

**Minutes of the 1st Meeting of
the Tuen Mun District Council**

Date: 7 January 2020 (Tuesday)

Time: 9:31 a.m.

Venue: Tuen Mun District Council (TMDC) Conference Room

<u>Present:</u>	<u>Time of Arrival</u>	<u>Time of Departure</u>
Ms CHAN Shu-ying Josephine (Chairman)	9:30 a.m.	End of meeting
Mr WONG Tan-ching (Vice Chairman)	9:30 a.m.	End of meeting
Ms KONG Fung-yi	9:30 a.m.	End of meeting
Mr CHAN Yau-hoi, BBS, MH, JP	9:30 a.m.	12:47 p.m.
Ms WONG Lai-sheung Catherine	9:30 a.m.	End of meeting
Ms HO Hang-mui	9:30 a.m.	End of meeting
Mr LAM Chung-hoi	9:30 a.m.	12:47 p.m.
Mr LAU Ip Keung Kenneth, BBS, MH, JP	9:30 a.m.	12:47 p.m.
Ms CHU Shun-ga Beatrice	9:30 a.m.	End of meeting
Ms SO Ka-man	9:30 a.m.	End of meeting
Mr YEUNG Chi-hang	9:30 a.m.	End of meeting
Mr YAN Siu-nam	9:30 a.m.	End of meeting
Mr WONG Tak-yuen	9:30 a.m.	End of meeting
Mr LEE Ka-wai	9:30 a.m.	End of meeting
Mr MO Kwan-tai Michael	9:30 a.m.	End of meeting
Mr HO Kwok-ho	9:30 a.m.	End of meeting
Mr LAM Ming-yan	9:30 a.m.	End of meeting
Mr LAM Kin-cheung	9:30 a.m.	End of meeting
Mr CHOW Kai-lim	9:30 a.m.	End of meeting
Mr MA Kee	9:30 a.m.	End of meeting
Mr CHEUNG Ho-sum	9:30 a.m.	End of meeting
Mr CHEUNG Kam-hung Kenneth	9:30 a.m.	End of meeting
Mr LEUNG Ho-man	9:30 a.m.	End of meeting
Mr WONG Hung-ming	9:30 a.m.	End of meeting
Mr TSANG Chun-hing	9:30 a.m.	End of meeting
Mr TSANG Kam-wing	9:30 a.m.	End of meeting
Mr YAN Pui-lam	9:30 a.m.	End of meeting
Mr POON Chi-kin	9:30 a.m.	End of meeting
Mr LAI Chun-wing Alfred	9:30 a.m.	End of meeting
Mr LO Chun-yu	9:30 a.m.	End of meeting
Ms LAI Ka-man	9:30 a.m.	12:47 p.m.
Ms LAW Pei-lee	9:30 a.m.	End of meeting

Mr LAU Chun-fai, Lawrence Senior Executive Officer (District Council) ,
(Secretary) Tuen Mun District Office, Home Affairs Department

In Attendance:

Ms FUNG Ngar-wai, Aubrey District Officer (Tuen Mun) , Home Affairs Department
Ms TSUI Man-yee, Joanna Assistant District Officer (Tuen Mun) 1, Home Affairs Department
Ms LEUNG Chue-kay, Koronis Assistant District Officer (Tuen Mun) 2, Home Affairs Department
Ms YAN Yuet-han, Fion Senior Liaison Officer (1) , Tuen Mun District Office,
Home Affairs Department
Ms YU Mei-yu, Melinder Senior Liaison Officer (2) , Tuen Mun District Office,
Home Affairs Department
Mr NG Chi-keung, Vincent Senior Liaison Officer (3) , Tuen Mun District Office,
Home Affairs Department
Ms YU Tsz-yan, Blanche Executive Officer I (District Council) 1,
(Assistant Secretary) Tuen Mun District Office, Home Affairs Department

I. Opening Remarks

Ms Aubrey FUNG, District Officer (Tuen Mun) (“DO(TM)”), announced the official opening of the meeting of the 6th Tuen Mun District Council (“TMDC”) and welcomed all TMDC Members to the meeting. She said that according to Section 62(4) of the District Councils Ordinance (Cap 547), the District Officer must preside at the first meeting of a district council until the Chairman and Vice-Chairman were elected. Therefore, she would preside at the meeting for the first and second items of the agenda, namely, “Election of TMDC Chairman” and “Election of TMDC Vice-Chairman”.

2. DO(TM) further said that on the previous day, the Secretariat had received a document co-signed by 28 Members requesting the insertion of two new agenda items after the two items about the TMDC Chairman and Vice-Chairman elections. In view of this, she would arrange a 15-minute break to discuss the arrangements for the meeting with the new elected Chairman after the TMDC Chairman and Vice-Chairman were elected. After its resumption, the meeting would be chaired by the new TMDC Chairman.

II. Election of TMDC Chairman

3. DO(TM) said the TMDC Chairman election was going to be held first. Under Section 65 of the District Councils Ordinance, the Chairman and Vice-Chairman elections must be held in accordance with the procedure set out in Schedule 5. Nominations for Chairman had been closed one hour before the meeting (i.e. at 8:30 a.m. on the day of this meeting). At the end of the nomination period, the Secretariat had received only one nomination for the TMDC Chairman election. The nominee was Ms Josephine CHAN. The nomination was made by Ms Catherine WONG and subscribed by Mr WONG Tan-ching and Mr YEUNG Chi-hang. As there was only one nominated candidate for the chairmanship, DO(TM) announced that in accordance with Schedule 5 of the District Councils Ordinance, Ms Josephine CHAN was elected uncontested as the TMDC Chairman for a term of office from the date of this meeting to 31 December 2023.

4. The Chairman thanked Ms Catherine WONG, Mr WONG Tan-ching and Mr YEUNG Chi-hang for nominating her to run for the post of TMDC Chairman. She said that to her, serving as the TMDC Chairman was not only a great honour but also a great responsibility and commitment. She would sincerely listen to Members’ opinions with an open mind and seek consensus. She always remembered the words of the late Mr SZETO Wah: “The road to democracy is difficult, long, and full

of dangers”. She added that at this moment in history, the struggle movement was raging, and the TMDC was for the very first time dominated by the pro-democracy camp. She hoped to work with Members to ensure a perfect match between the council and the civil movement, to strive for the fulfilment of all the “five demands”, and to deliver remarkable results on matters relating to people’s livelihoods and community betterment.

III. Election of TMDC Vice-Chairman

5. DO(TM) then said the TMDC Vice-Chairman election was going to be held. Nominations in this regard had been closed one hour before the meeting (i.e. at 8:30 a.m. on the day of this meeting). As at the end of the nomination period, the Secretariat had received only one nomination for the TMDC Vice-Chairman election. The nominee was Mr WONG Tan-ching. The nomination was made by Mr WONG Tak-yuen and subscribed by Mr POON Chi-kin and Mr LEE Ka-wai. As there was only one nominated candidate for the vice-chairmanship, DO(TM) announced that in accordance with Schedule 5 of the District Councils Ordinance, Mr WONG Tan-ching was elected uncontested as the TMDC Vice-Chairman for a term of office from the date of this meeting to 31 December 2023.

6. The Vice-Chairman thanked DO(TM), the voters who had elected him, and the fellow Members who supported him as the TMDC Vice-Chairman. He said that while justice was always late, the struggle would not end with this electoral victory. He further said he quoted the Chief Executive as saying: “Liberate Hong Kong, the revolution of our times”. He hoped all Members would work together to do a better job for the community and Hong Kong.

[Post-meeting note: Having checked the relevant press release after the meeting, the Secretariat was aware that the Vice-Chairman’s quotation was taken from the Chief Executive’s speech on 5 August 2019. However, when quoting the slogan that day, the Chief Executive had not expressed approval of the slogan.]

7. DO(TM) said that as the TMDC Chairman and Vice-Chairman were already elected, she adjourned the meeting for 15 minutes. The meeting would be resumed at 9:53 a.m. and chaired by the TMDC Chairman.

[The TMDC meeting was adjourned at 9:39 a.m., and resumed at 9:57 a.m. with the TMDC Chairman in the chair.]

IV. New Agenda Items

8. The Chairman said that as DO(TM) had just mentioned, the TMDC had received before the meeting a joint request signed by Members for the addition of 10 new items to the agenda. She first asked staff of the Secretariat to distribute a document to Members.

9. The Chairman said arrangements had been made for the TMDC to take a group photo at 12:00 p.m., so the meeting was expected to end at about 11.30 a.m. to 11.45 a.m.

10. The Chairman said the 10 items in the joint document would be dealt with one by one in sequence.

1. Reading of Joint Statement by TMDC Members of Pro-democracy Camp

11. The Chairman stated that in accordance with the Standing Orders of the TMDC (“Standing Orders”), Members were given three minutes to read the joint statement.

12. Mr CHAN Yau-hoi said the elections of TMDC Chairman and Vice-Chairman, as well as Any Other Business, were the only items on the agenda he had received for this meeting. He asked whether the Chairman was going to discuss the 10 agenda items one by one. He said he was not clear about the content of the above 10 agenda items as he had not received information about them before the meeting. Moreover, as some of the content might be controversial, he asked whether it was possible to follow the previous Standing Orders or customary practice, where only important or urgent matters were discussed and other matters were scheduled for discussion at a later time, so that Members could make preparations before the meeting. Furthermore, he considered that it was not appropriate to add the item “Reading of Joint Statement by Tuen Mun District Council Members of Pro-democracy Camp” to the agenda. He reckoned that as far as fairness and openness were concerned, Members from other parties or camps might also make joint statements.

13. The Chairman stated that according to the Standing Orders, a request for impromptu proposal of an additional agenda item could be made if the request was co-signed by more than half of Members, so she was just acting in accordance with the Standing Orders. Besides, she introduced to Members the rules about speeches

in the Standing Orders, saying that according to Standing Order 28(2), each Member could speak twice, with a time limit of three minutes for the first speech and one minute for the additional speech, and the Member who proposed a paper was given another three minutes to introduce the paper. Staff of the Secretariat would assist in timing and remind Members about the time limit with a bell.

14. The Vice-Chairman said that before moving to the agenda, he wished to move a minute of silence for those who had made sacrifices and died in the “anti-extradition to China” movement. The motion read: “One-minute silence for victims who died in the ‘anti-extradition to China’ movement”.

15. The Chairman said this impromptu motion was proposed by the Vice-Chairman and seconded by Ms Catherine WONG. The Secretary pointed out that generally speaking, impromptu motions would not be entertained, but subject to the Chairman’s decision. The Chairman said it was all right to deal with the impromptu motion and asked if there were any objections from Members.

16. Mr CHAN Yau-hoi said the Chairman had already decided to discuss the above 10 agenda items one by one, and then there was an impromptu motion. He opined that it was not appropriate to chair a meeting in this way. He added that as some innocent citizens had been affected by violence over the previous six months, the motion should include some words to that effect and propose a silence for them.

17. The Chairman said she would adhere strictly to the Standing Orders, which clearly stated that if a matter was raised by more than half of Members, the Chairman would have to deal with it. In this regard, she would see if more than half of Members agreed that the above motion should be dealt with; if so, she would accept it. In response to Mr CHAN Yau-hoi’s enquiry, the Chairman said the motion did not mention who had been affected. She invited Members to vote by a show of hands.

18. The Secretary reminded the meeting that according to Standing Order 16, a motion should be put in writing and signed by the Member concerned, and its subject matter and content must be consistent with the functions of the district council. Since a motion must be notified to the Secretariat three clear working days before a meeting, the Chairman should consider whether to exercise discretion. In addition, the Secretary said he believed that what the Vice-Chairman had just put forward was more a proposal than a motion.

19. The Chairman invited the Vice-Chairman to consider moving the silence in the form of a proposal instead. She said that with the consent of 27 Members, there was no need for a vote, which was otherwise required in case of a motion. The Vice-Chairman agreed to move the silence in the form of a proposal.

20. The Chairman asked the Vice-Chairman to lead the silence and the participating Members to observe the silence as proposed above.

[A silence of one minute]

21. The Chairman said the impromptu additional agenda items were going to be dealt with. She said that in accordance with the Standing Orders, the addition of the 10 impromptu agenda items were accepted with more than half of Members signing up. She started with the first impromptu agenda item, namely, "Reading of Joint Statement by Tuen Mun District Council Members of Pro-democracy Camp", and invited Mr CHEUNG Ho-sum to speak.

