endorsed the STDC to serve as a supporting organisation for the “HSUHK FunD Run” held by the HSUHK.

Funding Application

Funding Application for Employment of Non-Civil Service Contract Staff by the STDC Secretariat
(Paper No. STDC 1/2020)

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

- (a) he asked why it was necessary to use the STDC funding to hire contract staff;
- (b) he wished to know if the suspension of the STDC from September to December during the election year meant it was not necessary to hire contract staff during those 3 months;
- (c) he asked if the election work of the Legislative Council (LegCo) and the district councils partaken by the contract staff was unrelated to the district council duties;
- (d) he asked if their pay level and pay increases were set based on the benchmark of the Home Affairs Department (HAD) or the market;
- (e) he asked in what capacity the contract staff of the Secretariat were to be hired and whether district councillors could weigh in on their performance appraisals; and
- (f) he asked who would be liable in case an accident befell the staff without an employees' compensation insurance.

28. Mr Simon WONG, Assistant District Officer (Sha Tin) (1), gave a consolidated response as follows:

- (a) since the STDC was not a body corporate, the STDO would be the one required to sign the employment contracts with the employees;
- (b) suspension of the STDC referred to suspending meetings and activities of the STDC, but it did not mean suspending the work of the Secretariat's contract staff. During the period, they were still on duty, including processing the reimbursements for activity expenses submitted by local organisations;
- (c) in view of the actual situations in the previous elections and the projected scenario in the coming election, applications for extra resources had been submitted to the departments concerned so as to increase the number of people responsible for the election duties in the STDO. Previous arrangements would simultaneously be reviewed and improved in due course;
- (d) the HAD set the pay level of the non-civil service contract staff according to factors such as the guidelines of the Civil Service Bureau, the recruitment market for the relevant job categories and the salaries for civil servants of similar ranks. A basket of reasons would also be considered for salary adjustments, such as life index fluctuations, the market trend for the relevant jobs, the need for retaining contract staff and the relevant accumulated work experience of contract staff;

- (e) the STDC Secretariat hired contract staff in accordance with the Non-Civil Service Contract Staff Scheme. Employees were entitled to benefits not inferior to those under the Employment Ordinance, including rest days, statutory holidays, maternity leave, contributions in accordance with the Mandatory Provident Fund (MPF) Schemes Ordinance, etc.; and
- (f) the Employees' Compensation Ordinance was applicable to government employees, including contract staff. The ordinance would cover paid sick leave and medical expenses for work injuries as well as compensation for work-related accidents, permanent total incapacity and death.

29. Mr Raymond LI said the STDC Secretariat was composed of 16 staff members while the Yuen Long DC Secretariat 23. He wished to know how the establishment was determined and if district councillors had the power to change staff members when they found them uncooperative so as to boost the efficiency of processing district councillors' applications for reimbursements.

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

- (a) he said that among the 7 000 odd arrestees who might be prosecuted, a number of them were university degree holders. He hoped the Secretariat would not discriminate against them during recruitment;
- (b) he wished to know if contract staff would have to undergo a character check as required for civil servants; and
- (c) he proposed setting up a working group under the Finance and General Affairs Committee (FGAC) to monitor the operation of the Secretariat and the matters related to outsourced contract staff.

31. Mr Simon WONG gave a consolidated response as follows:

- (a) the expenses for hiring contract staff could not exceed 15% of the total amount of the provision. The estimated expenses set out in the paper were already very close to the maximum limit;
- (b) according to the District Councils Ordinance (DCs Ordinance), the post of Secretary was required to be filled by a public officer; and according to the established policies, each civil servant was tasked with an established scope of duties;
- (c) the Secretariat was currently formulating a set of guidelines on district councillors' reimbursement applications, listing the steps and points to note to streamline the application and approval procedures; and
- (d) the clauses on hiring contract staff were set out in the paper.

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

- (a) she said Mr Raymond LI was referring to the number of civil servants. The Secretariat was composed of both civil servants and contract staff. The Community Involvement Fund, when put forward at the LegCo, already included the expenses for hiring contract staff;
 - (b) she said that the Secretariat provided support services stipulated in the DCs Ordinance. If the duties of the STDC went beyond the ordinance, the Secretariat would not be able to provide assistance;
 - (c) she understood that Mr Raymond LI was concerned about the reimbursement applications. The Secretariat was currently formulating guidelines to standardise the application procedures, including the wording of self-declaration for the application, for the convenience of district councillors and their assistants. She pointed out that some of the receipts might require a self-declaration statement filed by district councillors themselves. Officers might have to approach the headquarters for enquiry and verification of the statement which did not follow the standard wording. This would consequently slow down the application progress;
 - (d) she stressed that the Secretariat had no intention to pick on any district councillor. Improved mechanism had been introduced since her tenure, including prioritising allowance reimbursements which could be handled right away over other receipts which needed further clarifications when dealing with a stack of receipts; and
 - (e) regarding the set-up of a working group to monitor the outsourced staff members of the Secretariat, she suggested that the focus be placed on the Secretariat's services. She welcomed feedback from the Members, discussion and communication. Also, she reminded that undesirable scenarios where communication was hampered due to unannounced retirement of clerical staff should be avoided.
33. The views of Mr Michael YUNG were summarised below:
- (a) he wished to know if the Secretariat had any performance pledge concerning their handling of district councillors' reimbursement applications or local organisations' funding applications;
 - (b) he was upset that the Secretariat still had not replied to his ex-assistant Mr CHAN Pui-ming's enquiry to the headquarters about salary reimbursements during the election period; and
 - (c) he urged DO/ST to increase the civil service establishment of the Secretariat based on its workload or the population of the Sha Tin District.
34. Mr Raymond LI hoped for optimised utilisation of the funding by expediting the handling of reimbursement applications submitted by the Members and organisations; and he agreed with Mr TING Tsz-yuen on the proposal for setting up a relevant working group.
35. Mr Chris MAK cited an example where one of the receipts he had submitted was

repeatedly rejected. He suggested that the STDO provide an actual time frame for reimbursement applications.

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

- (a) she already exchanged views on reimbursements with the newly elected Members in the briefing session dated 20 December last year;
- (b) she noted the Members' opinions. In view of the different patterns of applications among the Members, e.g. some applications were submitted monthly while some every few months, the Secretariat's performance pledge on reimbursement applications would have to be further studied; and
- (c) she believed that the guidelines being formulated would help expedite the handling progress and streamline the procedures.

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

- (a) since the population of the Sha Tin District made up 10% of that of Hong Kong and the STDC had the greatest number of district councillors, he requested for an increase in the civil service manpower;
- (b) he pointed out that the form for reimbursing an employee's MPF contributions consisted of 14 pieces of paper, and all 28 pages required a signature for verification. The administrative procedure was complicated; and
- (c) he wished to know who paid for the wages of the security guards stationed outside the conference room.

38. The Chairman asked the Members to focus on discussing the agenda item instead of merely tending to their reimbursement applications. He suggested that the STDO regularly review the handling of the receipt arrangements with the Members and local organisations.

39. Mr CHENG Chung-hang wished to know if the Members could take part in appraising the performance of the contract staff.

40. Mr YIP Wing said that the Members also endured financial stress and asked for speeding up the reimbursement applications.

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

- (a) he wished to know more about the criteria for appraising the performance of the contract staff and examples of similar ranks in the job market and the civil service;
- (b) since contract staff would not be entitled to medical benefits, he asked if that would result in "unequal pay for equal work"; and
- (c) he hoped for an increase in the civil service manpower in the long run.

42. Mr Simon WONG gave a consolidated response as follows:

- (a) the HAD reviewed the salaries of the contract staff according to the job market and the pay increase basis of the middle and lower salary bands in the civil service; and the adjusted outcome came into effect in August 2019;
- (b) contract staff who were unwell and needed sick leave of no more than 4 consecutive days were entitled to paid sick leave of 3 days as long as medical certificates were provided and approved; and
- (c) the scope and level of duties differed between contract staff and civil servants, so there would not be “unequal pay for equal work”.

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

- (a) according to the existing mechanism, contract staff were directly assessed by their superior officers which did not include district councillors. The STDO would welcome opinions from the working group to be set up regarding the recruitment of contract staff by the Secretariat;
- (b) the STDO had been fighting for resources to tackle the problem of insufficient manpower of the civil service, and 1 post was increased in the civil service establishment in the last term; and
- (c) the STDO paid for the salaries of the security guards stationed outside the conference room.

44. The Chairman asked the Members to consider if they would endorse the funding application for employment of contract staff by the STDC Secretariat.

45. The Council unanimously endorsed the above funding application.

Meet-the-Public Scheme of the STDC and the Relevant Funding Application
(Paper No. STDC 8/2020)

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

- (a) he wished to know the average number of members of the public participating in the scheme every year;
- (b) he proposed to spend the \$15,000 estimated for taking 1 group photo and printing posters on purchasing masks instead. It would be more practical for district councillors to distribute masks and communicate with members of the public;
- (c) he never met with members of the public via the scheme over the past 8 years. He suggested that the district councillors on duty be informed 1 week in advance of whether any member of the public signed up for the scheme; and
- (d) he suggested reviewing the effectiveness of the scheme and of using posters to

promote it.

47. Mr HUI Yui-yu suggested considering changing the mode of the scheme. If members of the public sought help from the STDC, the STDO could refer the cases to district councillors of the relevant constituencies for follow-ups.

48. Mr Billy CHAN said he had met with 1 member of the public via the scheme who requested more newspapers in public libraries. He said that if the participation rate of the scheme was not high, the STDO could, after receiving cases of people seeking help, refer them to the district councillors of the relevant constituencies for follow-ups. He deemed that \$9,000 for taking 1 group photo plus post-production was rather expensive.

49. Mr Derek YUEN gave a consolidated response as follows:

- (a) the expenses breakdown of the scheme was set out at Annex I, including the expenses of taking a group photo, printing 1 000 copies of posters and the postage. The posters would not only be posted at community halls and on notice boards, but also be mailed to all public rental housing (PRH) estates, owners' corporations and owners' committees for promotional purposes; and
- (b) there were 9 members of the public in total participating in the scheme from 2016 to 2019.

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

- (a) he opposed carrying out the scheme by way of the existing mode. The scheme had been in place since March 1982; he wished to know if the STDC had reviewed the mode and effectiveness of the scheme;
- (b) he opined that the scheme was not really worth running because, now that most of the district councillors had their own offices, members of the public could contact those of their constituencies direct; and
- (c) he wished to know how the promotional posters would be distributed.

51. The Vice-Chairman said he had met with 1 member of the public out of his constituency via the scheme. In view of the long history of the scheme, he suggested considering other modes to meet with members of the public, e.g. by holding public hearings.

52. Mr CHAN Nok-hang said that he did not meet with members of the public via the scheme over the past 2 terms, and suggested reforming the mode of the scheme, e.g. by holding consultations and public hearings, to enhance people's participation in district affairs. He suggested that each district councillor hand in 1 photo for the poster production instead of spending nearly \$10,000 on the group photo.

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

- (a) the STDC could decide on its own whether the scheme would stay or would be passed to the relevant working group for review; and

- (b) the group photo included post-production, e.g. inserting the headshot photos of absent district councillors into the poster. \$15,000 was a funding estimate; the actual expenses would depend on the procurement results.
54. The Chairman suggested putting the scheme on hold and passing it to the Working Group on Public Relations and Publicity (PRPWG) of the FGAC for review.
55. The views of Mr Michael YUNG were summarised below:
- (a) he said he met with 1 member of the public regarding Shek Mun Estate Phase 2 over the past 12 years. He was worried that the STDC would be considered unreceptive to people's opinions if the official meet-the-public scheme was to be abolished;
 - (b) he shared his views that members of the public wanted to contact district councillors via the scheme because they wanted to get a case number to facilitate follow-up actions; and
 - (c) he opined that since the endorsement would only mean earmarking the funding, the arrangements could be passed on to the PRPWG for further review.
56. Mr YIP Wing suggested some innovative methods, such as providing members of the public with the office hours and locations of district councillors' mobile offices and addresses of their ward offices, so that the public could reach them whenever necessary.
57. Mr Jimmy SHAM pointed out that members of the public nowadays wished to monitor and take part in the district councils. He found the scheme and its promotional methods obsolete. Instead, he suggested holding public hearings and residents' meetings or considering the setup of a STDC official Facebook page and Instagram account to get in touch with young voters while preserving the traditional channels simultaneously. He suggested that it would be more appropriate to review the scheme before addressing the funding application.
58. Mr TSANG Kit said that a total of 36 district councillors and over 700 residents attended a conference held by a citizens' organisation at the "Hundred-Step Staircase" at the Sha Tin Town Hall Plaza on 7 January to achieve a consensus through mutual understanding. He suggested that the scheme learn from that example and consider collaboration with citizens' organisations.
59. Mr Chris MAK said spending \$15,000 to meet with 9 members of the public over the past 4 years was not effective. He wished to table a provisional motion to exchange views with members of the public via more practical, economical and convenient methods.
60. Mr Raymond LI expressed reservations about endorsing the funding amount today. He agreed with Mr Chris MAK.
61. Mr Johnny CHUNG said that the Sai Kung District Council, the North District Council, the Eastern District Council, etc. asked on their DC webpages that members of the public contact district councillors direct. He opined that the Sha Tin District could learn from that example

or that the STDO could refer cases to district councillors. Apart from the poster, he suggested short films or other innovative ways be used to branch out to residents of different communities.