22. Mr CHEUNG Ho-sum said that in 2003, SARS had broken out in China and Hong Kong had not been immune. News reports had updated the infection figure every night. The city had been full of anxiety-ridden masked faces. Hong Kong people had started to know how to distinguish between surgical and N95 masks. Sixteen years later, Hong Kong people wore masks again, but this time neither surgical masks nor N95 masks appeared to be complicated. They started to know what 60926, 6006, the 502 adapter, or P100 was. Sixteen years later, Hong Kong people's protective measures had become more complicated amid the worsening crisis facing Hong Kong. The struggle, which had lasted for half a year, was not over. They could tear pages off a calendar, but hardly could they take their mind off the sorrows. 612, 615, 721, 831, and 101 - there were too many to mention, but they were still vivid. Despite the regime's efforts to belittle the councils, to introduce political screening, and to impose obstructions by every possible means, they managed to stand firm there with the people's mandate. This was not something that the regime could stop. This day, 7 January 2020, marked the first meeting of the 6th TMDC. While the pro-democracy camp had won more than 85% of the seats, they could not call this a triumph, as they knew clearly the price Hong Kong had paid for the seats. There was no difference between the worlds inside and outside the council. The function of the council was to get what was happening outside addressed, and this was what Hong Kong people expected it to

do. The regime might drive public opinion representatives out of the council chamber for a while, but it could never drive public opinion out of the community. Outside the council, there were still more Hong Kong people paying a price for freedom. The “five demands” had not yet been fulfilled, and Hong Kong had not yet been liberated. Some people asked when the end would come, and their reply was: freedom is the only way out for them. “Five demands, not one less” was exactly an important step towards freedom. They must fight every inch of the way without losing sight of their original aspiration. New problems emerged before the old ones died down. While the struggle was yet to succeed, Hong Kong people put on masks again as the threat of a Chinese virus loomed again over the city. Sixteen years before, they had believed that masks symbolised the alienation between people, but 16 years later, masks became the common face of Hong Kong people. Behind the masks, as political sociologist Paolo Gerbaudo put it, was faith in the democratic power of autonomous individuals and self-organising collectives. This time, masks represented their shared commitment to Hong Kong and freedom. In 2003 when SARS hit Hong Kong, poet Yesi had written a poem for the city: “Inside me there is still a part that you trust in and may not be completely decayed by bacteria in the end. I still look forward to seeing you in the sun someday.” Seventeen years later, I hoped I could see you all in the sun without masks. Glory to Hong Kong.

2. Appointment of TMDC Secretary

23. The Chairman said Section 69 of the District Councils Ordinance provided that for the purpose of carrying out its functions, a district council might appoint a public officer to act as the secretary of that district council. She asked Members whether they agreed to appoint Mr Lawrence Lau, Senior Executive Officer (District Council) of the Tuen Mun District Office (“TMDO”), as the Secretary of the TMDC. Members had no objection, and she announced that the TMDC officially appointed Mr Lawrence Lau, Senior Executive Officer (District Council) of the TMDO, as the TMDC Secretary.

3. Amendments to Standing Orders of TMDC

24. The Chairman said the Secretariat had received a proposal co-signed by more than half of Members for amendments to the Standing Orders. The Chairman referred Members to a document distributed at the meeting and said the four proposals set out in the document would be discussed one by one.

(a) Abolition of Proxy Voting

25. The Chairman said the paper proposed that the original provision of Standing Order 31(2), which read: “A member who is unable to attend a meeting but wishes to vote may appoint in writing another member to be his or her proxy for the purpose of voting under Order 31(1). Nonetheless, the provision of this Order shall not apply to any agenda item in relation to election” be deleted completely, and the above provision be amended to read: “Members must attend a meeting to vote in person.” The Chairman invited Members’ comments on the amendment proposed above. The Chairman asked Members if they had any comments on the proposed amendment. As Members had no comments, the Chairman announced that the above proposal was adopted and came into effect immediately.

(b) Non-anonymous Minutes

26. The Chairman said that on non-anonymous minutes, the paper proposed that the original provision of Standing Order 13(6), which read: “Minutes of meetings of the Council shall record the discussion in a clear and concise manner as far as practicable and on an anonymous basis unless otherwise determined by the Council in exceptional cases (for example, a motion or a ballot)” be amended to read: “Minutes of meetings of the Council shall record the discussion in a concise and precise manner as far as practicable and on a named basis unless otherwise determined by the Council in exceptional cases.” The Chairman asked Members if they had any comments on the proposed amendment.

27. Ms Catherine WONG remarked that non-anonymous minutes was an excellent way to let the public know the identity of speaking Members.

28. Mr POON Chi-kin very much agreed that the minutes of meetings should be recorded in a non-anonymous manner in future, and he believed there was little dispute about this. Yet, he had views on the words “concise and clear” in the proposed amendment. He said he noticed that in the speeches at other district councils like the Sha Tin District Council, clarity was of course very important but “conciseness” was not a highlight. He opined that Members usually joined the council with voters’ mandate, so every word and deed of every Member at a meeting should be monitored by voters. If a concise approach was adopted as in previous TMDC minutes, a Member’s speech might be recorded briefly using only one or two sentences in the minutes even if the Member had used one or two minutes to illustrate his points with different cases. He suggested the relevant provision be amended to read: “Minutes of the meetings of the Council should be as clear as

possible”, instead of “concise and clear”.

29. Mr Michael MO said that with regard to the proposal for non-anonymous minutes, he noticed that the proposed amendment focused only on “record the discussion on a named basis”, but did not talk about motions and ballots. From the public’s perspective, the real-name approach had not been applied to TMDC minutes and voting records before, so he hoped Members would consider whether the term “relevant discussion” should be described more clearly. Besides, he asked the Chairman or the Secretary whether the voting result could be recorded with real names if the amendments to the Standing Orders were put to the vote later.

30. Ms HO Hang-mui said the non-anonymous approach to minutes had been proposed by many members of the public during the previous TMDC, but had been rejected at that time. She noted that while audio recordings of meetings were uploaded to the TMDC website, people with hearing problems might not be able to tell by which Member a speech was made, and the transparency of the TMDC was therefore weakened. Members would be more effectively held accountable if their names were recorded in minutes. Also, she agreed with the deletion of the word “concise” from the amended provision and said the words “as clear as possible” were enough to satisfy the demands of Members.

31. Mr LO Chun-yu agreed that the TMDC’s transparency and accountability should be boosted. He agreed with Ms HO Hang-mui and said the previous TMDC should be condemned for failing to approve the switch to non-anonymous minutes. He remarked that as an elected district councillor, everyone present should be accountable to the public. He added that Members from the pro-democracy camp proposed this amendment with the aim of building a good foundation and culture, so that the public would know that the TMDC was striving to be more transparent for the community to be familiar with and take part in it.

32. Ms SO Ka-man said that since the previous TMDC, she had been supporting non-anonymous minutes with the hope of making the TMDC more transparent. She agreed with Members’ proposal and hoped non-anonymous minutes could be put into practice as soon as possible in the current TMDC.

33. Mr WONG Hung-ming echoed the idea that the TMDC should be more transparent. But he noted that while the original provision contained the terms “motion” and “ballot”, the new provision did not specify how to deal with motions

and ballots. Thus, he proposed making it clear in the amended provision that names must be recorded in case of motions and ballots.

34. Mr CHEUNG Ho-sum asked whether the decision on non-anonymous minutes would come into effect immediately following the vote. The Chairman replied that the arrangements would come into effect immediately if the TMDC endorsed the amended text, but the discussion was still underway.

35. Mr TSANG Chun-hing said that as motions and ballots were cited as examples of “exceptional cases” in the original provision, he asked whether the stipulation that names be recorded for motions and ballots would be specified after the term “exceptional cases” in the amended provision.

36. Mr CHAN Yau-hoi said the Chairman should explain clearly what was meant by “exceptional cases”. He opined that the amended Standing Order already made it very clear that names should be recorded in minutes, and if anonymity was allowed in “exceptional cases”, there would be many disputes and the work of the Secretariat would also be very difficult in the future.

37. Mr TSANG Kam-wing asked whether the names of absent Members would be recorded among those abstaining in minutes. The Chairman replied after consulting with the Secretary that absent Members would not be counted in the result of a vote.

38. Mr LO Chun-yu said the amended provision should be modified to read: “and record the discussions (including but not limited to motions and ballots) on a named basis” to boost transparency, adding that the scope of non-anonymous records should be widened so as not to give the public the impression that names were just selectively recorded in minutes. Moreover, he suggested the words “as far as practicable” be deleted and the word “shall” be replaced by “must” to make the public feel the stronger sense of commitment and responsibility of the TMDC.

39. Ms LAW Pei-lee said the phrase “unless otherwise determined by the Council in exceptional cases” should be deleted, as minutes served to make meetings as transparent as possible to the public, and all TMDC minutes should record the relevant discussions in a to-the-point manner as far as practicable and on a named basis. She noted that the Chairman had just mentioned “including motions and ballots” only. She reckoned that the scope should be further widened by adding the

words “and so forth” to indicate a variety of things. She further said she agreed with Mr CHAN Yau-hoi that there should be no exceptional cases where anonymity was allowed.

40. The Secretary said the existing Standing Order 32 provided that “Where a motion or an item is to be decided by ballot, the Chairman shall determine in light of the views of the majority of members present whether the voting should be taken by secret ballot or by a show of hands.” Pursuant to the above provision, it was already up to the Chairman to decide with respect to each motion or ballot whether the vote should be taken by secret ballot or a show of hands.

41. The Chairman said that having consulted with the Secretary, she learned that the chairmen and vice-chairmen of the 18 district councils were currently elected by secret ballot. With the candidates elected uncontested, no votes had been held earlier for the first and second agenda items. Despite this, if votes had been required, they would have been taken by secret ballot to meet the requirements of the then Standing Orders. The TMDC was discussing the amendment to Standing Order 13(6), which had nothing to do with the secret ballot system in use for the chairmen and vice-chairmen elections in the 18 district councils. Therefore, she suggested the phrase “unless otherwise determined by the Council in exceptional cases” be kept for the time being. She believed that the TMDC might still need such flexibility at the moment, and there might be a clearer way to address the matter of the Chairman and Vice-Chairman elections when the Home Affairs Department’s amendments to the Standing Orders were discussed at the next meeting. The Chairman further said that since she had received the joint document for amendments to the Standing Orders, she had to deal with it at this meeting even though there would be discussions on amendments to the Standing Orders at the meeting on 21 January.

42. While expressing reservations about the TMDC Chairman and Vice-Chairman elections being conducted on a non-anonymous basis, Mr CHAN Yau-hoi said names must be recorded in case of minutes and motions. He added that simply recording who spoke was already enough to make minutes very clear, and that information about who moved and seconded a motion should also be recorded in the minutes of the meeting without exceptional cases. He suggested the proposal for non-anonymous minutes be dealt with first at this meeting, and other proposed amendments be further discussed next time, so that the meeting could end before 11:30 a.m.

43. Mr MA Kee said the proposed amendment focused only on how names were recorded in minutes and did not cover motions and ballots. With audio recordings of TMDC meetings already available for inspection, clarity and conciseness were sufficient enough for minutes, which merely served to make it easier for Members to review their speeches in the future. Voting results could be clearly recorded in minutes and there was nothing to hide. If Members did not wish to express their views on a particular matter, they should not state their position in a vote.

44. Ms HO Hang-mui said that as motions should be submitted in writing, names, including those of the movers and seconders, must be recorded there. She added that according to her understanding, the names of Members who voted on a motion should be recorded, so as to clearly express the meaning of “non-anonymous records”.

45. In response to the point just made by the Chairman that flexibility should be maintained in particular cases, especially for the Chairman and Vice-Chairman elections, Mr WONG Tak-yuen said he understood what the Chairman meant. Yet, if the cases the Chairman referred to were the Chairman and Vice-Chairman elections, he would suggest explicitly stating “except for the Chairman and Vice-Chairman elections” in the amended provision, otherwise there was no need to leave room for other matters being recorded anonymously as exceptional cases.

46. Mr WONG Hung-ming said he perceived that the term “exceptional cases” in the original provision was subject to limitations on nature. Therefore, if the Chairman deemed it necessary to keep the phrase “unless otherwise determined by the Council in exceptional cases”, he would suggest limitations be imposed on nature by, for example, stating “only in cases where the public interest is to be served”.

47. The Chairman said this was the only part covered by the document jointly signed by Members, and if too many other matters were involved, there might be a large number of provisions to be dealt with accordingly. As she had just said, she hoped Members would focus on minutes so that the minutes of the current meeting could be prepared using a non-anonymous approach, while other business could be left until the next meeting for more comprehensive and detailed discussion.

48. Mr CHEUNG Ho-sum was taken aback by the fact that the Chairman and the

Vice-Chairman had always used to be elected by secret ballot. He asked if the Chairman/Vice-Chairman elections would come up for discussion. He said voters did not approve of the previous practice of the TMDC, and that was why 85% of the Members present at the meeting were from the pro-democracy camp, so the old practice should not be followed.

49. Mr LAM Chung-hoi said that according to his understanding, the discussion focused only on minutes and did not cover the first agenda item, namely the TMDC Chairman/Vice-Chairman elections. The TMDC Chairman/Vice-Chairman elections had been held in accordance with the rules set by the Home Affairs Department for the 18 districts, because it was necessary to follow the Government's rules in setting standards before the TMDC Chairman/Vice-Chairman were elected. After the TMDC Chairman/Vice-Chairman elections, there would be more room for amendments to the council's records. He said that if the non-anonymous approach was to be adopted for minutes, the phrase "unless otherwise determined by the Council in exceptional cases" should be deleted and the provision should be amended to read: "Minutes of meetings of the Council shall record the discussions in a precise manner as far as practicable and on a named basis", and there should be no exceptional cases.

50. Ms LAW Pei-lee agreed with what had just been said in the discussion. She said she was a Chinese teacher and pointed out that motions and ballots were already matters for discussion, so the phrase "including motions and ballots" was redundant and would impose limitations. She therefore suggested the phrase "including motions and ballots" following "record the discussions" be deleted.

51. Mr Michael MO said this was not a linguistic matter but a matter concerning the rules for regular meeting discussions. He added that what Ms LAW Pei-lee had said was about how to present "motions and ballots" in Chinese, but as shown in the voting or motion records of Legislative Council ("LegCo") committees, the results of motions and ballots should be recorded.

52. The Chairman said the document was co-signed by Members, so she suggested the current version, which read: "Minutes of meetings of the Council shall record the discussions (including motions and ballots) in a precise manner as far as practicable and on a named basis unless otherwise determined by the Council in exceptional cases", be adopted first, and more comprehensive amendments be left until the next meeting.

53. Mr LAM Chung-hoi and Mr LAM Ming-yan suggested adopting the current version first and thoroughly revising the provision later at the meeting of the Finance, Administration and Publicity Committee (“FAPC”).

54. Mr Kenneth CHEUNG questioned why the words “should” and “as far as practicable” co-existed. In his opinion, the word “should” was enough to express the meaning, and the words “as far as practicable” should be deleted.

55. The Chairman said two voting options, namely “in favour” and “not necessary”, would be used to resolve the question of whether or not to keep the phrase “including motions and ballots”. She invited Members to vote by a show of hands. The Secretariat’s count revealed that the “in favour” option received 27 votes of support, with no votes against and no abstentions. Thus, the provision was amended to read: “Minutes of meetings of the Council shall record the discussions (including motions and ballots) in a precise manner and on a named basis unless otherwise determined by the Council in exceptional cases.” The Chairman announced that the above proposal was adopted and come into effect immediately.

(c) Abolition of Co-opted Members’ Right to Vote/Abolition of Co-opted Member System

56. The Chairman said the joint document proposed that the provisions of Standing Orders 33 and 35 be amended to either abolish co-opted members’ right to vote or abolish the co-opted member system. The Standing Orders provided that the TMDC might appoint persons who were not TMDC Members to its committees, and that the members so appointed might vote at the meetings of the committees and were to be counted for the purpose of constituting a quorum. As the above orders were made in accordance with Section 71 of the District Councils Ordinance, if the provision of the Standing Orders was amended to read: “A member appointed under Order 33 (2) may not vote at a meeting of the committee and is not to be counted for the purpose of constituting a quorum”, it would be in conflict with the relevant provisions of the District Councils Ordinance. Given that option 3A in the joint document was in conflict with the relevant provisions, she recommended option 3B. She invited Members’ comments on her recommendation.

57. Mr POON Chi-kin agreed with option 3B, whereby the co-opted member system would be abolished. He pointed out that if the co-opted member system was to be abolished, a new amendment (iii) should be included in addition to the

other two amendments to Standing Orders 33(2) and 35 covered by 3B(i) and (ii), so as to delete Appendix III from the Standing Orders, which was about the procedure for nomination and appointment of co-opted members.

58. The Chairman said the Secretary suggested accepting this proposed amendment in principle and dealing with Appendix III later. After seeking confirmation from the Secretary, the Chairman said the amendments in the joint document to Standing Orders 33(2) and 35 could be dealt with first, and any corresponding amendments could be left until the next meeting. She added that if this part was accepted at this meeting, there would be no need to recruit co-opted members after the meeting.

59. The Chairman further said the amendments in question involved the entire original text of Standing Order 33(2) being amended to read: "A committee is composed of members of the Council", and the entire Standing Order 35 being deleted. There being no Members demurring or abstaining with respect to the above amendments, the Chairman announced that the proposed amendment was adopted and came into effect immediately.

(d) Observers May Broadcast Live

60. The Chairman said the joint document proposed that Standing Order 40(6), which read, among other things: "Unless the Chairman of the Council or the chairman of a committee on the advice of members determines otherwise", be amended to read: "Unless the Chairman of the Council or the chairman of a committee on the advice of members determines otherwise, members of the public (including the media) observing a meeting of the Council or its committees may take photos, make audio or video recordings, or broadcast live provided that the meeting is not disturbed."

61. Mr TSANG Kam-wing agreed that observers might broadcast live, and suggested that further amendments be made to allow Members at meetings to photograph, film or broadcast live. Mr LAM Chung-hoi agreed with Mr TSANG Kam-wing's suggestion, saying that having Members covered by the provision could prevent disputes arising when a Member was annoyed at being photographed by another Member, so that both observers and Members could take photos and shoot each other.

62. The Chairman said the provision imposed regulations on observers only and,

for the time being, did not set out regulations on Members at meetings, so it was not necessary to have Members covered by the provision. Yet, if Members wished to have Members covered by the provision, they might discuss papers relating to the code of conduct for Members.

63. Mr CHEUNG Ho-sum said that at the conference room, there were not only councillors and members of the public but also staff of the Secretariat. Since no one would take photos for no reason and no one should be prevented from photographing at meetings, he suggested “all persons” be used instead in the amendment.

64. The Chairperson reminded Members again that this Standing Order, by its nature, applied to members of the public only and there was no need to broaden its scope. Since this was a provision under Section M, namely “Admission of the Public to Meetings”, Members who wished to discuss anything not relating to the public might submit a paper for further follow-up at the next meeting.

65. Mr Alfred LAI reckoned there was no need to examine the proposal because members of the public already meant persons other than councillors and staff of the Secretariat, and there were regulations in place on staff of the Secretariat.

66. Mr HO Kwok-ho agreed that the public might photograph and broadcast live. But he suggested the provision clearly specify the location where the public or the press might photograph and broadcast live.

67. The Chairman said that according to the information provided by the Secretariat, the TMDC had resolved at its 24th meeting on 24 September 2019 that five out of the 30 existing seats in the public seating area be reserved for members of the public who were authorised to take photos, make audio and video recordings, etc. in the designated area. This was a modus operandi of the former TMDC. If there were other suggestions, Members might raise this matter, on which a vote had been held before, again for discussion at a future meeting.

68. Ms HO Hang-mui agreed with the proposed amendment. She said that after the many amendments were made, there might be contradictions between items in the Standing Orders, and other orders might have to be amended accordingly. Besides, there were some orders that the Home Affairs Department wanted to amend, so she suggested the Secretariat set up a non-standing working group to

review the entire Standing Orders and put forward amendments for consideration and endorsement by the TMDC.

69. Mr CHAN Yau-hoi said that after taking into account the number of people and the space in the conference room, the former TMDC had reserved five seats and designated an area, rather than everywhere, in the conference room for the public to film. He considered that it was necessary to clarify and specify whether the rules set by the former TMDC (i.e. shooting in the designated area) would be followed, or new arrangements would be put in place, otherwise the Secretariat would not know what to do at the next meeting.

70. The Chairman said this proposal had been put forward in the previous TMDC and would be discussed in detail at the next TMDC meeting. She suggested following this approach for the time being and making adjustments on operational issues as soon as possible.

71. Mr YAN Pui-lam agreed with the amendment. He said he had broadcast live with his friends in the public seating area the year before, but councillors had called the Police to deal with them and expel them from the conference room. As excessive restrictions would affect the public's right to know, he did not agree that restrictions should be imposed on location or the number of people. Moreover, with the words "provided that the meeting is not disturbed" stated in the provision, there was already adequate regulation in place.

72. Mr LEUNG Ho-man added that the words to the effect that "shooting without disturbing the meeting" was already a very strong principle. He suggested more specific discussion at the next meeting.

73. Mr HO Kwok-ho said the former TMDC had resolved that five seats be provided for the public to shoot. He asked whether members of the public who shot outside the designated area would be expelled from the conference room if that resolution was not revoked at this meeting. He therefore considered that there was an urgent need to deal with the resolution.

74. The Chairman said that if Members present had no comments, this provision should be for record only. She added that if Members agreed with this proposal, the TMDC would relax the requirements for photographing, audio recording, video recording, live broadcasting and so forth. As Members had no objection to this

amendment, the Chairman announced that the above proposal was adopted and came into effect immediately.

75. The Chairman said that since Members at this meeting had endorsed the amendments to the provisions concerned in the Standing Orders, the Secretariat would add the amended contents to the relevant discussion paper for the TMDC to endorse them together with the text of the new Standing Orders at its second meeting.

4. Discussion on Functional Committees in New Term (2020-2023) of TMDC and Arrangements for Elections of Chairmen and Vice-Chairmen of Committees

76. The Chairman said that by reference to the first TMDC meeting in 2016, the current meeting would decide the number of functional committees and arrange their first meetings, where their chairmen and vice-chairmen would be elected. Therefore, this meeting would decide the number and names of functional committees only. She added that there had been six functional committees in the fifth TMDC, including the FAPC, the District Facilities Management Committee (“DFMC”), the Traffic and Transportation Committee (“TTC”), the Environment, Hygiene and District Development Committee (“EHDDC”), the Commerce, Industry and Housing Committee (“CIHC”), and the Social Services Committee (“SSC”). She said the number of functional committees would be decided first. According to the Standing Orders, the number of functional committees under the TMDC should be no more than seven, and there had been six in the previous term. Therefore, she suggested first deciding whether to set up the original functional committees in the previous term, and then deciding whether to form additional committees.

77. The Chairman asked Members if they agreed to the setting up of the above six functional committees. There being no Members demurring or abstaining, the Chairman announced that the setting up of the FAPC, the DFMC, the TTC, the EHDDC, the CIHC and the SSC was confirmed.

78. The Chairman asked if Members had any proposals for new functional committees. In response, Mr Michael MO moved to form the District Civil Rights Development Committee. He stated that according to the relevant legislation regulating the constitution of district councils in the Basic Law and the District Councils Ordinance, district councils were required and duty-bound to promote the

development of civil rights in districts (including matters about the funding for civil rights education, Basic Law education or other related civic education mentioned by the previous district council). He suggested the District Civil Rights Development Committee deal with these matters and perform the functions and role in handling matters relating to civil rights in the district.

79. The Chairman asked whether other Members agreed to the setting up of the District Civil Rights Development Committee. There being no Members demurring or abstaining, the Chairman announced the setting up of the District Civil Rights Development Committee was confirmed.

80. The Chairman said the number of functional committees had reached the maximum of seven, and since the Standing Orders were yet to be amended at the moment, the TMDC could not set up any more functional committees. She said that the Secretariat would follow up on the formation the functional committees and arrange to hold the elections of the chairmen and vice-chairmen of the functional committees at their first meetings. If Members had any comments on the terms of reference of the functional committees (including the newly-formed District Civil Rights Development Committee), they should submit papers for discussion at the first meetings of the functional committees.

81. Ms HO Hang-mui and Mr POON Chi-kin asked whether the names or composition of the seven confirmed functional committees could be modified or discussed within the current term.