62. Mr SIN Cheuk-nam wished to know if the photo editing function would be used to adjust the hand gestures the district councillors made when taking the photo, and what arrangements for the scheme would be made if the funding was not endorsed.

63. Mr Wilson LI said he had taken part in the scheme once. He opined that holding public hearings would not be an appropriate mode because the cases involved privacy. The scheme, after being in operation for 38 years, needed reformation. He suggested putting the funding on hold for later decision after the PRPWG's review.

64. Mr LO Yuet-chau favoured keeping the scheme, but opined that the mode could be switched to hearings or public hearings to exchange views direct with members of the public.

65. The Vice-Chairman suggested passing the scheme to the FGAC and its working group for discussion and deliberation.

66. The Chairman welcomed the Secretariat's continual drawing up of duty rosters for the Members and the discussion about the details of the scheme in the PRPWG of the FGAC. The group photoshoot and the poster production would be suspended for now.

67. The Chairman asked the Members whether they agreed to address the provisional motion proposed by Mr Chris MAK.

68. The Members agreed to address the provisional motion proposed by Mr Chris MAK.

69. Mr Chris MAK tabled the following provisional motion:

“In view of the fact that the Meet-the-Public Scheme is to a great extent not as effective as before, it is proposed that the scheme be changed into residents' meetings or replaced with other items or modes in an effort to allow more members of the public to exchange views with district councillors more directly.”

Mr Raymond LI, Mr HUI Lap-san, Mr Johnny CHUNG and Mr CHENG Chung-hang seconded the motion.

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

- (a) he wished to know whether the motion was meant for discussion by the PRPWG or for direct decision by the STDC; and
- (b) he asked if council affairs referred to allowing members of the public to become co-opted members.

71. Mr TING Tsz-yuen agreed on passing the motion to the PRPWG for follow-ups. He suggested that the motion mover amend “to a great extent”.

72. Mr Jimmy SHAM said that the STDC should be on the same page with members of the

public, so he suggested adding “and interact [with district councillors more directly], and let them participate in STDC affairs and work” after “exchange views”.

73. Mr Chris MAK amended his provisional motion to:

“In view of the fact that the Meet-the-Public Scheme is not effective and its quality needs enhancement, it is proposed that the scheme be changed into residents’ meetings or replaced with other items or modes in an effort to allow more members of the public to exchange views and interact with district councillors more directly, and let them participate in Sha Tin District Council affairs and work.”

74. The Members unanimously endorsed the provisional motion in paragraph 73.

75. The Chairman said that the endorsed motion was not an absolute order, but was meant for consideration by the PRPWG.

Motion

Request for Improvement of Facilities Provided in the STDC Secretariat to Facilitate STDC Members’ Access and Use
(Paper No. STDC 9/2020)

76. Mr Michael YUNG said that DO/ST changed the established practice of allowing the Members access to the Secretariat Office in the name of security. He did not understand why the Members were required to register before entering the area of the Secretariat Office. He opined that the security arrangements concerning the conference room and the Secretariat Office should undergo discussion with the Members in advance. He found it difficult to reach or communicate with DO/ST after the DC election last year, and hoped that the original security measures would be restored and new ones would be formulated through communication.

77. Mr CHEUNG Hing-wa said that the Members were notified of the arrangements only on 3 January, not before their tenure commenced. The Members visited the Secretariat not necessarily for meetings, and they could not access the washrooms with the electronic key cards. He opined that requiring the Members to register for access to the Secretariat or the common room was a waste of time and an unnecessary chore for staff members.

78. Mr Raymond LI pointed out that the common room and the pigeon holes were provided for the Members, and he was upset that no discussion was held before changes of the Vice-Chairman’s office were made. He requested that the motion include discussion by the Members about the STDC’s security measures as well as decision on how to implement them.

79. Mr YIP Wing said that the Secretariat was not equipped with a door bell for the convenience of the disabled, and asked why the doors were not installed with automatic motion sensors.

80. Mr NG Kam-hung asked why the Vice-Chairman was not given an office for the current term; and opined that since the staff members of the Secretariat could recognise all of the Members, the new security arrangements were totally unnecessary.

81. Mr LO Yuet-chau opined that registering the Members every time they entered the Secretariat would increase the workload of the staff members. He asked why there were offices for both the Chairman and the Vice-Chairman in previous terms, but changes were made for the current term.

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

- (a) the Secretariat's office, which was within the area of the government offices, was where the security measures had been enhanced. Attempts to enhance the security measures were made on 11 July last year due to the then situation and the then online information saying that the Sha Tin Government Offices (STGO) and the STDO would be attacked. Yet, notices posted on the doors were torn off by the Members;
- (b) the STDC conference room was so packed with members of the public on 26 July that she could not get in. When the Chairman on that day returned to the Secretariat, members of the public also followed and the door in the conference room leading to the Secretariat was unlocked indeed. Hence, she had to seriously review the security measures within the Secretariat area;
- (c) she said that when no meeting was held in the conference room, the door in there leading to the common room was locked. Based on previous experiences, the Members attending committee meetings as committee members also wished to use such facilities as the common room and the pigeon holes, but the staff of the Secretariat could not help as they did not have the keys and a row resulted. In this connection, the STDO planned to install an electronic locking system for the Members to enter the common room or use the pigeon holes to carry out committee duties during non-meeting hours. Electronic key cards would also help enhance the security of the common room where computers were kept. Besides, the Members kept their personal belongings in the pigeon holes;
- (d) she noted the Members' opinions voiced at the meeting on 3 January that they found the procedure of registration during meeting hours irksome, and she was aware that the Members were used to processing their reimbursement applications and other paper work at the Secretariat during meeting hours. Thus, the letter specified that the Members were not required to register during the hours of both district council and committee meetings. They would simply have to press the doorbell for staff members to let them in;
- (e) during STDC's non-meeting hours, registration was necessary for entering the STDO or the Secretariat, but not necessary for processing the paper work at the reception counter behind the glass doors. Assistants of the Members could have their receipts processed there if they chose not to register, but registration was required for entering the area of the Secretariat;
- (f) she apologised to Mr George WONG about the Vice-Chairman's office. When the STDC moved into this building in 2000, there was indeed an office for the Vice-Chairman. Yet, the standards of the Government Property Agency (GPA) did not include such facilities as a district council library and a Vice-Chairman's

office. Due to the increase in manpower and the barrier-free access facilities set up in 2016, the Secretariat's office area became 110m² short. It was necessary for staff members of the Secretariat to work in the same area to boost its efficiency; and

- (g) the STDO had spared some space for the Secretariat, but more than 10 officers had had to temporarily work in the STGO since last September because the Ma On Shan Sub-office was damaged. Therefore, the STDO reorganised the area of the Secretariat in between terms by converting the Vice-Chairman's room into an office to house 4 staff members in order to ease the crowdedness of the STDO.

83. The Chairman opined that, if choices had to be made between the STDC library and the Vice-Chairman's office, the utilisation rate of the former was low while that of the latter was relatively high. He did not understand why the former was kept at the expense of the latter.

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

- (a) he pointed out that the STDO claimed the staff members to be theirs when they needed funding from the STDC for recruitment, but they regarded the staff as the Secretariat's when office space was needed. He opined that it was a double standard;
- (b) regarding the discrepancies in replies from different districts to Paper No. STDC 14/2020, he asked the Secretariat to fulfil its duties by demanding that all districts provide the relevant figures;
- (c) he often used the STDC library for cross-checking documents which, stored in boxes, were not easily accessible. He asked for a digitalised library; and
- (d) regarding the inconvenience caused by security measures to the Members who had to store and collect things at the pigeon holes, he opined that the Members had been treated as "rioters" and he demanded that they be allowed access to the Secretariat, the conference room and the library with their electronic key cards.

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

- (a) he agreed that upgrading the security measures was necessary because the Secretariat was packed with loads of documents, e.g. funding applications from organisations and reimbursement applications for operating expenses from the Members. He opined that the Members should express their opinions about the security measures because they would be affected as well if the Secretariat was damaged; and
- (b) he stated that the STDO was duty-bound to provide barrier-free access facilities and office space for staff members. The Members came from different political affiliations and the Vice-Chairman's office was very useful. The STDO should be responsible for getting office space from the Government to solve the aforementioned problems.

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

- (a) he opined that DO/ST mentioned what happened last year because the STDO's arrangements were inappropriate. The whole thing had nothing to do with the Vice-Chairman's office;
- (b) he asked who laid down the criteria for which facilities were to keep;
- (c) he wished to know for how long the officers of the Ma On Shan Sub-office would keep working at the STGO; and
- (d) he opined that the Vice-Chairman needed an office to help the Chairman perform onerous official duties. The STDO should make room for it.

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

- (a) he asked why the electronic key cards were usable only during meetings. The Members entered the STDC merely because they had to carry out their official duties. Since the Secretariat already had their information, they would not pose any safety issues; and
- (b) he opined that the Members should have been liaised with prior to the new arrangements instead of being notified afterwards. The Members should have been fully consulted before any changes were made.

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

- (a) regarding the damage done to the Ma On Shan Sub-office, he asked how many clashes took place on 4/F of the STGO last year;
- (b) he was discontented that the Vice-Chairman's office had been removed without prior notifications to the Members; and
- (c) he proposed that the STDO apologise to the Vice-Chairman or reconsider setting up a Vice-Chairman's office.

89. Mr YEUNG Sze-kin wished to know why the Members could not exercise their rights to enter the conference room.

90. Mr TSANG Kit said that DO/ST could have used the "emergency laws" to solve the problem of the Vice-Chairman's office. He condemned Mr Michael YUNG for claiming that DO/ST regarded the Members as "rioters".

91. Mr YIP Wing said that the then DO/ST in 2015 accompanied him to inspect barrier-free facilities and discussed how to improve them in order to fit his needs. He made a request to the incumbent DO/ST for installing a doorbell to facilitate the disabled to get access the Secretariat.

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

- (a) he said that, on 25 July, the registration for public observation should have started 30 minutes prior to the meeting, but members of the public already arrived and were registered at 9 am. He found the observation arrangements that day chaotic, and even the press was unable to do reporting; and
 - (b) he wished to know why the repairs to the Ma On Shan Sub-office had still not finished a few months after the damage. He said that the Ma On Shan residents currently lacked services such as legal aid and distribution points of all sorts of application forms.
93. Mr LAI Tsz-yan wished to know about the approval procedures for setting up the Vice-Chairman's office back then and for installing the electronic lock system at present, and why the provision for the electronic lock system was not brought forward for the STDC's deliberation and approval.
94. Mr CHAN Wan-tung wished to fight for free access to the Vice-Chairman's office and the washrooms and suggested that DO/ST communicate with the Members.
95. Mr CHAN Pui-ming said that the former Vice-Chairman of the STDC should not have been allowed to occupy the space of the STDC when the Ma On Shan Sub-office was damaged last year, and he asked the former Vice-Chairman for compensation.
96. Mr Wilson LI requested that the Vice-Chairman's office be returned to the STDC.
97. Mr Ricardo LIAO wished to know whether the security measures had undergone consultation and what security measures the other 17 districts implemented.
98. The views of Mr Jimmy SHAM were summarised below:
- (a) he referenced what the HAD said on its website, "Sensitivity to local needs and aspirations is one of the cornerstones for the effective administration of Hong Kong." He hoped the STDO would return the Vice-Chairman's office, understand the Members' needs and expectations, and smooth the way for them to execute their duties when it made arrangements for the security measures; and
 - (b) he proposed setting up a working group to strengthen the communication and the monitoring regarding recruitment issues. He now proposed increasing its purview to include management of such things as the security arrangements for the STDC venue and the arrangements for the public gallery.
99. The Chairman suggested that the arrangements be reviewed in the FGAC meetings.
100. The views of Ms WONG Man-huen were summarised below:
- (a) she found the arrangements disappointing. She asked DO/ST which Members made her feel in peril during the incident last July;
 - (b) she asked about the information the electronic lock system needed to collect; and

- (c) she opined that the security measures were imposed because of distrust of the Members, and the measures had increased the workload of the staff.

101. Mr Chris MAK said that a group of young people entered the conference room to post sticky notes without damaging anything during the incident last July.