82. After consulting with the Secretary, the Chairman said the names of the functional committees had already been confirmed at this meeting. Their terms of reference, together with a paper on the elections of the committees' chairmen and vice-chairmen, would be endorsed at the next meeting. For the terms of reference, the Secretariat would provide relevant papers for discussion at the next TMDC meeting, and amendments could be made at that time if needed. The terms of reference could also be amended at the first meetings of the functional committees, and then submitted to the TMDC for endorsement.

5. Nomination and Selection of Co-opted Members of Functional Committees

83. The Chairman said that as the TMDC had abolished the co-opted member system, there was no need to discuss this matter.

6. Financial Position as at 31 December 2019

84. The Chairman referred Members to a document distributed at the meeting and asked the Secretary to report on the financial position as at 31 December 2019.

85. The Secretary said that as at 31 December 2019, the TMDC had allocated a total funding of \$29 million for 896 community involvement activities, and the amount of actual expenditure was more than \$20 million, representing 71.32% of the total funding approved.

7. TMDC Funds Applications for Activities to be Held or Commence between February 2020 and March 2020

8. TMDC Funds Applications for Activities to be Held or Commence between March 2020 and February 2021

86. The Chairman referred Members to two documents distributed at the meeting, which were about the applications for funding for activities to be held between February and March 2020 and for activities to be held or started between March 2020 and February 2021.

87. The Chairman said that during the discussion on the applications for TMDC Funds, if any Members found that their posts or capacity were related to any partner organisations or other district organisations of activities in the applications but had not yet been stated in the Form for Declaration of Interests in Handling TMDC Funds or the Registration of DC Member's Interests, the Members were required to make declarations even if they did not intend to speak or vote on the matters concerned. Members should refrain from speaking on any matters in which they had interests; however, if they wished to speak or vote on the matters concerned, they should make a request beforehand. The Chairman would, in accordance with the Standing Orders, decide whether the Members might speak or vote on the matters concerned, might remain at the meeting as observers, or should withdraw from the meeting.

88. Ms KONG Fung-yi declared her interest, saying that she was the chairman of Tuen Mun Forth Viewers and Tuen Mun Elderly United Association, so she would not take part in any vote.

89. The Secretariat reminded Members that if Members needed time to read these two documents, the TMDC could take them forward at the next meeting. As

no relevant activities would be held in January this year, the funding in this regard could still be approved in time if the next TMDC meeting was held in January. The Chairman suggested these two documents be followed up at the next meeting.

90. The Vice-Chairman asked the Secretary whether more details could be provided if these two matters were to be followed up at the next meeting. He noted that budgets had been tabled for processing applications for TMDC funding before. He hoped the Secretary could provide more details for Members' reference to facilitate the consideration of the applications.

91. The Secretary said this was the first meeting of the TMDC, and generally speaking, funding of less than \$100,000 required only the endorsement of the FAPC, while funding of more than \$100,000 should be submitted to the TMDC for final approval after being endorsed by the FAPC. At the time of each approval, the Secretariat would put the hard copies of application cases on the conference table for Members to peruse the details of the applications. The Secretariat had also made such preparations at this meeting.

92. Ms Beatrice CHU noted that in all previous councils, as mentioned by the Secretary, the Secretariat had used to put documents in the conference room only on the days of meetings for Members to review the documents by themselves. She said nowadays the public expected transparent operation of district councils so that they could monitor how councillors used public money to sponsor local activities. Therefore, she suggested the Secretariat adjust its arrangements, whereby relevant materials together with the agenda would be sent to Members at a reasonable time before a meeting, so that Members could have sufficient time to study documents on funding-related matters and really engage in the discussion of each funding case at the meeting.

93. Mr LO Chun-yu said he agreed, adding that the funding cases discussed involved public money, and the public had the right to know how the taxes they paid were used.

94. Mr TSANG Kam-wing said he agreed and suggested the Secretary, at a reasonable time before a meeting, send an email or make ready the soft copies at the Secretariat's office for collection by Members in person or by their assistants.

95. Ms Catherine WONG said there were piles of information papers about the

applications, so the Secretariat had explained that for environmental reasons, a set of hard copies would be put on the conference table at each meeting. She suggested the Secretariat make the arrangements environment-friendly and efficient by uploading the information to the website for Members to read it in case of need.

96. The Chairman asked the Secretariat to follow up on the administrative arrangements. Since a funding application included an application form, the Secretariat needed time to scan the documents into PDF files before they could be sent to Members.

9. Arrangements for Activities to be Held by Working Groups or Steering Groups under Functional Committees of Previous TMDC between January and March 2020

97. The Chairman invited the Secretary to introduce the arrangements concerned.

98. The Secretary said a number of activities had been organised by the working groups or steering groups of the previous TMDC. While these activities had been scheduled for January to March 2020, working groups or steering groups could hardly be formed within the above period because committees must be set up before the formation of working groups or steering groups. In view of the above, it was suggested that by reference to the established practice, each of the committees handle the work directly and select a lead member to assist in following it up. In other words, after the committees were formed, the lead members selected by the committees could assist in following up on the work of working groups or steering groups, so that the activities concerned could be publicised as soon as possible. He hoped Members would consider the above arrangements.

99. The Chairman said that after the next TMDC meeting, the committees would hold their first meetings in late January or early February to select their chairmen and vice-chairmen and the lead members who would take care of the activities. The Chairman asked whether Members agreed to the above arrangements. Members had no comments, and the Chairman said the above arrangements were adopted.

10. Any Other Business

(a) Arrangements for Meet-the-Public Scheme

100. The Chairman invited the Secretary to introduce the arrangements.

101. The Secretary said the Meet-the-Public Scheme of the TMDC had been in operation since 1983. By tradition, the TMDC Meet-the-Public Scheme was available every Friday from 4:30 p.m. to 6:00 p.m. The Secretariat would draw up a duty roster, and all Members must be on rotating duty. Each time there would be two Members paired up to meet the public. If a Member was unable to be on duty, he must find a stand-in Member himself, and notify the Secretariat no later than noon on the duty day, so that it could notify the members of the public who had made appointments. If there was no appointment with the public on a duty day, the Secretariat would inform the duty Members after noon. If a member of the public wished to meet with Members on another day, the Secretariat would, upon request, provide relevant information for the member of the public to contact the Members through councillor offices themselves. The Secretary asked Members if they agreed that following the established practice, the Secretariat would draw up a duty roster for the Meet-the-Public Scheme based on the total years of service of TMDC Members, which meant that a senior Member would be paired with a junior Member. If the TMDC adopted the above arrangements, the Secretariat would send a letter after the meeting to inform Members about the detailed duty arrangements.

102. The Chairman asked when the arrangements would begin. The Secretary replied that after being adopted by the TMDC, the arrangements would begin in February at the earliest.

103. Ms Catherine WONG noted that while according to the Secretary, senior and junior Members would be paired up, there might be not enough re-elected Members to pair up with new Members. She asked whether senior Members would have to be on duty once more.

104. The Secretary replied that arrangements would be made to the farthest possible extent. He said the precedence of and the seating arrangements for TMDC Members would be discussed later under another agenda item. If Members had the same seniority, they would be ranked in order of the strokes of their Chinese names, with priority given to those with fewer strokes. The same method would be applied to the roster arrangements for the Meet-the-Public Scheme.

105. The Chairman asked whether Members agreed to the arrangements recommended by the Secretary. As Members had no comments, the Chairman

announced that the above arrangements were adopted. The Chairman also announced the adoption of the Secretary's earlier proposal on the arrangements for the activities of working groups or steering groups.

(b) Precedence of and Seating Arrangements for TMDC Members

106. The Chairman invited the Secretary to introduce the arrangements.

107. The Secretary said that in the previous TMDC, the Chairman and the Vice-Chairman had been ranked first, and the precedence of Members and their seating at meetings had been arranged according to their total years of service in the TMDC. Members with the same seniority had been ranked in order of the strokes of their Chinese names, with priority given to those with fewer strokes. The Secretary asked Members whether they agreed to the above method being used to arrange the precedence of Members of the current TMDC and their seating at meetings. In line with previous practice, after ranking by the above method, if a Member was more familiar with another Member and wanted minor adjustments to the seating arrangements, they might notify the Secretariat at the beginning of the term (the first or second meeting) for separate follow-up.

108. Ms HO Hang-mui suggested Members of the same political affiliations or groups be seated together as far as possible before the seating was arranged by seniority.

109. The Chairman said that according to the Secretariat's recommendation, individual Members might propose adjustments themselves; therefore, arrangements would be made first using the above method and adjustments could be made in case of need. As Members had no comments, the Chairman announced that the above arrangements were adopted.

(c) Participation in District Councils Cup of Standard Chartered Marathon

110. The Chairman said the former TMDC had resolved not to take part in the "Standard Chartered Marathon District Councils Cup" this year, but if the current TMDC wished to join the event, the TMDC might earmark \$8,500 in the 2018-2019 financial year for that purpose. She further said the TMDC would have to select a coordinating Member for coordination on the related matters (including the formation of a team of 10 members of either sex for the race). The event would be held on 9 February. According to the information provided by Members who had participated in the event before, if this matter was approved, the Secretariat could

negotiate with the organiser of the Standard Chartered Marathon about the registration arrangements, and the TMDC could still register for the event on 9 January. She said there was still a little time left to make preparations, but the coordinator had to follow the matter closely as time was limited.

111. Mr Michael MO clarified that the “District Councils Cup” was a 10-kilometre race and only one councillor was required for each racing team, so staff of the TMDC Secretariat and the TMDO and assistants of Members might be invited to join the event together. The Chairman noted that previously there had been some coordinating Members who had not taken part in the races. Therefore, as long as there were enough participants, the coordinating Member was not required to join the race.

112. In response to Mr LAM Kin-cheung’s enquiry about the use of the funding earmarked for participation in the race, the Chairman and the Secretary said the funding would be used for vehicle hire, uniform production, purchase of supplies, payment of registration fees and so forth.

113. Mr YAN Siu-nam said he had been the coordinating Member for the “Standard Chartered Marathon District Councils Cup” the year before the previous year. He said the then Chairman had sponsored uniforms, food and drinks. That year, a TMDC participant had unfortunately been injured during the race and sent to the hospital for treatment, so he suggested the TMDC increase the funding to insure the participants and thus step up the protection of them. He therefore considered that \$8,500 was a reasonable amount.

114. Ms Beatrice CHU said that while the event would be held on 9 February, a lot of people had already registered for it since registration had begun about four or five months beforehand. She encouraged new members of the TMDC to join the marathon race and cooperate on sports, so as to demonstrate the cohesion of the TMDC. Since she had been given priority to join the individual 10-kilometre race earlier, she hoped the Secretariat could contact the event organiser and ask if she could join the race for the TMDC instead.

115. Mr LAM Chung-hoi said he had coordinated participation in the event in about 2007. In his view, the coordinating Member might approach the school sector and encourage young Members’ participation.

116. Mr Kenneth CHEUNG said he had also registered for the individual 10-kilometre race.

117. The Chairman asked whether Members agreed to the TMDC's participation in the "District Councils Challenge Cup of the Standard Chartered Marathon 2020". As Members had no objections, the Chairman announced that the proposal for participation in the event was adopted.

118. The Chairman asked whether Members agreed to \$8,500 being earmarked for the race and undertake to make up any shortfalls. For the matter raised by Mr YAN Siu-nam about taking out insurance, she would pay if the TMDC funding was not enough to meet the relevant payment. She said that if a team member was unfortunately injured, the worse thing was that no decent arrangements were made for the member to receive corresponding care and compensation afterwards. As Members had no objection, the Chairman announced that the earmarking of \$8,500 for the event was approved.

119. The Chairman invited Members to nominate a person who would be responsible for coordination on the related matters. Mr LAM Chung-hoi nominated Mr Michael MO. The nomination was seconded by Ms SO Ka-man. Mr Michael MO expressed his willingness to accept the nomination. Mr MA Kee nominated Ms Beatrice CHU, who said she had registered for the event in her own name and needed the Secretariat to contact the organiser to clarify whether she could switch to being a TMDC runner. As Mr Michael MO had agreed to be the coordinating Member, she declined the nomination. As there were no other nominations, the Chairman announced that it was agreed that Mr Michael MO would coordinate this activity.

(d) Special Meeting for Discussion of Wuhan Pneumonia

120. The Chairman said some Members had proposed a special meeting in view of the fact that Tuen Mun Hospital had earlier found cases of unknown pneumonia from Wuhan. She suggested Members first express their views on whether to call a special meeting, and then discuss the date of the meeting. As Members had no objections, the TMDC agreed to hold a special meeting on the Wuhan pneumonia. The Chairman then asked the Secretariat about the preparations needed for the special meeting on the Wuhan pneumonia.

121. The Secretary said that according to the Standing Orders, the Secretariat

should release relevant documents five clear working days before a meeting, and Members should submit discussion papers 10 clear working days before a meeting. Therefore, to comply with the relevant Standing Orders, Members might also consider including this matter among the discussion items at the second TMDC meeting when they set the date for the next meeting.

122. The Chairman said 23 January should originally be set as the date for the next meeting to allow Members enough time to submit discussion papers on or before 8 January. However, since some Members had been notified that the second TMDC meeting had been scheduled for 21 January, she might exercise discretion which could not be used often to set the date of the next meeting for 21 January and allow Members to submit discussion papers on or before 8 January. The Chairman then asked Members if they agreed to hold the next meeting on 21 January. The Chairman said she hoped that relevant departments (e.g. the Hospital Authority (“HA”), the Department of Health (“DH”) and the Food and Environmental Hygiene Department (“FEHD”), which was responsible for environmental hygiene, could join the meeting.

123. Ms HO Hang-mui said the Wuhan pneumonia issue was quite urgent, with the number of cases on the rise and the number of suspected cases in Hong Kong seeming to keep growing as well. She opined that it would be too late if the discussion on the issue was deferred to late January. If relevant departments could make time and the procedure permitted, she would suggest holding a special meeting on the Wuhan pneumonia issue shortly within the same week of this meeting. She reckoned that holding a working group meeting might not achieve the results the TMDC expected because, on the one hand, it took time to form and recruit Members into the working group and to discuss the date of the meeting and, on the other hand, working group meetings were attended by government officials of lower rank.

124. Ms Catherine WONG said it seemed that the 10-working-day requirement had not applied to the former Working Group on Community Crisis Management, which had met for special business before, so a meeting should be held immediately for the pneumonia issue this time around, otherwise, if the number of pneumonia cases kept rising, people might feel the TMDC could do nothing.

125. Ms KONG Fung-yi said the issue of pneumonia from Wuhan should be quite serious, so instead of delaying the discussion until the date of the next meeting, the Chairman should form an emergency response group at once to enable Members to

meet promptly in case of need. Government department representatives had a responsibility to proactively inform Members about the situation of the Wuhan pneumonia, and were not supposed to wait and come to explain it only when they had time. She said DO(TM)'s assistance in coordinating with other departments was needed for the TMDC to perform its functions. She reckoned that the TMDC should immediately discuss and examine this issue with relevant departments to ease the general public's worry.

126. Ms LAW Pei-lee said this was an acute issue because many residents might return to the Mainland before the upcoming Chinese New Year. The public did not know very much about the source of the disease except that the pneumonia was imported from Wuhan. She said some members of the public had told her that they were very worried about the Government's delay in releasing information and expected her to raise the issue for the TMDC to thrash out measures as soon as possible. She agreed that a crisis response group should be formed and relevant departments should be invited to its meetings without delay.

127. Mr YAN Pui-lam said that with parallel importers and lots of Mainland shoppers coming to Tuen Mun, the district saw its population flow increase. He opined that a meeting should be held as soon as possible and, where possible, a session should be arranged for the public to speak and question officials of relevant departments.

128. Mr LEE Ka-wai said the TMDC might hold additional meetings if more than half of Members agreed. He asked the Chairman and the Secretariat exactly how much time was needed for preparations, such as the time required for inviting officials and the earliest possible time for the meeting.

129. The Chairman said that if calculated on the five-working-day basis mentioned by the Secretary, the earliest possible date for the meeting should be 16 January. But if a special meeting was to be held, it was not necessary to meet the five-working-day requirement.

130. Mr CHAN Yau-hoi suggested forming a relatively flexible ad-hoc emergency group. He explained that if the problems could not be solved at one meeting, another meeting might be needed. Group meetings were relatively flexible to arrange than district council meetings and therefore considered a better choice.

131. Mr TSANG Kam-wing said the overall lethality of the Wuhan pneumonia was still unknown to Members. As messages about the issue were intensively spread outside, people were anxious the situation in 2003 would happen again. In his opinion, the TMDC should invite government officials to come to answer queries. Moreover, he said many people and parents did not know how to prevent the spread of the virus. He suggested the TMDC respond in its own name straight away by educating the public and thus allaying their concern.

132. Mr LO Chun-yu expressed strong support for the setting up a special working group. He said many parents had recently told him that the information released by the HA was very unclear. For example, there was no information about the communities the suspected infected persons had been to, the public transport they had used, the incubation period and so forth. As a result, they were very worried whether the suspected infected persons would spread virus in the community before their cases were confirmed. He considered it necessary to request relevant authorities to release such information to prevent the outbreak of the SARS 2.0.

133. Mr Kenneth LAU said that in the light of the recent pneumonia cluster cases, he reckoned that preventive measures should be taken and, at this stage, it was appropriate to set up a special working group for follow-up. He said concerted action by all sectors in the community was necessary to prevent the current pneumonia and respiratory infection.

134. In response to a Member's wish to set up an ad-hoc working group, the Chairman said the Working Group on Community Crisis Management of the previous TMDC might serve as a reference. She therefore asked Members to consider whether they agreed to the immediate setting up of a working group. She added that setting up a working group was different from holding a special meeting. In terms of the date of the meeting, if Members preferred a special meeting, the meeting could be held in the following week; however, if a working group was to be formed, the TMDC must first agree to set up the working group, select a coordinating Member, i.e. the convenor of the working group, and then allow time for Members to choose to join the working group before the convenor called a meeting. She believed the time required for holding a working group meeting was not much different from, or might be even longer than, the time required for holding a TMDC special meeting, because in case of a working group, at least two or three days must be allowed for Members to join the working group before the convenor

could finally discuss and set the date for the meeting. Holding a special meeting had its limitations in term of the number of participants. The TMDC had to schedule the special meeting for a date that at least half of Members could make, otherwise the meeting would be adjourned because of the lack of a quorum. The Chairman was aware that some Members might have planned to leave Hong Kong in the next week, so it was necessary to check Members' schedules for reference in selecting the date for the meeting.

135. Mr YEUNG Chi-hang said he agreed that the Wuhan pneumonia issue should come up for discussion at a special meeting or the second TMDC meeting. In his opinion, Members were quite passive at the moment because in the absence of a mechanism for centralised dissemination of information by the Government, the TMDC knew neither the situation of the pneumonia in Wuhan nor how the HA and the DH assessed the epidemic situation in Hong Kong. Therefore, a meeting should be held without delay. Since he knew some Members would leave Hong Kong in the middle of or late next week, he suggested raising the Wuhan pneumonia issue for discussion at the second TMDC meeting, and making appointments to meet relevant departments (e.g. the TMDO, the HA and the DH) at the end of this week or on the next Monday, where Members could not only voice their opinions to the Government but also understand the Government's measures and assessment in response to the epidemic situation, so that both sides could have opportunities for discussion, which was ultimately good for the public.

136. Mr LAM Kin-cheung said he believed that Members agreed about the urgency of the Wuhan pneumonia, so he suggested a TMDC special meeting be held first as an expeditious option. He hoped the current meeting would decide on the date of the special meeting so that a fixed date could be provided for the government officials to be invited. He suggested that while a special meeting was to be held, a working group should also be set up to further deal with the issue of the Wuhan pneumonia epidemic.

137. Mr TSANG Kam-wing said he agreed that a TMDC meeting should be held as soon as possible to address the issue. He stressed that Tuen Mun was ranked only after Sheung Shui as the biggest hub of parallel traders. He was afraid that Tuen Mun would become the epicentre of the epidemic if the TMDC failed to get the public education work done or handle the issue properly before the Lunar New Year.

138. Mr CHEUNG Ho-sum said many members of the public had told him about the acute shortage of masks on the market. He said that with little knowledge of the unknown virus, he had grave concern about the issue. He believed the issue could hardly be tackled by one or two urgent motions, but required continued follow-up by a working group. He opined that the convenor of the working group and the date of its meeting could be selected at this meeting. He added that a meeting would not be much help if relevant government officials were unable to attend it. He believed that a joint request by the TMDC instead would be a more effective way to ask for relevant information from the Government.

139. The Chairman said the count revealed that 24 Members would be able to attend the special meeting on the afternoon of 14 January. The Chairman asked the Secretariat to check the venue arrangements for that day. She further said that if she was absent from the meeting that day, the Vice-Chairman would preside over the meeting. If the Vice-Chairman was absent, the Members present would have to elect the chair on the day of the meeting.

140. Ms LAW Pei-lee said she hoped that the Hong Kong Police Force (“HKPF”) would be invited to the special meeting because some members of the public were worried that it was against the law to wear a mask. She also wanted the Immigration Department (“ImmD”) to join the meeting.

141. Mr Michael MO suggested the port division of the Marine Department join the meeting because there were a cross-border terminal and a control point in Tuen Mun. Ms KONG Fung-yi suggested the Leisure and Cultural Services Department (“LCSD”) be invited to the special meeting to explain how to disperse the public at LCSD venues if need be.

142. Mr LO Chun-yu asked the Chairman what to do if it was not until the day of the special meeting that the council was informed that no officials would be present.

143. Mr POON Chi-kin asked whether notices would be sent straight after this meeting to invite relevant departments to the special meeting. As far as he knew, many district councils had invited government officials to their districts for different kinds of meetings. He gathered that more government officials would attend the special meeting in Tuen Mun if invitations were sent as early as possible.

144. The Chairman responded that she believed different departments would

assign different representatives to handle matters in different districts. She announced that the TMDC decided to hold a special meeting at 2:30 p.m. on 14 January and invite the above departments to the meeting.

145. The Chairman said the additional items had been finished. But before the discussion on “Date of Next Meeting”, she had received the following three impromptu motions:

Impromptu Motion 1

“I move that with regard to the music noise in Tuen Mun Park, this Council urges District Officer (Tuen Mun) to coordinate the work of various departments to ameliorate the current situation in the park, and report back to this Council.”

Moved by: Alfred LAI

Seconded by: CHEUNG Ho-sum

Impromptu Motion 2

“This Council requests the Hong Kong Government to immediately fulfil the five demands, including but not limited to the establishment of an independent commission of inquiry for a thorough probe into police brutality, and to immediately implement universal suffrage for the elections of Chief Executive and the Legislative Council in response to the demand of the general public.”

Moved by: POON Chi-kin, TSANG Kam-wing,
and CHEUNG Ho-sum

Seconded by: WONG Tak-yuen, LEUNG Ho-man,
LEE Ka-wai, Michael MO, TSANG
Chun-hing, WONG Tan-ching, and
LAM Ming-yan

Impromptu motion 3

“The district council is requested to hold a special meeting shortly to discuss the ‘1028’ toxic gas incident and the issue of police brutality, to invite police representatives to the meeting, and to issue a public condemnation in the name of the Tuen Mun District Council.”

Moved by: TSANG Kam-wing, CHEUNG
Ho-sum and POON Chi-kin

Seconded by: WONG Tan-ching, WONG Tak-yuen,

Michael MO, LAM Ming-yan, LEUNG Ho-man, TSANG Chun-hing, and LEE Ka-wai

146. The Chairman asked Members if they agreed to deal with the above three impromptu motions right away. There being no Members demurring or abstaining, the Chairman started to deal with the above three impromptu motions.

147. The Chairman started with Impromptu Motion 1 and asked if Mr Alfred LAI, the mover, had anything to add.

148. Mr Alfred LAI, the mover, said the noise problem in Tuen Mun Park had improved as Members had frequently visited the park for inspection in the previous three weeks. However, the problem occurred again when Members were unable to visit the park or there were fewer residents nearby. He said government departments could take proactive measures. For example, the LCSD should assign more staff and the TMDO should coordinate with other government departments (e.g. the HKPF and the Environmental Protection Department (“EPD”)) to actively launch operations against the noise problem in Tuen Mun Park. He thanked Members for having constantly visited Tuen Mun Park for inspection before, but opined that the problem required the full assistance or enforcement of DO(TM) and government departments in the district.

149. Mr Kenneth CHEUNG said there was not only noise but also a lot of problems relating to hygiene, tobacco and alcohol in Tuen Mun Park. Therefore, government departments should pay attention to the management of the whole park. He noticed that other LCSD-managed parks (e.g. Kowloon Park and Sha Tin Park) did not have the same problems as Tuen Mun Park.