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

- (a) she said that the Vice-Chairman's office, instead of the library, was the first to be removed because the library had not been digitalised yet. They would look into how to digitalise the data as soon as possible for the Members' convenience to check old records, but it was impossible at this stage to estimate how long it would take;
- (b) the request for increasing office space had been submitted to the GPA. Relocating the Ma On Shan Sub-office to the newly built government complex in Area 103 in Ma On Shan and setting up a sub-office in Tai Wai were being planned, but it would take years. What we needed now was an immediate solution;
- (c) the STGO referred to government offices. She reiterated that it was the responsibility of every civil servant to keep the premises safe. The Members were not entitled to decide on the security arrangements;
- (d) she would follow up on the assistance Mr YIP Wing needed under the new arrangements, and have it properly prepared;
- (e) since the electronic lock system was installed on the government premises, the expenses involved would be borne by the public money instead of the STDC's funding;
- (f) the STGO only registered guests after 6pm. Members of the public were free to access it, including the 4/F, during other hours. Hence, it was necessary to impose registration at the entrances and exits of the Secretariat and the STDO in order to guarantee the safety of the staff members of both offices;
- (g) the registration was waived during STDC meetings because the staff members of the Secretariat had been instructed in advance not to allow members of the public and local organisations access to the 4/F for services, ensuring that only government officers and the Members were allowed on that floor. The access arrangements were hence slightly relaxed;
- (h) the Secretariat still lacked office space of over 100 m², even after the resumption of the Vice-Chairman's office. The space taken up by the library as well as the digitalisation of the library and the documents would be reviewed so as to make room for more office space; and
- (i) the arrangements for the Vice-Chairman's office had already been made before Mr George WONG was elected the post. She apologised for falling short of Mr

WONG's expectations.

103. Mr Michael YUNG said that Mr TSANG Kit had misunderstood what he meant by mentioning "rioters". What he actually meant was "if DO/ST regarded the Members as rioters..."; he was not saying the Members were rioters. He asked Mr TSANG to withdraw his condemnation.

104. Mr TSANG Kit explained that he was quoting, "Mr Michael YUNG opined that DO/ST regarded the Members as rioters", and asked DO/ST to explain her stance.

105. Mr Michael YUNG pointed out that "if" meant hypothesis, and demanded that Mr TSANG Kit withdraw his condemnation and apologise.

106. Mr TSANG Kit said that if what he said had upset Mr Michael YUNG, he was willing to withdraw it and apologise.

107. Mr Michael YUNG asked for postponing his question to the next meeting.

108. The Chairman had reservations about postponing the discussion and hoped to continue it at this meeting.

109. Mr Michael YUNG said that some district offices had not detailed the necessary information as requested, so he did not think the discussion would be effective. Besides, since the question was about fighting for a Vice-Chairman's office, he asked for postponing the discussion.

110. The Chairman said that requests could be made for departments to provide supplementary information at the next meeting under matters arising from the previous meeting. The discussion could then continue.

111. Mr Michael YUNG put forward the following motion:

"Sha Tin District Council (STDC) strongly requests that:

1. the Sha Tin District Office review the 'security' measures adopted over the past 6 months, and reopen the conference room, the common room for district councillors, the library, etc.;
2. the STDC Vice-Chairman's office be provided again;
3. the electronic lock system be installed expeditiously and district councillors be given the electronic key cards;
4. the documents of the STDC library be digitalised expeditiously

for the convenience of and support for the Sha Tin district councillors."

Mr CHAN Pui-ming seconded the motion.

112. Mr MOK Kam-kwai said they had to borrow keys to get access to the washrooms during meetings in the past as well. He felt baffled by the news coverage saying that the Sha Tin District Councillors were denied use of the washrooms. He said that the Members could use

the washrooms during meetings as usual, and he decided not to vote on the motion.

113. The Chairman said that registration of the washroom keys was required for the convenience of keeping a record and ensuring the keys were returned, not for regulating the use of the washrooms.

114. Mr LI Sai-hung said that it was not necessary to tap the card to enter the lift lobby for the washrooms in the past, but now they had to wait at the lift lobby until someone came to help tap them in or out.

115. Mr Raymond LI opined that Mr MOK Kam-kwai's reference to the news coverage about the Sha Tin District Councillors being denied use of the washrooms had nothing to do with the meeting, and that he should voice his opinions to the press direct.

116. Mr MOK Kam-kwai said that, as he mentioned earlier, he was under the impression that it was always necessary to borrow the washroom keys during meetings in the past, and he found it necessary to observe the rules during meetings.

117. Mr Raymond LI emphasised that he was not trying to make things difficult for Mr MOK Kam-kwai.

118. The Chairman asked the Members to focus on the content of the motion and not to over-interpret what other people said.

119. Mr Chris MAK said that it was not necessary in the past to press any button to access the lift lobby where the washrooms were located.

120. Mr YIP Wing proposed an open ballot, which was seconded by 4 Members.

121. The Chairman announced that the motion in paragraph 111 was endorsed by 36 affirmative votes, 1 negative vote, 0 abstention and 1 Member opting not to vote.

Members in favour (36)

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

Member against (1)

Dr LAM Kong-kwan

Member who had not pressed the vote button (1)

Mr CHING Cheung-ying

122. Mr Raymond LI said that Mr MOK Kam-kwai had not logged into the voting system.

He hoped that Mr MOK would be minuted as “present but did not vote”.

123. The Chairman said he respected the Members whether they voted or not. There was no mandatory directive.

124. The Chairman announced that the meeting would be adjourned for 8 minutes.

(After the recess)

Questions

125. The Chairman said that discussion of the question raised by Mr Michael YUNG would be postponed because he was currently absent. Since the questions raised by Mr TING Tsz-yuen and Ms WONG Man-huen were similar in nature, he proposed discussing them in a row.

Question to be Raised by Mr TING Tsz-yuen on Matters Concerning Police Officers Accessing Park Belvedere
(Paper No. STDC 10/2020)

126. The views of Ms TING Tsz-yuen were summarised below:

- (a) he said the question was raised in the last meeting of the previous term of the STDC;
- (b) he wished to know if the police would in the future abide by the Police General Orders and seek the prior consent of the owners’ corporations or occupiers when entering private property;
- (c) he wished to know if the charges against the 5 security guards of MOSTown in Ma On Shan had been dropped; and
- (d) he would like to propose a provisional motion.

127. Mrs Josephine MAK, District Commander (Shatin) of the Hong Kong Police Force (HKPF) gave a consolidated response as follows:

- (a) she said that the enforcement action taken by the police in Park Belvedere on 2 August 2019 was a “sequel”. The prequel took place at 9pm on 1 August when the police stopped and searched 4 suspicious men at Au Pui Wan Street, Fo Tan. Later on, the police searched a factory block in accordance with Section 50(6) of the Police Force Ordinance (Cap. 232), and found dangerous items such as bows, arrows, suspected petrol bombs and drugs. A total of 7 men and 1 woman were arrested;
- (b) during the wee hours, i.e. 2 August, the window glass, 7 CCTVs and 1 walkie-talkie of the Sha Tin Police Station were damaged. Afterwards, 4 CCTVs and the roll-up gate of the Ma On Shan Police Station were damaged. Steel railings of 12 metres outside the police station were all torn down as road blocks. After assessing the situation, the police decided to take appropriate dispersal action;

- (c) during the action, 1 protestor holding some hard objects entered Park Belvedere which was nearby. The police tailed that person and stopped him/her at the lift lobby for investigation and some questions. That person was released after suspicion was dispelled; and
- (d) according to Section 10 of the Police Force Ordinance (Cap. 232), the statutory duties of the police were to take lawful measures for preserving public peace, preventing and detecting crimes and offences in order to ensure public safety.

128. Mr Sam CHAN, Assistant District Commander (Crime) (Shatin) of the HKPF gave a consolidated response as follows:

- (a) Sections 50(3) and (4) of the Police Force Ordinance stipulated that “If any police officer has reason to believe that any person to be arrested has entered into or is in any place the person residing in or in charge of such place shall on demand of that police officer allow him free ingress thereto and afford all reasonable facilities for search therein.” If ingress could not be obtained, the police could use force for it in order to prevent and detect crimes and offences;
- (b) the police would, based on the intelligence collected, apply to the court for a search warrant to search premises for suspected possession of drugs or explosives;
- (c) he said that, according to the Deed of Mutual Covenant, most of the private shopping malls in Hong Kong were not completely private. They were required to open for public use and access as well as the police’s law enforcement action as stipulated; and
- (d) he emphasised that the police would take law enforcement action in accordance with Sections 50(3) and (4) of the Police Force Ordinance if they found or saw crimes taking place.

129. Mr HUI Yui-yu wished to know what hard objects the protestor was holding and how the police defined “clamour”. He asked if the police had any video clips proving the protestor was causing danger to the public that night, and if they would apologise to the district councillors of the constituency concerned and the residents of Park Belvedere because the protestor was found non-suspicious after investigation and was released consequently.

130. Mr NG Kam-hung said that riot police were present at the footbridge in Hin Keng Estate on 12 or 13 November 2019, but the residents underneath were only collecting resources for The Chinese University of Hong Kong (CUHK). He wished to know when riot police would be mobilised.

131. Mrs Josephine MAK gave a consolidated response as follows:

- (a) when the police had reasonable doubts or saw someone intentionally committing crimes, they could enter the premises for investigation without a search warrant according to Sections 50(3) and (4) of the Police Force Ordinance;

- (b) when the police found out the hard objects the protestor was holding were not offensive weapons, they released him/her at once and minimised the inconvenience caused to the residents of Park Belvedere;
- (c) she said that a man of Chinese nationality was set on fire in Ma On Shan Plaza on 11 November because he voiced a different political view. No.2 Bridge at CUHK was occupied from 11 to 13 November. During the period, rioters threw loads of objects to block Tolo Highway which was not reopened until 16 November. As Mr NG Kam-hung had said, people were collecting resources for the CUHK. She believed the riot police turned up at the bridge or higher levels based on strategic considerations to keep themselves safe from brick attacks thrown from heights by rioters, and to keep the innocent safe from harm; and
- (d) she stressed that the police had to take appropriate law enforcement action to maintain public order and public safety in Hong Kong.

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

- (a) he wished to know the code of practice and procedure for the police to invoke Sections 50(3) and (4) of the Police Force Ordinance, e.g. if they would seek the consent of the person in charge of the premises or give explanation before entering a residential estate to make arrests;
- (b) he asked if the police would review their action when their decision of entering a place to make arrests was wrong; and
- (c) he did not understand why the crime in Ma On Shan was related to the presence of riot police in Hin Keng Estate.

133. Mr Felix CHOW said that the police parked their cars on private premises without the consent of the management offices or the OCs by reason of protecting the railway or other considerations. He wished to know the limits of the police's power in terms of preventing crimes.

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

- (a) he was discontented that the police entered Park Belvedere to take enforcement action without a search warrant;
- (b) regarding the arrest of the MOSTown security guards, he asked the police to produce the report records of that day and the investigation report concerning the shopping mall;
- (c) he was discontented that the police sent a dozen riot police officers to MOSTown just because there were members of the public waving laser pointers there; and
- (d) he found the emotional state of frontline police officers unstable which affected their enforcement action.

135. Mrs Josephine MAK gave a consolidated response as follows:

- (a) she said the wording the Members used in their questions reflected their self-cultivation;
- (b) she stressed that she had already answered Mr NG Kam-hung's question about why riot police turned up at the footbridge in Hin Keng Estate on 12 or 13 November. It was because someone was set on fire in Ma On Shan on 11 November; afterwards No. 2 Bridge at the CUHK was occupied and rioters threw petrol bombs at the police simultaneously. It was therefore necessary for the riot police to be stationed there to prevent violent incidents in the community; and
- (c) regarding the unstable emotional state of frontline police officers, she said that they were human too. She asked the Members not to take things out of the context and told them to lodge their complaints with the Complaints Against Police Office (CAPO) if they found the police action inappropriate.

136. Mr Raymond LI said that an emotional opinion did not mean disrespect.

137. The Chairman called for a peaceful and rational discussion.

138. Mr HUI Yui-yu asked the Chairman to press the police for the details on entering Park Belvedere to take enforcement action.

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

- (a) he asked how the police would guarantee all the actions taken by frontline police officers, including their action of provoking the emotions of members of the public, were legal, reasonable and faultless;
- (b) he asked if it was reasonable for the riot police to scold members of the public or use disrespectful terms against women;
- (c) he asked how members of the public could lodge their complaints with the CAPO when the police officers were unidentifiable without their warrant cards or operational call signs; and
- (d) he said that some police officers damaged his eco-bag without any compensation.

140. Mr YIP Wing was discontented that he was scolded by some frontline police officers. He opined that the police officers taking law enforcement action with their faces masked made it difficult for members of the public to identify them or lodge complaints.

141. Mr LO Tak-ming was discontented that plainclothes police officers refused to show their warrant cards to security guards when patrolling private housing estates or shopping malls and they accused people of "obstructing the police in the execution of their lawful duties".

142. Mrs Josephine MAK gave a consolidated response as follows:

- (a) she said that riot police carried UI numbers on their shoulders or operational call signs on their chests. If the Members could not jot them down in time, they could provide the details of the case for the CAPO to follow up appropriately; and
- (b) plainclothes police officers might not be able to reveal their identity when performing their duties in shopping malls as they might be carrying out an undercover operation. She stressed that they would show their warrant cards when stopping suspects or searching their backpacks.

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

- (a) he opined that the CAPO meant “the police investigated the police” which cast doubt on the effectiveness;
- (b) he said, according to Article 29 of the Basic Law, “The homes and other premises of Hong Kong residents shall be inviolable. Arbitrary or unlawful search of, or intrusion into, a resident’s home or other premises shall be prohibited.” He asked the police to familiarise themselves with the Basic Law; and
- (c) he said that the person the police chased after at Park Belvedere was not a rioter, and asked the police to apologise to the residents of Ma On Shan.

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

- (a) he was discontented that the police fired tear gas canisters from high floors at the Hong Kong Police Headquarters and they pepper-sprayed journalists at New Town Plaza; and
- (b) he wished to know how to ascertain the identity of the police officer he complained about when there were two police officers carrying the same operational call signs and there were blue and white signs at the same time.

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

- (a) he asked the police to accept the proposals and questions raised by the Members and to examine themselves;
- (b) he asked the police if they had restrained the emotions of the frontline police officers in accordance with Order 31 of the Police General Orders (Cap. 6) which specified the conduct required; and
- (c) he asked the police to provide details on the land lease stipulating any public place (including private land) in the Sha Tin District required to be open for police use.

146. Mrs Josephine MAK gave a consolidated response as follows:

- (a) the Basic Law and the Hong Kong Bill of Rights Ordinance safeguarded the freedom of speech of members of the public, including Hong Kong police;

- (b) members of the public could lodge their complaints with the CAPO based on the existing mechanism, if they found what the police had said inappropriate;
- (c) she thanked the Members for caring about the emotions of the frontline police officers. The police force had offered police officers psychological counselling to channel their negativity caused by long working hours and groundless accusations;
- (d) the police would conduct reviews in due course and accept constructive proposals put forward by the Members; and
- (e) she would not comment on things that took place outside the Sha Tin District.

147. Mr Sam CHAN gave a consolidated response as follows:

- (a) he had not got hold of the details on the police conversation that took place on the night of the Park Belvedere incident;
- (b) he said that some people damaged the main gate of the police station, sprayed paint and tore down steel fences that night. During the chaos, some people clamoured with hard objects in their hands on the road off the police station. The police hence had reasonable doubts that those people were in possession of offensive weapons and would attack people. According to the laws of Hong Kong, possessing offensive weapons was an arrestable offence and first-time offenders were punishable by imprisonment. As for the police's entry into Park Belvedere to stop and search people, their enforcement action was based on Sections 50(3) and (4) of the Police Force Ordinance;
- (c) there were currently 2 frameworks for handling complaints against the police: on the one hand, the CAPO would conduct investigation and submit reports; on the other hand, the Independent Police Complaints Council (IPCC) had the power to question. He suggested that the members of the public stopped and searched by the police and the residents of Park Belvedere lodge their complaints with the CAPO if they felt affected;
- (d) he stressed that the police could stop, question and search a person based on reasonable doubts according to Sections 50(1) and (2) of the Police Force Ordinance. Police officers would daily stop and search members of the public and initiate prosecution against illegal parking in order to maintain law and order. Frontline police officers, after finding members of the public non-suspicious upon being stopped and searched, would generally say "sorry for taking up your time". If members of the public found the attitude of the police officers undesirable, the police officers would be reminded to pay heed to and rectify their attitude when the complaints were substantiated;
- (e) he said that the police received a call from members of the public reporting shops were being damaged at MOSTown. The riot police did explain why to the security guards before entering the shopping mall, but the guards used their bodies to obstruct the police in taking law enforcement action. He said that anyone

obstructing the police in the execution of their lawful duties might have committed an offence stipulated in Section (63) of the Police Force Ordinance (Cap. 232). Since the case had entered legal procedures, he could not reveal the details; and

- (f) regarding the land lease conditions of the Sha Tin District, he suggested that the Members approach the relevant government departments for enquiry. He stressed that MOSTown in Ma On Shan was subject to land lease conditions allowing police officers entry to take law enforcement action.

148. Mr HUI Yui-yu reiterated his request for the Chairman to weigh in on the discussion and press the police for details on their entry into Park Belvedere.

149. The Chairman asked the Members to judge the police's responses on their own.

150. Mr LAI Tsz-yan asked the police to provide a name list of on-duty police officers within 7 days after every public activity in the Sha Tin District in future. The list should include information such as the names and numbers of the police officers, so that members of the public could lodge their complaints according to the existing mechanism.

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

- (a) he asked if the freedom of speech under the Hong Kong Bill of Rights Ordinance allowed him to insult people;
- (b) he was discontented that some police officers used inappropriate language;
- (c) he did not understand why the riot police fired tear gas canisters from the footbridge at members of the public near Tai Shui Hang Cycling Park on 13 November 2019, and some police officers even pointed their guns at Mr CHAN Pui-ming; and
- (d) he wished to know the guidelines for the police use of tear gas.

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

- (a) he wished to know why the Special Tactical Squad (Raptors) fired pepper-ball rounds from the footbridge connecting Phases 1, 3 and 4 of Sunshine City at the residents criticising the police's enforcement action at 11pm on 2 August 2019;
- (b) he asked the police to provide the name list of the Raptors, so that he could lodge an official complaint; and
- (c) he asked the police to explain what they meant by professionalism.

153. Mrs Josephine MAK gave a consolidated response as follows:

- (a) regarding Mr LAI Tsz-yan's request for name lists of police officers within 7 days, she said that operations might include officers from other police districts such as the New Territories South. Due to frequent operations, the administrative cost of

compiling the name lists would be too high which would not go in line with effective utilisation of resources. She suggested that the Members provide the specific times, places, operational call signs, situations, etc., and the police would do their best to thoroughly and seriously investigate the officers involved;

- (b) regarding the case of Tai Shui Hang, she did not have information to respond at the moment; and
- (c) she said that the footbridge of MOSTown was situated near Ma On Shan Police Station. On the night of 2 August, Sha Tin Police Station and Ma On Shan Police Station were surrounded and attacked by over 100 members of the public. The CCTVs and the card tapping machines were damaged. The riot police, upon arrival, called for the crowd to leave the scene before dispersal. Yet, the warning did not work, and force considered to be the lowest level at that time had to be used.

154. The Chairman asked the police to refer to the minutes of the meeting and to provide further information and written replies under “matters arising from the previous meeting” in the next meeting.

155. The Chairman asked the Members whether they agreed to address the provisional motion proposed by Mr TING Tsz-yuen.

156. The Members agreed to discuss the provisional motion proposed by Mr TING Tsz-yuen.

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

- (a) regarding the police’s reply saying that they stopped and searched people based on their suspicion about illegal activities, he asked the police to provide the name of the police officer who chased and beat members of the public at Park Belvedere, apologise to members of the public or contact him after the meeting. He intended to lodge an official complaint; and
- (b) he read his provisional motion as follows:

“The Sha Tin District Council urges the police to ensure that frontline police officers, when executing their duties on private land, strictly comply with the power vested in them by the Police General Orders, safeguard and respect the wishes of property owners as well as occupiers, and refrain from injuring members of the public and ruining the normally good police-community relations out of impulsive misjudgments.”

Mr CHIU Chu-pong seconded the motion.

158. Mr Michael YUNG suggested adding “guidelines of” to “the Police General Orders”.

159. Mr Chris MAK suggested deleting “good”.

160. Mr TING Tsz-yuen amended his provisional motion to:

“The Sha Tin District Council urges the police to ensure that frontline police officers, when executing their duties on private land, strictly comply with the power vested in them by the guidelines of the Police General Orders, safeguard and respect the wishes of property owners as well as occupiers, and refrain from injuring members of the public and ruining the previously good police-community relations out of impulsive misjudgments.”

161. The Members unanimously endorsed the provisional motion in paragraph 160.

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

(a) he read his provisional motion as follows:

“In recent months, police officers have been suspected of repeatedly violating regulations when executing their duties. However, they do not carry any identification, e.g. police numbers and warrant cards, and their faces are covered, making it impossible to lodge complaints about suspected cases.

The Sha Tin District Council demands that the Hong Kong Police Force provide detailed information on on-duty police officers, including police numbers and their divisions, within 7 days after each public activity or protest activity for the purpose of monitoring by the public or the handling of complaint cases.”

Mr Jimmy SHAM seconded the motion; and

(b) regarding the police’s response saying that providing the name lists of on-duty police officers would be a huge administrative chore, he opined that the Government had ample money to hire people to handle complaints against the police force lodged by members of the public.

163. Mr Jimmy SHAM asked how much time the police force would need to provide the name lists of on-duty police officers if they deemed 7 days impossible.

164. The Chairman informed Mr Jimmy SHAM that the department concerned would reply to the endorsed provisional motion after the meeting. He suggested adding a footnote to “7 days” and including reasonable flexibility.

165. Mr Ricardo LIAO said one of the Chinese characters of “Hong Kong Police Force” had been miswritten.

166. Mr Chris MAK suggested adding “show” to “any identification, e.g. police numbers”.

167. Mr LAI Tsz-yan amended his provisional motion to:

“In recent months, police officers have been suspected of repeatedly violating regulations when executing their duties. However, they do not show any identification, e.g. police numbers and warrant cards, and their faces are covered, making it impossible to lodge complaints about suspected cases.

The Sha Tin District Council demands that the Hong Kong Police Force provide detailed information on on-duty police officers, including police numbers and their divisions, within 7 days after each public activity or protest activity for the purpose of monitoring by the public or the handling of complaint cases.”

168. The Members unanimously endorsed the provisional motion in paragraph 167.

Question to be Raised by Ms WONG Man-huen on Matters Concerning Police Access into Private Residential Areas for Law Enforcement in the Sha Tin District
(Paper No. STDC 13/2020)

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

- (a) she wished to know how the police ensured that their entry into shopping centres for law enforcement was in compliance with relevant lease conditions;
- (b) she pointed out that, according to the court judgment, the police must have a genuine suspicion that the persons to be arrested had committed an offence before entering and searching relevant premises and making arrests. In this regard, she said that she and her parents were at Exit C of City One MTR Station on 8 November 2019 and, without yelling or possessing any offensive weapon, they were accused of taking part in an unlawful assembly. She wished to know the why she got pepper sprayed twice;
- (c) she did not understand why the police took law enforcement actions in a private road section at City One Shatin;
- (d) she wished to know whether the police’s entry into the area of the shopping centre at City One Shatin for law enforcement and patrolling on 25 December 2019, when no member of the public had made a report to the police, was in compliance with Chapter 50 of the Police General Orders. She asked about the channels of complaints and relevant compensation if residents were injured; and
- (e) regarding the police’s response that the riot police deployed to Ma On Shan were related to No. 2 Bridge of The CUHK, she wished to know whether the presence of the riot police in Tseung Kwan O was related to the fall of the student, CHOW Tsz-lok, in Sheung Tak Car Park in Tseung Kwan O on 4 November 2019.

170. Mrs Josephine MAK said that she could not give a response as the Tseung Kwan O incident on 4 November did not happen in the Sha Tin District.

171. Mr Sam CHAN said that, regarding the situations on 8 November and 25 December, he could not give a further response as he did not have the details of the residents or the enforcement on that day. He emphasised that private roads were not private premises or off-limits to the police. According to his enforcement experiences, some men once blocked the private roads at City One Shatin with a private vehicle and a dump truck. After consulting the Department of Justice (DoJ), enforcement action was taken against obstruction caused in a public place according to the Summary Offences Ordinance (Cap. 228). He cited an example that other

members of the public would also enter the private roads at City One Shatin for activities such as shopping and dining. A private road that could be accessed by the public was not regarded as private premises. He would provide the supplementary information in writing later.

172. Mr LAI Tsz-yan opined that residents were not committing an offence by scolding the police. After the police had pepper sprayed Ms WONG Man-huen or other members of the public, they did not make any arrests. He wanted to know what compensation the police would provide.