150. Mr TSANG Kam-wing said that despite the decrease in the number of female singers in the park, the problems of tobacco and alcohol became serious. Moreover, the Police in principle refused to go to the park for enforcement, and even if they entered the park, they would only stop and search other people (including members of the public and elderly people). He said that besides female singers, drinking and smoking also posed problems in Tuen Mun Park. While a total ban on smoking was already in force in Hong Kong, consideration should at least be given to banning the sale of alcoholic beverages in Tuen Mun Park, and the TMDC should also discuss whether drinking should be prohibited in the park.

151. Mr Michael MO requested DO(TM) to assist in coordinating the work of various government departments because government departments, except law enforcement agencies, must first obtain the consent of the LCSD manager before their staff entered the park area for enforcement. The TMDC Members who had been on duty so far were aware that the LCSD had a weak will to enforce the law and failed to invite other departments for joint enforcement actions. Thus, he hoped to press for inter-departmental enforcement through the motion.

152. Mr CHEUNG Ho-sum said Members had no power to enforce the law, adding that the duty scheme proposed back then was originally intended to monitor the action taken by the LCSD, and was not for the purpose of enforcement by Members. The LCSD should have already enforced the law rather than doing so only when Members met the public in Tuen Mun Park and exerted pressure on it. That was why he and Mr Alfred LAI put forward this motion requesting the LCSD and relevant departments to fulfil their responsibilities.

153. Ms Beatrice CHU expressed absolute support for the motion. She had many times been on duty in Tuen Mun Park, but she said she could see no way out since government departments did not enforce the law despite Members having been constantly on duty in the park. The LCSD said legislation had to be amended so that park attendants would have the power to enforce the law when it was they, in addition to park users, who witnessed offences. While on duty in Tuen Mun Park, she had seen many residents were very concerned about the problems in the park and reported cases to the LCSD on their own initiative. Yet, some members of the public had revealed that the LCSD information hotline was unanswered and the LCSD had given various excuses. She opined that the LCSD and related government departments should take the noise, reward-offering and other problems in Tuen Mun Park seriously. As the new TMDC had already demonstrated a new style, she hoped the Government would have a stronger commitment and civil servants in various departments could really engage in inter-departmental cooperation in a bid to solve the problems.

154. Mr LAM Ming-yan said the department had long been evading several issues. Firstly, there was only one team in place, which was hardly enough to manage the entire Tuen Mun Park, so the department should deploy more staff to prosecution work. Also, he noted that in the current legislation, there was a provision for expulsion of offenders, but the department had never used it. Thirdly,

it was not necessary for members of the public to provide information (including their addresses) when they gave statements on the spot, because the manager would arrange to meet them afterwards to take statements. He agreed with Ms Beatrice CHU and was worried that the Government would ignore the TMDC's voice. He hoped DO(TM) would respond to public opinion in a timely manner.

155. Ms LAW Pei-lee said the above problems were not peculiar to Tuen Mun Park as the problems of noise, gambling and rodent infestation also existed in Tsing Tin Playground, which was near her constituency Kin Sang. She hoped relevant government departments would take the problems seriously.

156. Ms SO Ka-man supported the motion on Tuen Mun Park and approved of the initiative of assigning Members to be on duty in Tuen Mun Park. As there were still a lot of matters requiring discussion, she suggested the meeting be adjourned for 20 minutes and resumed after the photo-taking.

157. Ms KONG Fung-yi said Tuen Mun residents had long been plagued by the problems in Tuen Mun Park. She had expressed strong views on the problems at the meetings of the previous TMDC, but no improvement had been made at all. She said the TMDC had achieved nothing for many terms, being all talk and no action. She reckoned that amid the current new atmosphere, Members of the new TMDC were determined to contribute to Tuen Mun, so DO(TM)'s assistance was necessary to help tackle the problems. The LCSD failed to act in accordance with the law, leaving the problems unresolved. In recent days, the park not only saw a number of chaotic scenes but also female singers starting to exploit legal loopholes. Therefore, Members should not relax their vigilance and should instead prompt government departments to protect Tuen Mun Park and other parks in the district. She further said a number of Members had observed that there were prostitution and gambling in Tuen Mun Park, but government departments ignored these problems.

158. Mr LEUNG Ho-man said other Members had described many scenes they had observed while on duty, and these scenes, which might eventually lead to conflicts, pointed towards the pressing need for coordinating inter-departmental cooperation. Besides law enforcement, various measures should be put in place to restore the meaning of the park. With regard to Ms LAW Pei-lee's enquiry about Tsing Tin Playground, he said its location was very close to his constituency and even his home. He therefore reckoned that inter-departmental coordination should focus on issues in all parks rather than only Tuen Mun Park.

159. Mr POON Chi-kin raised a point of order, saying that the venue for photographing should be returned at 1:00 p.m., so he hoped the Chairman would invoke Standing Order 11 to adjourn the meeting for 15 to 20 minutes and resume the discussion afterwards after the photo-taking.

160. The Chairman said that while there were still several Members waiting to speak, she put speeches on hold. The Chairman announced that meeting was adjourned and would be resumed at 2:00 p.m. She reminded Members to go to Tuen Mun Town Hall for the group photo.

[The TMDC meeting was adjourned at 12:47 p.m. and resumed the meeting at 2:09 p.m.]

161. Mr YAN Pui-lam said that even though the Pleasure Grounds Regulation had not yet been amended, he had suggested to the LCSD that people who caused annoyance to playground users be driven away, but no reply had been received so far. He noted that the female performers would leave quickly when the public said they were calling the ImmD, so cooperation between departments (e.g. the ImmD) was necessary.

162. Mr LO Chun-yu expressed strong support for DO(TM) coordinating with other government departments for setting up a group. Yet, he wondered if such a group would have any performance pledges (e.g. what objectives were to be achieved, and on what specific days reports would be given), or else after the group was set up, officials would procrastinate or delay action, keeping the public in the dark about the answers or progress they deserved to know. Therefore, the content, framework and objectives should also be made clear for the group to be more effective. In addition, he opined that the Police and the ImmD should join the inter-departmental operations.

163. The Chairman said the motion would be put to the vote after Members' speeches, and if the motion was passed, DO(TM) would be required to follow it up. She would invite DO(TM) to respond after the motion was processed.

164. Mr POON Chi-kin said the motion served to urge government authorities to deal with the issues in Tuen Mun Park in different positions because the Members who had been on duty in the park knew clearly that reporting the problems to the

LCSD was not much help and LCSD staff could not handle the issues even after consulting with their supervisors. It was hoped that through this motion, DO(TM) would coordinate the setting up of an inter-departmental group that would tackle the problems through cooperation between departments and with Members' participation. He hoped that after the motion was passed, other Members would also consider how the TMDC should follow it up.

165. Ms HO Hang-mui said it would be more appropriate if things were followed up by an inter-departmental group headed by DO(TM). The management of the park was not ideal as there was only one manager who could enforce the law in the park and the procedure was complicated. Moreover, female performers would make use of legal grey areas to render the manager ineffective in law enforcement. However, the effectiveness of enforcement would be enhanced if the LCSD was joined by such departments as the Police, the FEHD and the ImmD when enforcing the law. Thus, she opined that DO(TM) should coordinate the work.

166. Mr WONG Tak-yuen noted that before the meeting was adjourned, Ms LAW Pei-lee and Mr LEUNG Ho-man had talked about not only the noise problem in Tuen Mun Park but also singing and dancing performances in Tsing Tin Playground, where performers often turned the volume of their speakers up to very high levels, thus affecting nearby residents. He hoped DO(TM) would draw attention to the above issue when coordinating with other departments. Besides, he shared what he had experienced while on duty, saying that there was no effective mechanism in place for liaison between government departments. He therefore hoped DO(TM) would help work out a mechanism for coordination between relevant departments; otherwise it would be difficult to tackle the issues.

167. Mr WONG Hung-ming hoped DO(TM) would make serious efforts on the coordination and set up an inter-departmental group. The LCSD had a very weak commitment to enforcement and management, and was also not familiar with the relevant legislation. He hoped DO(TM) would pay attention to this and the LCSD would provide relevant training.

168. Ms Catherine WONG said there were loopholes in law enforcement in Tuen Mun Park. She felt that the LCSD manager ignored reports by ordinary members of the public and took enforcement action only in the presence of Members. She therefore opined that if the LCSD continued to take such an attitude, the problems of illegal singing and receipt of red packets could hardly be eliminated. Thus, she

hoped a conclusion could be made on this issue as soon as possible, and the LCSD's law enforcement attitude must be improved.

169. Mr TSANG Kam-wing noted that while on patrol, the LCSD manager was always accompanied by four black-clad men, and the performers who saw this from a distance would turn off their speakers; what's more, the LCSD manager had said that enforcement action could be taken only when the manager saw the performances and heard their sound. The Member wondered how such an approach could be effective in enforcing the law. He therefore reckoned that DO(TM)'s coordination was required, so that unfamiliar faces could be deployed to the scenes for prosecution and the above bureaucratic and ridiculous practices could be got rid of.

170. In response to Mr TSANG Kam-wing's speech, Mr Kenneth CHEUNG added that every time when Members had visited Tuen Mun Park to monitor the LCSD's enforcement, the information about their patrol routes had been leaked out through the walkie-talkies used by a number of security guards, and the performers had already turned their volume down and stopped singing, dancing or smoking before the Members had approached them. Moreover, some kiosk staff had accused the Members of disrupting their livelihoods and affecting their income. He therefore suspected that the security guards had accepted advantages, or there were connections between the LCSD manager, the security guards, the kiosk staff and the performers' syndicates.

171. The Vice-Chairman believed it was effective to seek DO(TM)'s assistance in coordination because during his many visits to Tuen Mun Park earlier, he had an experience where he had requested the LCSD manager to expel a male offender, but the man had refused to leave until he had felt scared when the Police had arrived. This experience showed the need for coordination between departments. Currently there was no real coordination between the LCSD and the HKPF in enforcement actions, so he hoped DO(TM) could play a coordinating role between departments.

172. Mr MA Kee said that with no representatives of other departments present at the meeting, speaking on this motion served only to express views to DO(TM). He hoped grievances could be aired directly to the LCSD later during the meeting with the department. He hoped DO(TM) would listen to Members opinions and, after understanding Members' personal experience, would seriously tackle the above problems, which did not exist in other parks in Hong Kong.

173. The Chairman said Members had finished speaking and it was time to deal with the motion. She again read the motion as follows: “With regard to the music noise in Tuen Mun Park, this Council urges District Officer (Tuen Mun) to coordinate the work of various departments to ameliorate the current situation in the park, and report back to this Council.” After the vote, the Chairman announced that the motion was carried with 28 votes in favour, 0 against and 0 abstentions.

[Members voting in favour included: Ms Josephine CHAN, Mr WONG Tan-ching, Ms KONG Fung-yi, Ms Catherine WONG, Ms HO Hang-mui, Ms Beatrice CHU, Ms SO Ka-man, Mr YEUNG Chi-hang, Mr YAN Siu-nam, Mr WONG Tak-yuen, Mr LEE Ka-wai, Mr Michael MO, Mr HO Kwok-ho, Mr LAM Ming-yan, Mr LAM Kin-cheung, Mr CHOW Kai-lim, Mr MA Kee, Mr CHEUNG Ho-sum, Mr Kenneth CHEUNG, Mr LEUNG Ho-man, Mr WONG Hung-ming, Mr TSANG Chun-hing, Mr TSANG Kam-wing, Mr YAN Pui-lam, Mr POON Chi-kin, Mr Alfred LAI, Mr LO Chun-yu and Ms LAW Pei-lee.]

174. DO(TM) responded that she had heard clearly what Members had just spoken and understood what they were asking for. She noted that at the district council level, the LCSD had reported on the situation of Tuen Mun Park before, and the Pleasure Grounds Regulation was enforced by the LCSD. At the LegCo level, the LCSD was working on legislative amendments to give the LCSD more power to deal with relevant issues. Moreover, Members had just expressed the hope that DO(TM) would coordinate inter-departmental joint operations under the current legislation. In this regard, she said the TMDO was willing to call an inter-departmental meeting for relevant departments (including the LCSD, the Police and so forth) to follow up on the issues and take inter-departmental joint action.