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

- (a) he made a complaint to Mr Sam CHAN, Assistant District Commander, regarding the 714 New Town Plaza incident and the “Hundred-Step Staircase” (Sha Tin Town Hall Plaza) incident during the adjournment of the STDC meeting last July. He wished to know if the complaint had been referred to the CAPO for follow-ups; and
- (b) he pointed out that the “714 Assembly” was originally a petition that had been issued a Letter of No Objection; however, as some frontline police officers claimed to have been attacked, the police demanded that the assembly end sooner and the relationship between the police and the public worsened when the police pushed forward at Yuen Wo Road. He urged the police force to familiarise themselves with the Police Force Ordinance and to brief police officers so as to avoid verbally abusive exchanges between the police and members of the public.

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

- (a) he said the police shot 2 sponge grenades outside Exit E of Tai Wai MTR Station on 3 October 2019 and members of the public were injured outside of Tin Sum Police Station. He wished to know if the police would compensate or apologise to injured members of the public;
- (b) regarding the riot police and plainclothes police officers on duty in New Town Plaza on Christmas Day, he asked how members of the public could obtain the identification numbers of relevant police officers or know the identities of plainclothes police officers if they wished to lodge a complaint; and
- (c) the CAPO only found 0.09% of all complaint cases substantiated in the past few years. He asked the police to control the actions of frontline officers.

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

- (a) he claimed that around 50 masked persons entered Kwong Yuen Estate and inflicted damage on 5 January this year, but the riot police on site did not make arrests immediately. He asked if that was selective law enforcement; and
- (b) he was discontented that some police officers outside Tin Sum Police Station said that residents of PRH estates were trash.

176. Mrs Josephine MAK gave a consolidated response as follows:

- (a) regarding how unsatisfactorily plainclothes police officers behaved as to producing their warrant cards when conducting a search, she asked the Members to provide more information for follow-ups;
- (b) she emphasised that “Serving Hong Kong with Honour, Duty and Loyalty” was the objective of the police. She asked the public to be accommodating if police officers were rather impatient while executing their duties. If the Members were dissatisfied with frontline police officers’ attitude or what they had said, they could lodge a complaint with the CAPO;
- (c) she said that if members of the public were not suspicious, it would be fair for the police to release them;
- (d) regarding the 714 incident, she pointed out that as the size of the crowd and the public sentiment had exceeded the organiser’s controllable capacity, the police demanded that the assembly be cut short. However, the protest led to situations such as road blockages, police officers on site had no choice but to use the minimum degree of force, such as firing tear gas; and
- (e) she said that it was not ideal that both sides used offensive language. She would remind police officers to avoid using unnecessary and inappropriate adjectives or language.

177. Mr Sam CHAN gave a consolidated response as follows:

- (a) regarding the dispute that took place at the bus terminus of Kwong Yuen Estate on 5 January this year, he pointed out that the police had received complaint letters from Mr YEUNG Sze-kin and Mr Ricardo LIAO. He added that police officers arrived at the site at 7:40 am that day upon receipt of a report to investigate and found that some people were cleaning graffiti or bills illegally sprayed or posted on the “Lennon Wall”. He emphasised that the police played a neutral role on site and aimed to maintain public safety and order;
- (b) if certain persons deemed that their property had been damaged, they could report the case to the police;
- (c) there had been various riots and illegal assemblies in society in the past few months. The police had no other choice but to use force. He said that the police hereby appealed to members of the public to disperse peacefully if they found themselves in the surroundings of situations such as illegal assemblies and road blockages, so as not to prevent the police from taking enforcement actions. He emphasised that the decision to make arrests or not depended on the judgment of the commander on site and the police did not wish to affect members of the public; and
- (d) he had referred the complaint made by Mr Michael YUNG during the STDC meeting on 25 July to the CAPO. If the CAPO did not provide a response, he

promised to follow up on the matter again after the meeting.

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

- (a) he was dissatisfied with the reply of the police;
- (b) he pointed out that riot police were stationed at Exit C of City One MTR Station on 8 November, which piqued residents' interests who then gathered to discuss. He was shocked that the police raised a black flag and pointed their guns at Sunshine Grove intending to shoot tear gas. He and Ms WONG Man-huen urged members of the public to leave as soon as possible; and
- (c) he could not understand why the riot police had to enter and patrol the shopping centre holding their guns on 25 December.

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

- (a) he pointed out that his assistant was pushed in the Kwong Yuen Estate incident on 5 January this year but the police did not take enforcement actions; and
- (b) he wished to know whether the crowd of people who cleaned the Lennon Wall with scraper blades was an illegal assembly or in possession of offensive weapons.

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

- (a) he wished to write a letter to commend Mr Sam CHAN, Assistant District Commander;
- (b) he wished to learn more about the source or the relevant laws stating that the police could enter and take law enforcement actions on private roads or private premises that allowed public access; and
- (c) he asked if police officers had to obtain approval from the commander before entering PRH estates or private premises.

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

- (a) he wished to know if the footbridges of MOSTown were private roads and whether the police verified the reports about the alleged damage to shops;
- (b) he could not understand why the police arrested the security guards of MOSTown afterwards; and
- (c) he asked the police to discuss issues amicably and not to avoid questions.

182. Mrs Josephine MAK gave a consolidated response as follows:

- (a) in response to online appeals, members of the public participated in "Shopping with You" activities in different shopping centres in Sha Tin on 24 and 25

December last year. As the gates of City One MTR Station as well as Genki Sushi and the branch of Bank of China in Fortune City One had been damaged multiple times, police officers had to be deployed and stationed there;

- (b) the police arrested 19 persons during the operation. 9 were arrested for unlawful assembly, 5 for assault on police officers, 3 for possessing offensive weapons and 1 for criminal damage. She said that it was precisely because police officers were stationed that the MTR station was not damaged again;
- (c) regarding the Kwong Yuen Estate incident on 5 January, the members of the public used the scraper blades to clean the Lennon Wall;
- (d) she emphasised that the police would arrest anyone who had committed an offence regardless of their political stance; and
- (e) regarding whether the police needed to consult management offices before entering private roads, she opined that, given the urgency to carry out enforcement actions, police officers had to make a judgement in a split second and take enforcement actions deemed suitable at that moment.

183. The views of Mr Sam CHAN were summarised below:

- (a) according to Section 2 of the Public Order Ordinance (Cap. 245), a public place referred to any place to which the public were permitted to have access, whether on payment or otherwise. The private roads of City One Shatin could be accessed by the public for shopping and other activities and thus were public places;
- (b) the land lease of the Lands Department stipulated that the footbridges of MOSTown were open to the public and were required to be accessible to the police for patrolling and preventing crime. Regarding the enquiries about other shopping centres in the Sha Tin District, he could reply after the meeting; and
- (c) the police were consulting the DoJ regarding the arrests of MOSTown security guards. Therefore, it was not suitable to discuss the case at this stage.

184. Mr CHIU Chu-pong expressed his disappointment at the HKPF's inability to explain the details of law enforcement actions. He suggested that the HKPF be better prepared with adequate information to facilitate communication.

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

- (a) he wished to know how members of the public could make complaints to the IPCC or the CAPO if police officers did not produce their warrant cards or display operational call signs;
- (b) he asked the HKPF if it could provide a list of the police officers carrying out law enforcement actions at Park Belvedere; and

- (c) regarding the case of robbery in Tuen Mun where the 2 persons impersonated police officers, he was worried that members of the public could not discern if people were impersonating police officers.

186. Mr WONG Ho-fung was dissatisfied with the enforcement actions of the HKPF in the 714 incident, the use of tear gas outside Tai Wai Market on 8 October 2019, the CUHK incident and masked police officers patrolling on Christmas Day. He requested that the HKPF make public its guidelines on the use of force and review its enforcement actions.

187. Mr NG Kam-hung asked which commander decided to shoot 12 tear gas canisters at 20 to 30 members of the public outside Tin Sum Police Station at Hin Keng Street from 12:56 am to 1:30 am on 3 October 2019, whether the objective environment was considered when tear gas was used and whether the use complied with the guidelines. He opined that the incident was unrelated to the arson cases in Ma On Shan or the CUHK incident.

188. Mr CHAN Wan-tung said that he was at the scene of the incident on 3 October and opined that community members were gathering peacefully. He wished to know which police officer shot tear gas canisters and verbally abused members of the public.

189. Mrs Josephine MAK gave a consolidated response as follows:

- (a) she said that disclosing the guidelines on the use of force would affect the efficiency of future operations;
- (b) the HKPF found a large number of petrol bombs in the CUHK campus and rioters shot arrows and threw petrol bombs at police officers. Therefore, she did not agree that the police's entry into the campus incited the protesters at No. 2 Bridge;
- (c) those Members who wished to make complaints could provide concrete details of the cases, such as time, location and environment, to the CAPO which would stringently follow up on them for sure;
- (d) the incident on 3 October 2019 was caused by the fact that some people damaged the facilities of Tai Wai MTR Station. A crowd, after being dispersed by the police, surrounded Tin Sum Police Station and gathered outside. The police advised the crowd to disperse multiple times, but to no avail. Therefore, tear gas canisters were shot to disperse them; and
- (e) she invited Mr NG Kam-hung to provide detailed information regarding the cases he was concerned about at a police station. The HKPF would stringently follow up on them for sure.

190. Mr CHAN Pui-ming was worried that members of the public would have to resort to private prosecution because it would take years for the CAPO to handle cases. He opined that the HKPF had power and the law in its hands and he hoped that the police would respect their vows and remind frontline police officers to control their personal emotions while on duty.

191. Mr CHENG Chung-hang opined that the existing complaint system was not very effective. He hoped that the HKPF would provide a written reply regarding the Tai Shui Hang

incident on 13 November 2019. If the Members had offended police officers verbally, he asked the HKPF to complain to Mr CHAN Pui-ming.

192. Mr LO Yuet-chau urged the HKPF to issue a written apology to Ms WONG Man-huen and her parents for pepper spraying them.

193. Mr CHAN Nok-hang was worried about the emotional instability of frontline police officers as well as their use of violence and abuse of power. He demanded that an independent investigation committee be set up and that the situation of San Uk Ling Holding Centre be investigated.

194. Mr William SHEK wished to know why the police dispersed those outside City One MTR Station on 8 November.

195. Ms WONG Man-huen demanded that the HKPF provide a written reply on whether she and her parents broke the law on 8 November 2019; and if they did not break the law, whether the police mistakenly pepper sprayed them and whether they would apologise for that. She requested that the HKPF provide supplementary information in writing on why they entered City One MTR Station and private housing estates to carry out law enforcement actions on 25 December 2019.

196. Mrs Josephine MAK asked the Members to submit via the Secretariat a list of questions regarding incidents on individual dates that they wanted the HKPF to provide written replies for, so that the HKPF could reply precisely.

197. The Chairman said that the Secretariat could pass the list of questions received to the HKPF for the police to reply dutifully.

Question to be Raised by Mr CHAN Pui-ming on Prevention of Pneumonia with Unknown Cause Detected in Wuhan in the Sha Tin District
(Paper No. STDC 11/2020)

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

- (a) he expressed regret at the absence of representatives from the Food and Health Bureau (FHB), the Department of Health (DH), the Centre for Health Protection (CHP) and the Hospital Authority (HA) at the meeting and would submit a provisional motion later;
- (b) he pointed out that more than 4 million people entered and left the territory during the Lunar New Year and therefore suggested that the Education Bureau (EDB) make it compulsory for students to fill in the Health Declaration Form after the resumption of classes, so as to investigate and trace the source of virus; and
- (c) he suggested that the FEHD increase the salary of outsourced cleaning workers and strengthen cleaning efforts during the Lunar New Year.

199. The Chairman welcomed Ms Estella CHOW, Director (Business Development) of the Hongkong Post and Mr LEUNG Man-dik, Assistant Public Relations Manager (External

Affairs) of the MTR Corporation Limited (MTRCL) to the meeting.

200. Ms Estella CHOW briefly introduced the paper. The main points were as follows:

- (a) as the flights to Wuhan originally used to carry Speedpost items had been cancelled and the Hongkong Post needed time to discuss the arrangements for an alternative postal route with other air cargo carriers and China Post, relevant services had been suspended since 16 November last year while the services of surface mail and air mail remained normal. Speedpost services to Wuhan had resumed on 15 January this year. In the past year, there were over 200 postal flights from the territory to Wuhan;
- (b) the Hongkong Post would not send personnel onto flights regarding Speedpost services;
- (c) regarding Speedpost services bound for mainland China, there were around 20 major destinations besides Wuhan, including Beijing, Shanghai, Hangzhou and Nanjing; and
- (d) due to the involvement of commercial and contractual activities, the Hongkong Post would not provide the information on relevant airlines.

201. Mr LEUNG Man-dik briefly introduced the paper. The main points were as follows:

- (a) the MTRCL had more frequently used 1:99 diluted bleach to clean places that passengers were often exposed to, such as facilities inside the carriages, escalators, elevators and ticket machines, in the railway network, including the East Rail Line and the Ma On Shan Line;
- (b) the MTRCL had arranged for employees working at stations connecting to control point locations, including Hong Kong West Kowloon MTR Station, Lo Wu MTR Station, Lok Ma Chau MTR Station, Hung Hom MTR Station and Airport MTR Station, to have their temperature checked before work and to wear masks while on duty; and
- (c) the MTRCL already confirmed with Mainland railway operators this morning that the ticket sale of services to and from Wuhan had been suspended immediately.

202. Ms Joyce YIP, Chief School Development Officer (Shatin) of the EDB gave a consolidated response as follows:

- (a) the EDB already sent letters in mid-January to remind schools to implement the CHP's suggestions regarding preventive measures against infectious diseases and to comprehensively enhance such measures to step up disease prevention efforts;
- (b) the EDB had informed schools that it was compulsory to have students' temperature checked every day after their arrival at school, so as to identify students with a fever. School staff should also measure their own temperature before going to work and those with a fever or respiratory symptoms should refrain

from work. Schools should also thoroughly clean school premises during Lunar New Year holidays;

- (c) the EDB also urged schools to fill in notification forms at once according to the established mechanism to notify the CHP of suspected cases of relevant infectious diseases or irregularities similar to cases of infectious diseases after the resumption of classes. Schools were required to fax a copy of the notification forms to the relevant Regional Education Office; and
- (d) the EDB would maintain close contact with the DH and inform schools of the latest advice and measures in a timely manner.

203. The Chairman understood that the law enforcement actions of the police and the epidemic were both issues that concerned the community; therefore, he would make an exception and allow follow-up questions from more than 3 Members. He asked the Members to be concise and precise. Each was allowed 2 minutes.

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

- (a) he pointed out that COVID-19 was like a rerun of severe acute respiratory syndrome (SARS);
- (b) he wanted to know if the TD provided guidelines for service operators or requested that they thoroughly disinfect vehicles travelling to and from control points and High Speed Rail stations;
- (c) he asked whether the MTRCL checked the temperature of its employees or service staff;
- (d) he asked whether schools had sufficient equipment, such as infrared thermal imaging systems, protective gear and rooms to quarantine students with fever;
- (e) he asked about the frequency of disinfecting LCSD venues, such as sport centres and libraries;
- (f) he asked what kind of anti-epidemic materials were available at Home Affairs Enquiry Centres for public reference;
- (g) he asked why the DH did not educate the public on how to choose masks; and
- (h) he asked whether the FEHD had enough manpower to strengthen cleaning efforts.

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

- (a) he opined that the Government's anti-epidemic response was slow;
- (b) he pointed out that he had to remind the Housing Department (HD) to follow the guidelines of the CHP, such as disinfecting Shui Chuen O Estate and Jat Min Chuen and cleaning the elevators every 2 hours;

- (c) he was dissatisfied that the DH did not send any representatives to the meeting; and
- (d) he enquired the EDB about the class suspension arrangements after the Lunar New Year holidays.

206. Mr Derek YUEN responded that, as stated in the paper, the FHB, the DH and the HA indicated that they could not attend the meeting as they were devoting all forces to handle the relevant issues.

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

- (a) he urged the Chairman to write a letter to the FHB and the DH expeditiously to demand proper anti-epidemic efforts;
- (b) regarding the third case of the virus in the Sha Tin District, he opined that the virus was spreading in the territory but the response of the Government was too slow;
- (c) he pointed out that the TD should reject the toll-free arrangement of the Hong Kong-Zhuhai-Macao Bridge (HZMB) to be implemented during the Lunar New Year holidays; and
- (d) he was dissatisfied that the Government did not fully close the borders.

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

- (a) regarding the fact that the first case in the territory was imported via the High Speed Rail, he asked whether the MTRCL would temporary close the High Speed Rail stations to stop mainland tourists from coming to the territory;
- (b) regarding the arrangement to limit mask sales in Macao and unscrupulous merchants selling fake masks in the market, he wished to learn about the Government's corresponding measures; and
- (c) he asked about the STDO's measures to pacify members of the public and to allay doubts.

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

- (a) he pointed out that Sha Kok Estate had not implemented cleaning measures that met the anti-epidemic standards during SARS and wished to know the HD's measures in response to the epidemic;
- (b) he pointed out that residents of Wuhan might have entered the territory via Shanghai or Shenzhen and he wished to learn about the future arrangements of the MTRCL and the TD;
- (c) regarding the fact that members of the public diagnosed with COVID-19 had

travelled on the Ma On Shan Line, he asked whether the MTRCL would clean train carriages; and

- (d) he asked whether the EDB would make it compulsory for students to wear masks and wash their hands during recess after the resumption of classes.

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

- (a) he was dissatisfied with the absence of representatives from relevant government departments;
- (b) he asked the EDB to expeditiously announce the arrangements for class suspension;
- (c) regarding the panic buying of masks in the community at present, he asked the STDO to take the lead in distributing disinfectant packs to Sha Tin residents;
- (d) he opined that although the Hong Kong West Kowloon MTR Station made health declarations compulsory for tourists, the Government would not be able to trace the source of the virus if the declarations were not truthful. He asked the MTRCL and the TD if the station could be closed to cut off the source of the virus; and
- (e) he did not wish to see another SARS in the territory where members of the public and health professionals lost their lives.

211. Mr Ricardo LIAO asked the MTRCL to consider disseminating information regarding the epidemic, conducting temperature checks and closing High Speed Rail stations on top of stepping up carriage cleaning efforts to prevent imported cases of the virus. He asked the TD to reject the toll-free arrangement of the HZMB to prevent an outbreak in the community.

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

- (a) he wished to know if the departments had replied in writing to the provisional motion Mr CHAN Pui-ming submitted on 3 January this year; and
- (b) when the EDB would announce the arrangements for class suspension.

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

- (a) he wished to learn about the mode of transmission of COVID-19 so as to strengthen public anti-epidemic awareness;
- (b) he asked the MTRCL to strengthen efforts to clean the air-conditioning and ventilation systems on trains;
- (c) he said that the HD did not apply protective films on the elevators inside Sun Chui Estate until he had made repeated requests. He urged the HD to do the same for the elevators and combination locks of all PRH estates for easy cleaning purposes; and

- (d) he hoped the departments could provide enough protective gear for cleaning workers.

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

- (a) he expressed regret at the absence of representatives from the DH at the meeting;
- (b) regarding the lockdown in Wuhan, he opined that the Government was so slack in responding that it still had not closed the High Speed Rail stations, thus failing to effectively stop imported cases of the virus; and
- (c) he hoped that the STDO could gather supplies and distribute resources such as masks and disinfectant packs to the public.

215. Ms Joyce YIP gave a consolidated response as follows:

- (a) the EDB would closely monitor the development of the epidemic and would issue latest instructions and guidelines on epidemic prevention to schools according to the circumstances and the CHP's advice;
- (b) according to the actual circumstances, the EDB would consult the CHP for professional advice before suspending classes and would prioritise the health of students;
- (c) she said that schools had corresponding guidelines on how to address the outbreak of influenza and infectious diseases and had suitable protective supplies;
- (d) if students in school showed symptoms of COVID-19, schools would inform the parents concerned at once, arrange for the students to be temporarily quarantined in the medical room and urge their parents to expeditiously take them to seek medical help. Upon receiving relevant test results of the students, schools would notify the CHP according to the circumstances and take suitable measures; and
- (e) the guidelines of the CHP stated when schools should arrange for students to have temperature checks, when masks should be worn and when school premises should be cleaned.

216. Mr Christopher CHIU, Principal Transportation Officer / New Territories 1 of the TD gave a consolidated response as follows:

- (a) the TD was actively cooperating with health authorities to respond to and contain the epidemic. Service operators of public transport (including cross boundary coaches) and transport facilities had taken corresponding cleaning measures, including strengthening efforts to clean the interior of vehicles (bus companies even cleaned the interior of vehicles with bleach daily), stations and transport facilities;
- (b) individual service operators had issued health guidelines to employees and had

posted notices on public transport to remind passengers to pay attention to personal hygiene; and

- (c) the TD would pay attention to the anti-epidemic efforts of service operators and request them to strengthen the efforts when necessary.

217. Mr Allan CHAN, Chief Manager / Management (Tai Po / North / Shatin) of the HD said that the cleaning service provider and cleaning workers in Shui Chuen O Estate and Sha Kok Estate had been instructed to step up the cleaning work there, including the use of 1:99 diluted bleach to clean the lifts and the main doors, and the use of 1:49 diluted bleach to clean the areas in which bacteria might easily grow. In addition, he said that the cleaning work in all PRH estates in the Sha Tin District would be enhanced.

218. Mr LEUNG Man-dik gave a consolidated response as follows:

- (a) having been noticed by the CHP that a man was confirmed to have contracted coronavirus disease 2019 (COVID-19), the MTRCL had stepped up the cleaning work at the West Kowloon Station by cleaning the handrails of escalators, lifts, etc. with 1:49 diluted bleach once per hour. In addition, the public areas in the West Kowloon Station were thoroughly sterilised the night before the meeting;
- (b) he pointed out that the MTRCL would continue to regularly keep close communication with the relevant government departments and the mainland railway unit in respect of the frequency of High Speed Rail train service between Hong Kong and Wuhan;
- (c) the frequency of High Speed Rail train service had to be decided by the mainland railway unit. Currently, there were two trains running between Hong Kong and Wuhan every day. Also, special arrangements had been made, that is, after the train had arrived at the Wuhan Station, passengers were dropped off, and no boarding was allowed;
- (d) the MTRCL also requested all duty officers at the control points to take their own body temperature before reporting for duty, and to wear a mask when they were on duty. Staff members were also reminded that if they felt ill, they should report it to their supervisors first and avoid reporting for work;
- (e) the MTRCL would conduct deep cleansing for the train compartments of the East Rail Line and Ma On Shan Line; and
- (f) the MTRCL had enhanced announcement and posting of notices in the stations to remind passengers of personal hygiene. In addition, liquid hand soap was also available in the toilets of the stations.

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

- (a) in early January, the STDO had disseminated the CHP's information to its contact network, including the OCs, management offices and property management companies, etc., which were stakeholders responsible for the public environmental

hygiene work;

- (b) the STDO had also increased the frequency of cleaning of the community halls to once per hour;
- (c) regarding a highly suspected case in Oceanaire reported yesterday, the STDO contacted the owners' committee and the management company of Oceanaire immediately, and let the owners' committee contact the DH directly, so that the department could provide anti-epidemic information with a view to enhancing the hygiene conditions of the building and pacifying the residents;
- (d) that night, the DH held a hygiene seminar at Lee On Community Hall. Having confirmed the venue, the STDO immediately disseminated the information on the seminar to the management companies in the vicinity or those affected. Also, within the limited daytime, the STDO contacted all Members and all resident organisations to collect the issues that they were concerned about, and then referred the issues to the DH, in the hope that the questions could be answered at the seminar;
- (e) reportedly, at the seminar just held, the residents were mainly concerned about the supply of surgical masks and the clinics that remained open during holidays. Upon receipt of the list of clinics throughout the territory, she disseminated it to the residents in the district via the Internet;
- (f) she said that the STDO would try its best to help provide anti-epidemic information; and
- (g) when all parties throughout the territory hurried to buy anti-epidemic materials such as surgical masks, the procurement cost would definitely be pushed up. With reference to the experience gained during the SARs period, keeping the hands clean was equally important. She said the STDO was preparing to procure alcohol-based handrub in large size, which would be distributed to schools, organisations and Members in the district once available. The handrub would also be provided for public use during events.

220. The Chairman asked Mr CHAN Pui-ming and 1 Member in attendance to confirm the seconding of the motion, and he pointed out that it was not necessary to list all Members as seconders. He asked the Members whether they agreed to deal with the provisional motion proposed by Mr CHAN Pui-ming.

221. Members agreed to deal with the provisional motion proposed by Mr CHAN Pui-ming.

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

- (a) he pointed out that some management offices wished to contact the FHB over the phone during holidays, and the Bureau suggested using email. He considered that this was not an appropriate attitude towards the anti-epidemic work, and hoped that the DO/ST would reflect his views;

(b) he read out the background of his provisional motion:

“Two confirmed cases of Wuhan pneumonia have been recorded in Hong Kong, and one of the patients has even gone to the Prince of Wales Hospital to seek medical treatment. Meanwhile, the numbers of confirmed cases in many cities and provinces in China have sharply increased, and there are signs of community outbreak. Moreover, starting from 10:00 am this morning, the services of public transport, mass transit railway, ferries and long-distance coaches in Wuhan city have all been suspended, while the outlets for leaving Wuhan, such as the airport and the railway station are temporarily closed.