175. The Chairman said the meeting moved to the second impromptu motion, which read: “This Council requests the Hong Kong Government to immediately fulfil the five demands, including but not limited to the establishment of an independent commission of inquiry for a thorough probe into police brutality, and to immediately implement universal suffrage for the elections of Chief Executive and the Legislative Council in response to the demand of the general public.”

176. Mr POON Chi-kin, the mover, said Members from the pro-democracy camp should be very clear about why so many members of the camp had managed to join the council, and what expectations and responsibility were bestowed upon them.

He added that the declaration read by the pro-democracy camp before the meeting and earlier at the meeting had given a clear picture of the situation facing Hong Kong people. He learned that the Yuen Long District Council had just passed a set of demands similar to the motion under discussion, i.e. requesting the Government to set up an independent commission of inquiry, etc., but the Police's response was still perfunctory, merely saying that the mechanism for complaints against the Police was effective. In his opinion, this showed the problems facing society could never be solved unless a truly democratic system was in place in Hong Kong. Even though a new official had been appointed as Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, or the Government would "give out money" to the public in the Budget, Hong Kong people would not give in unless the Government responded to the "five demands". He hoped that at this meeting, the TMDC could make its position clear to the entire Hong Kong community. He believed other district councils would also press ahead with the same demands and form different committees and working groups to follow up on the matters concerned.

177. Mr LO Chun-yu thanked Members who moved the above motion and expressed full support for it. In his view, the TMDC must make its "five demands, not one less" position clear to the outside world. Moreover, he suggested the TMDC invite principal officials, including Chief Executive Mrs Carrie LAM, to the TMDC to respond to the matters of "five demands, not one less" and police brutality.

178. The Chairman said the TMDC had received a letter from Mr Matthew CHEUNG, Chief Secretary for Administration, inviting all district councillors to a briefing to be held on 10 January this year, but a number of district councils including the TMDC had put out statements saying that they would boycott the briefing. In this regard, the Chairman hoped DO(TM) would pass on the TMDC's views to the Government, and ask the principal officials, including Chief Executive Mrs Carrie LAM, to visit the district councils one by one to hear the voice of the public instead of organising a one-off briefing for all district councillors. The Chairman further said the latest district council election had clearly reflected the public opinion that requested the Government to meet all the "five demands" instead of facing the public with an attitude of "responding but not acceding".

179. Ms SO Ka-man said she also supported the establishment of an independent commission of inquiry that investigated everything in accordance with the principle

of “approving of right and disapproving of wrong”. She also opposed the Police’s abuse of force. Yet, she had reservations about one of the “five demands”, which was about the request for the release of all the arrested people, because stance aside, some people had really damaged private property or hurt others in the incidents. Therefore, she stated that she would abstain if the TMDC put the motion to the vote.

180. After the vote, the Chairman announced that the impromptu motion was carried with 27 votes in favour, 0 against and 1 abstention.

[Members voting in favour included: Ms Josephine CHAN, Mr WONG Tan-ching, Ms KONG Fung-yi, Ms Catherine WONG, Ms HO Hang-mui, Ms Beatrice CHU, Mr YEUNG Chi-hang, Mr YAN Siu-nam, Mr WONG Tak-yuen, Mr LEE Ka-wai, Mr Michael MO, Mr HO Kwok-ho, Mr LAM Ming-yan, Mr LAM Kin-cheung, Mr CHOW Kai-lim, Mr MA Kee, Mr CHEUNG Ho-sum, Mr Kenneth CHEUNG, Mr LEUNG Ho-man, Mr WONG Hung-ming, Mr TSANG Chun-hing, Mr TSANG Kam-wing, Mr YAN Pui-lam, Mr POON Chi-kin, Mr Alfred LAI, Mr LO Chun-yu and Ms LAW Pei-lee. The Member abstaining was Ms SO Ka-man.]

181. The Chairman dealt with the third impromptu motion, which read: “The district council is requested to hold a special meeting shortly to discuss the ‘1028’ toxic gas incident and the issue of police brutality, to invite police representatives to the meeting, and to issue a public condemnation in the name of the Tuen Mun District Council.” She added that the “1028” incident referred to the toxic gas incident on 28 October 2019.

182. Mr CHEUNG Ho-sum, the mover, said the “1028” incident was a matter of great concern to Tuen Mun residents, who by the day of the meeting still had no clues about what gas had been released that day and the after-effects of the incident. He further said the Government had neither explained what had happened that day, nor did it have the intention to bear any responsibility. TMDC Members had earlier signed up to condemn that way of doing things. On the evening of 28 October, a crowd of people had gathered at Tai Hing Operational Base in Kin Sang asking the Government to tell the truth; however, the Police had not only failed to do so but even fired tear gas rounds to disperse the Tuen Mun residents. In his view, the incident was very unfair and against the interests of Tuen Mun residents. He hoped such an incident would not happen again in the future, and the working group on the “1028” toxic gas incident could find out the truth about what had happened that day and ask relevant departments, including the HKPF, the EPD and so forth, to

come to disclose the information they had that day.

183. Ms Catherine WONG said the “1028” incident had seriously affected such places as Leung King Estate and Shan King Estate, throwing principals of nearby kindergartens into great anxiety. She also said she had joined the activity near Tai Hing Operational Base in Kin Sang and asked the Government to tell the truth, but had been greeted with tear gas rounds by the Police. She felt that the smell of the tear gas rounds fired that night was the same as the odour found on the afternoon of the same day. It was said that according to a former director of the Observatory, due to the wind direction that day, some test substances might have been carried in the wind from Por Lo Shan near Kwong Shan Tsuen to places like Leung King Estate and Shan King Estate. Therefore, she reckoned that besides the HKPF and the EPD, the Security Bureau, which had contact with the People’s Liberation Army (“PLA”), should also join the meeting. She had written to the Security Bureau, the HKPF and the EPD immediately that day, but the departments concerned had ignored her and given no response because it had been the period of election then. It was only after her election, and long after the incident, that they had replied with denial. Thus, she considered it appropriate for the TMDC to form a working group to inquire into the “1028” incident.

184. Mr WONG Tak-yuen said that up to the time when the meeting was underway, relevant government departments had not yet told them exactly about the source of the gas. He further said he had to strongly condemn the Police for firing tear gas rounds that night when a crowd of people had gathered near Tai Hing Operational Base in Kin Sang asking for the Police’s response. Given that the unknown gas had already occurred that afternoon, firing such a gas again that night would make it more difficult for Members to investigate in the future. They still could not find out whether the source of the gas had anything to do with the Police or fire practices in Castle Peak Firing Range. He hoped relevant departments could report to a working group on their probes into what had happened that day.

185. The Vice-Chairman said he very much supported the motion to form a working group on the incident in view of its seriousness. The “Tuen Mun Eleven Newbies” team had held a press conference in the wake of the “1028” incident. He said various messages had been received that day, with some people saying that the gas had come from the police station while some later saying that the gas had been released by the PLA. If the gas was released by the PLA, the Government would certainly know that. If the Government did not know that, it should come under

review; if it knew that, he would question why the Police still needed to ask Members for the victims' contact information. He noted that given the broken relationship between the Police and the public, people were afraid that they would be charged with the offence of riot after the information was provided. He believed that the Police had many ways to investigate and therefore had doubts about the Police's enquiry with the victims. He reckoned that the Government had to give explanations, especially to the public, and the TMDC had to carry out a thorough investigation.

186. Mr TSANG Kam-wing remarked that the "1028" incident, which had put the entire Tuen Mun under the shadow of tear gas, was perhaps quite a shocking event in Tuen Mun recently. He was the Member of the Lung Mun constituency and lived at Lung Mun Oasis, but that day many residents of the area concerned had told him that they had felt unwell. He said this was not an isolated incident, but one of the milestones in the whole "anti-extradition to China" movement and the whole series of police brutality. He reckoned they should not only investigate the whole incident but also probe into the issue of police brutality. There were still lots of people suffering under police brutality on the day of the meeting. Therefore, he hoped this incident would push the TMDC to, in its own name or the names of the elected Members, look into what the Police had done and who had fired tear gas in the "1028" incident, and see whether to investigate police brutality instead of letting the Police respond in the way it did at the press briefings at four o'clock.

187. Mr HO Kwok-ho said Tuen Mun residents were in the state of panic following the "1028" incident. There had still been a number of unknown gas incidents in November and December, such as the unknown gas incidents at Fu Tai and Yau Oi in late November and early December. A number of Members had made written enquiries one after another. But instead of answering the public's queries, the Government had responded by referring Members to its press releases. He rhetorically asked what the Hong Kong Government had been doing over the previous three months, and whether Hong Kong was run by the Government or them. Thus, he fully supported the motion requesting the Government and the Police to come to the TMDC to give explanations.

188. Ms Beatrice CHU said that when news about the smell of suspected tear gas on 28 October had spread on the Internet, she could notice the smell which she felt was quite similar to that of tear gas. Afterwards, she had written to the HKPF requesting an explanation for the issue of unknown gas, but what she had received

so far were vague replies that gave her the feeling of the Police being evasive. In her opinion, it was the Police's duty to investigate even if that day the Police at the Tai Hing Operational Base had not fired tear gas rounds, released tear gas, or carried out any kind of test that had exposed a large number of Tuen Mun residents to the smell believed to be hazardous to health. Even if the Police had done nothing, it should still tell Tuen Mun residents about the results of its investigation. She believed that lots of residents had been unclear about the gas they had smelled suddenly on the evening of 28 October, so they had gone to Tai Hing Operational Base to ask for an explanation from the Police, but met with arbitrary arrest by the Police. Such a situation was worrying. They did not understand why they had met with unreasonable treatment by the Police when they were seeking answers and the truth. She expressed strong support for the motion and opined that the Police should give a clear account of what had happened on 28 October. She said that as councillors, they ought to seek the truth for the public and find out the details of the incident. She hoped the Police could assign representatives to respond positively to the TMDC's demands.

189. Ms SO Ka-man said that at the time of the "1028" incident, she had not been in Tuen Mun but had been with her two young children in a hospital since, as a mother, she could not leave them alone. Even though she had been in the hospital, she had received many calls from the public complaining about the unknown gas or expressing discomfort. She had contacted the LCSD, the Fire Services Department ("FSD") and so forth immediately to seek more information. But up to the time when the meeting had started, there had still been no answer. The unknown gas incident was a matter of grave concern to residents in northwestern areas of Tuen Mun, such as the Tin King, Leung King and Po Tin constituencies. As the Member of the Po Tin constituency, she felt it was inappropriate for the Police to fire tear gas to residential areas in Kin Sang that night. Therefore, she had written to the Police on 29 October asking whether firing tear gas from such a short distance was an abuse of force. Yet, she was disappointed with the Police's official response. She did not want the same to happen in the Po Tin and Leung King constituencies in the future. Therefore, she supported the motion and reckoned there should be a special meeting or group for a thorough investigation, so as to allay public doubts.

190. Ms LAW Pei-lee said that after the unknown toxic gas incident, many members of the public had told her that they suspected themselves of having flu or infectious diseases. She opined that the Government should give an explanation to the public. Also, she strongly condemned the Police for firing two tear gas rounds

to Blossom Garden that day, which had damaged one of the glass windows of a flat. She was also dissatisfied as the Police had fired tear gas rounds because residents on upper floors in Blossom Garden were shouting. She wondered if the Police had behaved in a professional way. She further said the Police had asked the arrested persons to face a wall and raise their hands, and made them stand as a punishment, which was utterly insulting. She strongly condemned the Police and wondered if, with such an attitude, the Police was provoking the public. She requested the Police's explanation of the incident that day. She believed members of the public had gathered at Tai Hing Operational Base that night because they, instead of stirring up trouble, had wanted the Police to explain the unknown gas incident that day. She totally agreed with what Ms Beatrice CHU had said, and opined that what the Government needed to do was to give a clear explanation. The public just wanted to know the cause rather than to scold the Government.

191. Mr LEUNG Ho-man wanted more discussion on this motion. From what a number of fellow Members had said, he gathered that the "1028" incident had affected vast and far-off areas. Therefore, from his point of view, they had to take action in view of the incident's nature. In principle, he would certainly agree with the motion. He said that on the one hand, it was necessary to investigate what gas it was and why the gas had been handled that way; on the other hand, an investigation should be carried out into why government departments had taken no corresponding crisis management measures at that time. He hoped the investigation and condemnation proposed in the motion were multi-dimensional to cover the crisis management of various government departments rather than focusing only on police brutality or the source of the unknown gas that day. Thirdly, he opined that there was plenty of doubt but a lack of trust in the Police and various units in today's society. He therefore reckoned that when the TMDC set up an investigation unit or organisation, it was trying to rebuild trust and allay the doubts of different stakeholders in society. He said he would certainly agree with the motion in the light of the above three points, but opined that it was worthwhile to discuss whether a working group or other approaches would be more effective.