At the meeting on 3 January, the Council put forward a motion to request the Administration to take strict immigration control measures to step up the anti-epidemic work. However, the Administration does not have the foresight to take decisive measures, and it even avoids monitoring and questioning by the District Council. The Council condemns this deed”; and

(c) he put forward the following motion:

“The Sha Tin District Council requests that at the first meeting of the Environment and Health Committee (Health and Environment Committee) under the Sha Tin District Council on 6 February 2020, the allocation of additional resources for procurement of protective items such as surgical masks for public use to fight “Wuhan pneumonia” (2019-nCoV) should be studied, and the Food and Health Bureau, Department of Health, Centre for Health Protection, Customs and Excise Department, Immigration Department, Food and Environmental Hygiene Department, Leisure and Cultural Services Department and Hospital Authority should be invited to send representatives to attend the meeting with a view to answering enquiries by the Council and listening to the Members’ views in person.

At the same time, the Council requests the Hong Kong Government to promptly take the following measures to protect the health of Hong Kong people:

1. to enhance quarantine at sea, land and air control points, requiring all people entering Hong Kong from China to fill in the health declaration form;
2. to deploy resources and manpower to all ports immediately to assist in the enforcement of quarantine;
3. to fully exercise the power to vet and approve entry for immigration, and suspend the granting of all kinds of visas to areas with severe outbreaks such as Wuhan and Hubei, including but not limited to visit visas, Admission Schemes for Talent, Professionals and Entrepreneurs and all kinds of stay visas;
4. to suspend all tour groups from Hong Kong to China;
5. to extend the coverage of the Outbound Travel Alert (OTA) System to China and immediately issue Black OTA on Hubei Province;
6. to cancel the toll-free arrangement for small passenger vehicles using the Hong Kong-Zhuhai-Macao Bridge;
7. to establish a liaison mechanism with those countries with confirmed cases to enhance the exchange of information and trace the movements of patients;

8. to enhance the hotline service of the Centre for Health Protection by handling public enquiries on Wuhan pneumonia and requests for assistance 24 hours a day;
9. to enhance anti-epidemic publicity at the district level, and to provide surgical masks, hand sanitiser for public use at all District Offices;
10. to ensure sufficient supply of medicine and protective equipment (such as surgical masks, gowns, etc) throughout the territory;
11. to allocate funds for distribution of anti-epidemic materials to the residents in the Sha Tin District;
12. to immediately withdraw the application for judicial review appeal in respect of the Prohibition on Face Covering Regulation for the sake of public health.”

Mr Wilson LI seconded the motion.

223. Ms Amy CHAN cited Macao as an example, saying that it was a region instead of a country. She suggested that “countries” in point 7 be changed into “regions”.

224. Ms WONG Man-huen pointed out that the Chinese characters “追縱” should be “追蹤”.

225. Mr CHAN Pui-ming revised his provisional motion as follows:

“The Sha Tin District Council requests that at the first meeting of the Environment and Health Committee (Health and Environment Committee) under the Sha Tin District Council on 6 February 2020, the allocation of additional resources for procurement of protective items such as surgical masks for public use to fight “Wuhan pneumonia” (2019-nCoV) should be studied, and the Food and Health Bureau, Department of Health, Centre for Health Protection, Customs and Excise Department, Immigration Department, Food and Environmental Hygiene Department, Leisure and Cultural Services Department and Hospital Authority should be invited to send representatives to attend the meeting with a view to answering enquiries by the Council and listening to the Members’ views in person.

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4. to suspend all tour groups from Hong Kong to China;
5. to extend the coverage of the Outbound Travel Alert (OTA) System to China and immediately issue Black OTA on Hubei Province;
6. to cancel the toll-free arrangement for small passenger vehicles using the Hong Kong-Zhuhai-Macao Bridge;
7. to establish a liaison mechanism with those countries and regions with confirmed cases to enhance the exchange of information and trace the movements of patients;

8. to enhance the hotline service of the Centre for Health Protection by handling public enquiries on Wuhan pneumonia and requests for assistance 24 hours a day;
9. to enhance anti-epidemic publicity at the district level, and to provide surgical masks, hand sanitiser for public use at all District Offices;
10. to ensure sufficient supply of medicine and protective equipment (such as surgical masks, gowns, etc) throughout the territory;
11. to allocate funds for distribution of anti-epidemic materials to the residents in the Sha Tin District;
12. to immediately withdraw the application for judicial review appeal in respect of the Prohibition on Face Covering Regulation for the sake of public health.”

226. The Council unanimously endorsed the provisional motion in paragraph 225.

Question to be Raised by Mr LO Yuet-chau on Law and Order in the Sha Tin District
(Paper No. STDC 12/2020)

227. The Chairman said that as there were many agenda items, he would strictly follow the requirement on allowing only 3 Members to raise supplementary questions at the meeting, while the original proposer of the question had priority to raise the supplementary question.

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

- (a) he said that swindlers often appeared in areas such as the Yu Yan Constituency, Tai Wai and Ma On Shan. They cheated money from local residents by lying that they were hungry or had lost touch with their relatives;
- (b) regarding the Police’s written reply on a street deception case, he pointed out that 3 residents had requested assistance from him, among which 1 was a student of Lam Tai Fai College. The student said that a swindler from the Mainland had cheated \$300 cash from him, but he failed to report it to the Police. In this regard, Mr LO Yuet-chau would like to know whether the Fright Crime Committee was still in operation;
- (c) he was dissatisfied that the Police said they would enhance “mobile patrol” in the district. He considered that the Police should enhance street patrol to prevent crime; and
- (d) he said that in the past week, he called the 999 hotline 10 times a day in average, but the line was busy for 7 times. He was worried that members of the public might encounter difficulties if they wanted to call the Police for help.

229. Mrs Josephine MAK gave a consolidated response as follows:

- (a) she stressed that between the second half of 2019 and January this year, there was only 1 street deception case which took place on 11 January;
- (b) for the case in which a secondary school student was cheated but failed to report the case to the Police, she asked Mr LO Yuet-chau to accompany the student to report the case to the police station, and police officers would definitely follow up

and handle it;

- (c) she said that mobile patrol meant the police officers carried out patrol duties in patrol cars. This would greatly enhance the mobility. She pointed out that because of the Anti-Extradition Bill Movement, as compared to 2018, various kinds of crime showed an increasing trend. For example, the number of criminal damage cases had increased from 98 to 565, burglary cases from 57 to 125, and arson cases from 6 to 60. Therefore, the Police had to go from one place to another rapidly to handle serious cases of violence. Patrol cars could help enhance the mobility of operations;
- (d) she stressed that the Police had not given up street patrol. They had changed the way of patrol only;
- (e) the Police also often carried out publicity and education campaigns on prevention of street deception, shop theft, anti-burglary, etc. On 8, 10, 13, 14 and 17 January this year, a total of 5 publicity campaigns were conducted. Members of the Fight Crime Committee also helped distribute the leaflets; and
- (f) for the case in which the 999 hotline was busy, she said that this reflected that the public had urgent needs, and whether the callers could get through had no relation to their capacity.

230. Mr Billy CHAN said that he had also encountered swindlers on the street who claimed that they were hungry. He would like to know how the Police would combat street deception cases. He pointed out that currently, the Anti-Extradition Bill Movement was not as furious as before. He asked the Police when the street patrol by police officers in uniform would be stepped up.

231. Mr Jimmy SHAM said that the Police were good at combating various kinds of crimes in different roles. He would like to know whether the Police had sent any police officers in plainclothes to stop the swindlers, and whether the only one street deception case had been detected.

232. Mrs Josephine MAK gave a consolidated response as follows:

- (a) she said that as the manpower of the Police was limited, it was necessary to prioritise the duties;
- (b) currently, police officers in plainclothes assisted in crime prevention;
- (c) she stressed that some cases were successfully detected because of police officers' efforts. She said that for example, between 1 and 8 January, 5 burglary cases happened in the Sha Tin District. And in an anti-crime patrol conducted at 2:00 am on 13 January in Kau To Shan, police officers stopped and searched a 48-year-old unemployed man. It was found that he was in possession of some burglary tools such as pliers and crowbars. Later, it was also discovered that he was in relation to 5 burglary cases. The Police then sent him to the court for hearing; and

- (d) she stressed that police officers in uniform and in plainclothes all spared no efforts in preventing crime and fighting crime, with a view to making Sha Tin a safe community.

Question to be Raised by Mr YUNG Ming-chau, Michael on the Office Space, Staffing of the STDC Secretariat and the Arrangements for Observing and Covering the STDC Meetings
(Paper No. STDC 14/2020)

233. Mr Michael YUNG said that since the content of the reply to the question was incomplete, and handling of the question could be postponed with reference to similar cases that took place in the last term STDC, he suggested that the question be postponed to the next STDC meeting for discussion. He did not wish to see that the question was to be handled by the FGAC meeting in due course.

234. The Chairman said that in response to Mr Michael YUNG's request for postponing the handling of the question, he opined that as the issue was regarded as an internal affair, he suggested following up this matter with the government departments at the FGAC meeting.

Formation of Committees under the STDC
(Paper No. STDC 4/2020)

235. The Chairman said that except for the District Facilities Management and Security Affairs Committee (DFSC), the paper suggested that the other 6 committees adopt the terms of reference of the last term STDC. He suggested that the committees listed in paragraphs 2 (b) to (g) of Paper No. STDC 4/2020 be handled first, and then the terms of reference of the DFSC be discussed later.

236. Members unanimously endorsed the establishment of the Culture, Sports and Community Development Committee (CSCDC), Development and Housing Committee, Education and Welfare Committee, FGAC, Health and Environment Committee (HEC) and TTC, and their terms of reference.

237. Mr Michael YUNG wished to put forward a provisional motion to discuss the arrangements of partial opening of Tuen Ma Line at the next TTC meeting.

238. The Chairman agreed to include "the arrangements of partial opening of Tuen Ma Line" in the agenda of the TTC meeting on 6 February 2020, and suggested that the TTC meeting should be the last one to be called. He added that there would be special arrangements for the CSCDC meeting, at which two working groups would be set up to facilitate the handling of funding issues.

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

- (a) he read out the background of his provisional motion:

" On 17 January 2019, Mr CHAN Fan, Frank, the Secretary for Transport and Housing announced that 'Tuen Ma Line Phase I', that is, from Tai Wai Station to

Kai Tak Station, would be commissioned on 14 February. Regarding the substantial public transport arrangements of Tuen Ma Line, the departments concerned should give the Sha Tin District Council a brief introduction and have a discussion. Since the first meeting of the Traffic and Transport Affairs Committee (Traffic and Transport Committee) under the Sha Tin District Council will be held in the afternoon on 6 February, it is requested that the opening of ‘Tuen Ma Line Phase 1’ and the public transport arrangements should be included in the agenda for discussion.”; and

(b) he put forward the following provisional motion:

“ The Sha Tin District Council requests that at the first meeting of the Traffic and Transport Affairs Committee (Traffic and Transport Committee) under the Sha Tin District Council on 6 February 2020, the MTR Corporation Limited, Transport Department, Electrical and Mechanical Services Department and Highways Department should be invited to send representatives to attend the meeting to respond to the Sha Tin District Council Members’ enquiries and take part in the discussion concerning the opening of ‘Tuen Ma Line Phase 1’ and the public transport arrangements.”

Mr CHAN Nok-hang, Mr LUI Kai-wing, Mr CHAN Pui-ming, Ms WONG Man-huen, Mr MAK Tsz-kin and Ms LUK Tsz-tung seconded the motion.

240. Members unanimously endorsed the provisional motion in paragraph 239.

241. The Chairman said that since Mr CHAN Pui-ming also requested in his provisional motion that anti-epidemic issues concerning Wuhan pneumonia be discussed on 6 February, he asked the two Members to co-ordinate the priority of the items for discussion.

242. Mr Michael YUNG suggested referring to the arrangement of the last term STDC, that is, having both morning and afternoon sessions. Elections of the Chairmen and Vice-Chairmen of all committees could commence at 10:00 am, and afterwards the issues of the HEC and TTC would be discussed.

243. The Vice-Chairman suggested that a special meeting could be called to discuss the provisional motion put forward by Mr CHAN Pui-ming.

244. The Chairman asked the Members to note that the deadlines of nominations for the posts of Chairmen and Vice-Chairmen of the 7 committees were all 9:00 am on 6 February this year, that is, an hour before the commencement of the meeting, so that the Secretariat could prepare the ballot papers.

245. Mr TING Tsz-yuen suggested that the Chairmen and Vice-Chairmen of the 7 committees be elected in the morning, and the issues of the HEC be dealt with at 2:30 pm, and then the issues of the TTC be discussed immediately at 4:30 pm.

246. The Chairman agreed to Mr TING Tsz-yuen’s suggestion, proposing that there would be a 15 minutes’ break after the HEC meeting, and the TTC meeting would be called at 4:45 pm.

247. Mr Michael YUNG suggested that 6 committees be set up first in the morning, including the TTC, and then the opening of the Tuen Ma Line would be discussed immediately. After that, the HEC meeting would be called at 2:30 pm.

248. The Chairman accepted Mr Michael YUNG's suggestion.

249. Mr Derek YUEN added that on 6 February, apart from the election of the Chairmen and Vice-Chairmen of all committees, the DFSC had to discuss the extension of opening hours of community halls and the contract renewal and tenancy of the Sha Tin District Council Neighbourhood Activity Centre. In addition, the CSCDC had to deal with the arrangements for the Working Group on Screening of Funding Application.

250. Mr CHAN Pui-ming suggested that the Chairmen and Vice-Chairmen of 6 committees be elected first in the morning, and the morning session would also include the TTC's discussion session. Then other documents would be handled. Finally, the HEC meeting would be called.

251. The Chairman said that he did not wish to see that the government departments had to spend a lot of time on waiting for the commencement of a meeting during the anti-epidemic period. He suggested dealing with the election of the Chairmen and Vice-Chairmen of some of the committees in the morning first, including discussion on the issues of the TTC. Then, the HEC meeting would be called at 2:30 pm and anti-epidemic issues would be discussed. Finally, two committee meetings would be called and in-house matters would be handled.

252. The Chairman suggested that if Members agreed on the terms of reference of the DFSC as listed in items (1) to (3) of annex I of the paper No. STDC 4/2020, they could focus on discussing item (4).

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

- (a) he pointed out that the DCs Ordinance stipulated that the District Councils might give advice on the well-being of the people in the district. Therefore, he proposed at the last meeting that the terms of reference should include: giving advice on law-abiding of officers of disciplined services when they were on duty; the well-being of detained or imprisoned persons; and integration of rehabilitated offenders into the community; and
- (b) he did not see why the above words were not found in the paper, and why the paper was only issued at 12:00 pm today.

254. Ms WONG Man-huen pointed out that in 2019, there were 125 registered electors in the correctional institutions who came from the Sha Tin District. She also said that some people were arrested in Kwong Yuen Estate, but the Members could not meet with them at once. She suggested introducing the issues on arrested residents in the district, imprisoned persons or rehabilitated offenders into the terms of reference.

255. Mr CHIU Chu-pong pointed out that over 7 000 people had been arrested so far. He was concerned about the law enforcement by the Police and how they treated remand persons. He would like to know whether the STDO deleted the phrase about the well-being of imprisoned

persons or rehabilitated offenders.

256. Mr Jimmy SHAM stated that under section 61(a)(i) of the DCs Ordinance, a District Council might give advice on matters affecting the well-being of the people in the district. He pointed out that WONG Ho-ming, Raphael had been remanded to Lai Chi Kok Reception Centre and Stanley Prison, but was still his elector. In this regard, he suggested introducing “to review the issues on the well-being and human rights of the arrested, remand, imprisoned persons from the Sha Tin District, and to make recommendations to the relevant government departments” into the terms of reference.

257. Mr Simon WONG gave a consolidated response as follows:

- (a) he pointed out that at the STDC meeting on 3 January, the Members put forward two proposals on the terms of reference of the DFSC, that is, to review and advise the relevant government departments on (1) issues concerning security, public safety, anti-corruption and immigration in the district, and (2) the well-being of the arrested, detained and imprisoned persons;
- (b) with reference to section 61(a)(i) of the DCs Ordinance, anti-corruption and immigration were territory-wide issues instead of local issues of the Sha Tin District;
- (c) regarding the well-being of the arrested, detained or imprisoned persons, if the views raised were mainly about individual cases, the STDO had reservation about the above proposal; and
- (d) having consolidated the Members’ views at the meeting, the STDC drafted the terms of reference for the Chairman’s reference. After the Chairman’s views were summarised, the papers would be prepared.

258. The Chairman believed that the Members would like to know whether this was the final interpretation and standard of the terms of reference. In respect of authority, he asked whether the STDO could seek a finalised version at a higher level.

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

- (a) he condemned the ST/DO who held office between January 2017 and October 2019. He did not understand why the Hong Kong Independent Commission Against Corruption (ICAC) Regional Office (New Territories East) had attended the STDC meetings over the past 3 years to briefly introduce its annual work plan and answer Members’ enquiries. He asked whether anti-corruption was a topic that could be discussed by the STDC;
- (b) the Immigration Department had sent representatives to attend the meetings and answer Members’ enquiries at the meetings. Also, there were regional offices and smart identity card replacement centres of the Immigration Department in the Sha Tin District. He would like to know whether Members could enquire about immigration issues; and

- (c) he would like to know whether the STDO had consulted the DoJ on the terms of reference.

260. Mr HUI Yui-yu considered that there were no “Sha Tin-oriented issues” that had nothing to do with individual cases or territory-wide policies. He was worried that the proposed terms of reference would have restrictions on the issues for discussion in the future.

261. Mr YAU Man-chun said that the definition of security affairs was quite extensive. If the relevant government departments attended the meeting, he would like to know whether Members could raise questions on imprisoned persons, rehabilitated offenders, border control or replacement of the smart identity cards, etc. If yes, he considered that it would be better if the terms of reference had a wider coverage.

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

- (a) in response to Mr CHAN Pui-ming, she had been the ST/DO since 7 November 2016;
- (b) she stated that the drafting of the terms of reference was based on the functions listed in the DCs Ordinance, including giving advice to the Government on the following issues: matters affecting the well-being of the people in the district; the provision and use of public facilities and services within the district; the adequacy and priorities of government programmes for the district; and the use of public funds allocated to the district for local public works and community activities. As such, regarding function item No. (4), as long as the issues were related to the people in the Sha Tin District, they could be discussed;
- (c) she stressed that over the past 3 years, the ICAC had visited the STDC to consult them on its community promotional programme instead of its anti-corruption work;
- (d) she pointed out that the nature of immigration policy was territory-wide. Anyone who entered or left Hong Kong were bound by the same immigration policy, irrespective of the districts, while the integrity policy was also the same;
- (e) regarding security and law and order, one district was different from another because of various combination of population. Therefore, under the DCs Ordinance, the STDC had the room for discussion and had its approach on giving advice to the relevant government departments; and
- (f) in response to Mr YAU Man-chun, the wider the coverage of the terms of reference, and provided that the issues were about the people in the Sha Tin District, the more flexible the discussion would be.

263. Mr TSANG Kit hoped that the committee would discuss the issues such as visit of imprisoned persons.

264. Mr Jimmy SHAM said that if the discussion on the well-being of the arrested, imprisoned or detained persons from the Sha Tin District did not exceed the functions of the STDC, he

hoped that the Government would welcome various views.

265. Mr HUI Yui-yu considered that the STDO's definitions of individual cases, Sha Tin District issues and territory-wide issues were unclear.

266. The Chairman said that Members would like to know whether the STDC could discuss issues related to integrity, immigration and the rights of imprisoned persons.

267. Mr Simon WONG gave a consolidated response as follows:

- (a) the ST/DO had already explained the terms of reference;
- (b) he added that the terms of reference of the STDC included the matters related to the well-being of the people in the Sha Tin District as stipulated in section 61(a)(i) of the DCs Ordinance. He said that for example, an "individual case" could be a person who committed theft in another district happened to be living in Sha Tin; and
- (c) when considering whether the discussion on a territory-wide issue complied with the DCs Ordinance, one of the factors was whether the issue had any particular influence on the Sha Tin District.

268. The Chairman asked whether the STDC could express its concern about and discuss the issue on Sha Tin residents who took part in mass movements being detained in different police stations.

269. Ms Amy CHAN responded that individual cases were subject to the actual issues, and judgement could not be made by one single standard.

270. Mr Jimmy SHAM considered that under section 61 of the DCs Ordinance, relevant issues could be discussed on the basis of people or areas in Sha Tin.

271. Mr CHAN Pui-ming pointed out that the STDC would discuss territory-wide issues such as anti-epidemic measures, PRH policies or Shatin to Central Link.

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

- (a) he asked whether the ST/DO or Assistant District Officers had received any legal training;
- (b) he would like to know whether the STDO had sought the DoJ's legal advice on section 61(a) of the DCs Ordinance; and
- (c) he would like to know if Members requested that the original wording must be added into the terms of reference, whether the ST/DO would leave the meeting or whether the Secretariat would not provide any support service.

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

- (a) she and the Assistant District Officers did not have any legal background. However, they had worked for various policy bureaux and had taken part in different law-related jobs;
- (b) she said that the STDO had sought the DoJ's legal advice on the wording of the DCs Ordinance. Having got the DoJ's advice, they had a deeper understanding of the wording of the ordinance; and
- (c) if the Members endorsed different versions of the terms of reference, the STDO would study after the meeting whether this would go beyond the terms of reference stipulated in the DCs Ordinance.

274. Mr NG Kam-hung pointed out that section 61 of the DCs Ordinance stipulated that the matters should be related to the well-being of the people in the district, and whether the issues could be discussed should be decided by the STDC instead of the STDO. In respect of the room of the Vice-Chairman, he opined that the GPA might be invited to attend the meeting to explain the details.

275. Mr Wilson LI considered that the STDC was an advisory body at the district level. It should be able to discuss and give advice on security affairs.

276. Mr LI Sai-hung said that the last term TTC had discussions on the facilities of the boundary control point at Liantang. Therefore, he did not think that territory-wide issues could not be discussed.

277. Mr Raymond LI suggested that the version of the terms of reference in the paper be endorsed first at this meeting and the words to be added into the terms of reference could be further discussed later. He stated that the STDO might refer to Mr Michael YUNG's views dated 3 January this year and the issues for discussion proposed by the Members at this meeting. Then, the STDO should give a reply on which issues could be added into the terms of reference, and why some issues could not be accepted.

278. Ms WONG Man-huen would like to put forward a provisional motion, suggesting the addition of "the well-being and human rights of Sha Tin residents under arrest, detention, imprisonment and after release from jail".

279. The Chairman showed the following options of terms of reference by PowerPoint:

- (A)1 to discuss the matters in relation to security, public safety, integrity and immigration in the district, and to give advice to the concerned government departments;
- (A)2 to advise the Government on the matters in relation to the well-being of the local residents under arrest or detention and imprisonment;
- (B) to discuss the matters in relation to security and public safety in the district, and to give advice to the concerned government departments;
- (C) to review the matters in relation to law and order, security and public safety in the district, and to give advice to the concerned government departments.

280. The Chairman said that options (A)1 and 2 were the conclusion of the discussion at the meeting on 3 January, option (B) was the version proposed by the STDO, and option (C) was the amendment proposed by himself in the capacity of Chairman. He asked the Members to vote on the options.

281. The Chairman announced that the meeting would be adjourned for 5 minutes.

(After the meeting was adjourned)

282. Mr Jimmy SHAM suggested endorsing that options (A)2 and (C) were the Committee's terms of reference.

283. The Chairman accepted Mr Jimmy SHAM's suggestion. He also pointed out that if the STDO did not agree to the terms of reference endorsed, it might give the reasons at the next meeting after consultation with other departments.

284. Mr Michael YUNG suggested handling the provisional motion put forward by Ms WONG Man-huen first.

285. Mr Raymond LI said that if nobody objected to options (A)2 and (C), "anti-corruption" and "immigration" could be further discussed at the committee meeting. He asked the STDO to give a reply on whether the concerned words could be added into the terms of reference by then.

286. Mr Michael YUNG pointed out that the establishment of the committee required endorsement and authorisation by the STDC at its full council meeting. He agreed to the setting up of the committee, but he hoped that the STDO would consult the DoJ on some of the words.

287. The Chairman called on the Members not to focus too much on the words, and pointed out that if the STDO did not agree to options (A)2 and (C), it could provide an authoritative and legal explanation.

288. Mr CHAN Pui-ming wondered what would be done if the DoJ considered that (A)1 was adoptable.

289. Mr Michael YUNG read out the provisional motion submitted by Ms WONG Man-huen:

"The Sha Tin District Council agrees to set up the District Facilities Management and Security Affairs Committee. However, in respect of its terms of reference, to advise the relevant government departments on the well-being of residents in the district who are under arrest or detention and imprisonment will be added, and the addition of the issues of anti-corruption and immigration to point 4 will be studied, and the Council requests the Sha Tin District Office to formally seek legal advice from the Department of Justice so as to comply with the terms of reference of the District Council."

Mover: Ms WONG Man-huen

Seconders: Ms LUK Tsz-tung, Mr Mak Tsz-kin, Mr Michael YUNG, Mr LUI Kai-wing

290. Members unanimously endorsed the provisional motion in paragraph 289.

291. The Chairman asked the STDO to follow up the provisional motion after the meeting, and he expressed his heartfelt thanks to all representatives of government departments for attending the meeting.

Date and Time of the Next Meeting

292. The next meeting was scheduled to be held at 2:30 pm on 13 February 2020 (Thursday).

293. The meeting was adjourned at 12:35 am on 24 January 2020.

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

February 2020