192. Mr YAN Pui-lam said that while Members had been discussing the condemnation of the Police all along, he opined that the FEHD and the Environmental Bureau ("ENB") should also be reprimanded for the Air Quality Health Index currently released on the ENB website, which was the index of different types of toxic gas like PM2.5 within 24 hours. He said that if the system had been effective in detecting different chemical components at that time, there

would not have been so many residents feeling unwell after the “1028” incident. He said that up to the time when the meeting was underway, the Government was still reluctant to disclose the components of the Mainland tear gas. He believed the relevant authorities would just keep procrastinating. He opined that if the TMDC formed a group/a committee in the future, an independent expert must be engaged to look into the components of the toxic gas that day.

193. Ms HO Hang-mui said she could still notice the extremely pungent smell in the Lingnan University and Fu Tai areas one or two days after the “1028” incident. Yet, she had not asked the Police at that time as she believed that the Police would just reply in the same tone it used at the Police press briefings at four o’clock. Therefore, she had contacted the EPD, hoping that the department could launch an investigation, but surprisingly, the department had asked her to provide information. She supported the motion by and large, but opined that whether the incident should be dealt with by a working group, at a special meeting or by the District Civil Rights Development Committee to be formed was still worth discussing. If it was to be discussed by the committee, that would mean long-term follow-up; if a condemnation was to be issued, it could get done right away on the day of the meeting. She hoped consideration could be given to whether such matters as the components of the tear gas, inviting the DH to the TMDC to give a report, and asking for the Government’s explanation of the “1028” incident should be followed up by a working group or a committee.

194. Ms KONG Fung-yi said efforts must be made to seek the truth about the “1028” unknown gas incident. While the area she belonged to was far away from the place of the incident, she had still received numerous calls from members of the public expressing concern over the incident. She said that after the incident, the Police had arbitrarily arrested and beaten members of the public and fired tear gas rounds, causing harm to the innocent public. In her view, there was no justice in Hong Kong and the Police had suppressed civilians by force, so the Police must give an explanation. She hoped the Police would review how it treated Hong Kong people; otherwise it could hardly gain the trust and support of the public.

195. Mr Alfred LAI said he hoped the TMDC Secretariat would forward the motion to the Police after it was passed in order for the Police to give the TMDC a reply. Besides the “1028” incident of suspected tear gas rounds, which was still under investigation, the Police’s abuse of tear gas rounds was serious in different parts of Tuen Mun. He hoped that when the relevant committee or working group

met, it would follow up on the issues of tear gas rounds and residues in other communities as well.

196. Mr POON Chi-kin expressed support for the motion. With regard to holding a special meeting, he believed that Members' concern was whether the Police would send officers to the meeting. Taking the meeting of the Yuen Long District Council held that morning as an example, the Police had merely provided a written reply, with no representatives sent to the meeting. He asked what the TMDC would do if the Police refused to cooperate no matter what meeting they were invited to - be it a special meeting, a committee meeting or a working group meeting. He opined that if this incident was to be referred to a committee or a working group for follow-up, he would like Members to consider having it discussed by the District Civil Rights Development Committee or its group. With regard to calling a special meeting for related business, he believed there would be a better approach. He believed that the "1028" incident required long-term follow-up until the truth came out.

197. The Chairman said that according to the Standing Orders, a motion should be submitted three days before the meeting, and Members might propose amendments the day before the meeting. She said that since there were several impromptu motions on the day of the meeting, she had already exercised considerable discretion to deal with these impromptu motions. But such being the case, the Secretariat could hardly prepare the slides of the motions and amended motions collected beforehand and project them at the meeting for Members' reference and discussion. The Chairman said the TMDC needed to vote according to the procedure. If the impromptu motions were passed, follow-up action would be taken in accordance with the contents of the motions. As for the part of the public condemnation, the target was not specified, but from Members' discussion, the Chairman inferred that the targets were the Police, the ENB and FEHD. After the impromptu motions were carried, the TMDC would notify the relevant departments about the TMDC's position on the toxic gas incident. As for the part of calling a special meeting, the Chairman sought Members' consent to adding this matter to the discussion at the special meeting on 14 January and inviting the Security Bureau, the ENB or the EPD, and the FSD to send representatives to the meeting. After the vote, the Chairman announced that the motion was carried with 28 votes in favour, 0 against and 0 abstentions.

[Members voting in favour included: Ms Josephine CHAN, Mr WONG Tan-ching,

Ms KONG Fung-yi, Ms Catherine WONG, Ms HO Hang-mui, Ms Beatrice CHU, Ms SO Ka-man, Mr YEUNG Chi-hang, Mr YAN Siu-nam, Mr WONG Tak-yuen, Mr LEE Ka-wai, Mr Michael MO, Mr HO Kwok-ho, Mr LAM Ming-yan, Mr LAM Kin-cheung, Mr CHOW Kai-lim, Mr MA Kee, Mr CHEUNG Ho-sum, Mr Kenneth CHEUNG, Mr LEUNG Ho-man, Mr WONG Hung-ming, Mr TSANG Chun-hing, Mr TSANG Kam-wing, Mr YAN Pui-lam, Mr POON Chi-kin, Mr Alfred LAI, Mr LO Chun-yu and Ms LAW Pei-lee.]

198. Ms HO Hang-mui said she agreed that the matters concerned be discussed preliminarily at the special meeting on 14 January. Yet, she believed this would involve long-term follow-up, so the special meeting could decide whether to form a working group or leave it to the District Civil Rights Development Committee to do the long-term follow-up work. The Chairman agreed that matters about the long-term follow-up could be dealt with later.

199. Then the Chairman said the fourth impromptu motion had been received, which read:

Impromptu Motion 4

“A working group should be set up to investigate the situations of dioxins in different parts of Tuen Mun to protect the safety and health of the public.”

Moved by: LO Chun-yu

Seconded by: LAW Pei-lee

200. Mr LO Chun-yu, the mover, remarked that the EPD had been using unclear data to ease the public's mind, but he believed people in different parts of Tuen Mun had expressed their concerns to Members. Therefore, he proposed a working group be set up and independent laboratories or environmental protection organisations with credibility be engaged to inform the public about how pollutants affected the environment they were in, so that all stakeholders in the community, including children and the elderly, could have a safe and comfortable living environment.

201. Mr CHEUNG Ho-sum said that he basically agreed with the above motion and reckoned that dioxins had a worrying impact on the community. He noted that the public were unclear about what kind of chemical substances the tear gas rounds would produce besides dioxins, so he suggested setting up a working group for removal of chemical residues in the community. He added that he had been interviewed by the media a few months before and invited to conduct research for university scholars. He advised the TMDC or the TMDO to provide suitable

protective equipment for those who were hired to clean the community, rather than rashly using water jets to clean the streets.

202. Ms LAW Pei-lee agreed with the amendment proposed by Mr CHEUNG Ho-sum. Also, she said some members of the public had told her that the Police had often fired tear gas rounds near the V city shopping mall in Tuen Mun. She added that many students passed the area, and among them were many whose eczema condition had got worse after exposure to the tear gas. In view of this, she opined that to protect the health of the public, it was necessary to form a working group to investigate the components of the tear gas.

203. Mr LEE Ka-wai expressed support for the amendment proposed by Mr CHEUNG Ho-sum. He believed the problem of tear gas residues was caused by police brutality, and the TMDC had agreed to refer the police brutality issue to its working group for follow-up. Thus, he opined that a working group should be set up to effectively address the matter of residue removal.

204. Mr TSANG Kam-wing expressed support for the motion proposed by Mr LO Chun-yu and agreed with the amendment proposed by Mr CHEUNG Ho-sum. He added that as a Tuen Mun resident, he sometimes passed by places with tear gas, and the environment near his home had undergone secondary pollution, so he had spent a great deal of time on clean-ups. In his opinion, the community needed chemical professionals to educate the public on how to do cleaning properly. He further said that based on the current frequency of firing tear gas rounds, he estimated most of the streets and rivers in Hong Kong had been contaminated by tear gas, hence the need for cleaning by appropriate methods. Various stakeholders in the community, including stray animals or migratory birds, would also fall prey to the tear gas. Moreover, he reckoned it was the Government's duty to disclose the components of the chemicals it used. Taking tear gas rounds as an example, he reckoned that the Government should inform the public about whether the tear gas rounds fell into the CS, CR or CN category because the CN category was lethal. At different temperatures, lacrimators could produce different catalysts that, as stressed by a scholar from the Department of Chemistry of the Chinese University, could pose a huge potential risk.

205. The Vice-Chairman said that after listening to Mr CHEUNG Ho-sum's explanation of the different toxic gas components, he concurred with the view that removal of chemical residues was of vital importance to Tuen Mun. He was

worried that the chemicals carried in the wind to some leisure venues in Tuen Mun (including the inclusive playground) would affect the health of the children playing there. He therefore suggested Members propose amendments in writing.

206. The Chairman said an amended motion proposed in writing had been received, which read:

Amended Impromptu Motion 4

“In view of the pollution caused by chemicals (including but not limited to tear gas rounds) in recent months, an amended motion is moved to propose the setting up of a working group for removal of chemical residues in the community.”

Moved by: CHEUNG Ho-sum

Seconded by: LEUNG Ho-man, POON Chi-kin,
Michael MO and WONG Tak-yuen

207. The Chairman went on to say that she had no comments on the original and amended motions, but she reminded Members that if formed at this meeting, the working group for removal of chemical residues in the community would likely come under the TMDC, so the specific details could be followed up at the next TMDC meeting after the functional committees were formed.

208. The Secretary added that according to Standing Order 20, a motion to amend another motion must be decided upon by the council (by ballot if necessary) before it (whether amended or not) could be put to the meeting for voting. Therefore, the TMDC should first decide whether to adopt Mr CHEUNG Ho-sum's amended motion.

209. Ms KONG Fung-yi recalled her personal experience, saying that she had suffered for months from health problems caused by tear gas, so she hoped the amended motion would be carried.

210. Mr LO Chun-yu agreed with Mr CHEUNG Ho-sum's elaboration. He added that after discussion with Ms LAW Pei-lee, a seconder of the original motion, he agreed that the word “investigation” should be added to the name of the working group.

211. The Chairman said the terms of reference of the working group could be discussed in detail after its establishment. She asked if any Members objected to

adopting the amended motion. As Members had no objections, the TMDC adopted the amended motion.

212. The TMDC then voted on Amended Motion 4 and passed it with 28 votes in favour, 0 against and 0 abstentions.

[Members voting in favour included: Ms Josephine CHAN, Mr WONG Tan-ching, Ms KONG Fung-yi, Ms Catherine WONG, Ms HO Hang-mui, Ms Beatrice CHU, Ms SO Ka-man, Mr YEUNG Chi-hang, Mr YAN Siu-nam, Mr WONG Tak-yuen, Mr LEE Ka-wai, Mr Michael MO, Mr HO Kwok-ho, Mr LAM Ming-yan, Mr LAM Kin-cheung, Mr CHOW Kai-lim, Mr MA Kee, Mr CHEUNG Ho-sum, Mr Kenneth CHEUNG, Mr LEUNG Ho-man, Mr WONG Hung-ming, Mr TSANG Chun-hing, Mr TSANG Kam-wing, Mr YAN Pui-lam, Mr POON Chi-kin, Mr Alfred LAI, Mr LO Chun-yu and Ms LAW Pei-lee.]

213. The Chairman said the meeting moved to the last item under Any Other Business, namely “Date of Next Meeting”. In principle, as she had said at the beginning of the meeting, the date of the next meeting should be 23 January 2020 if Members were given 10 clear working days before the meeting to submit discussion papers to the Secretary. Yet, she understood that Members had received a tentative calendar showing that the second meeting had been scheduled for 21 January 2020, so she agreed that the next meeting would be held on 21 January 2020. Members who wished to submit papers should do so by 6:00 p.m. on 8 January 2020.

214. The Chairman said that the time of the meeting on 21 January 2020 would be changed to 2:30 p.m., and the meeting on 14 January 2020 would also be held at 2:30 p.m.

215. There being no other business, the Chairman closed the first meeting at 3:38 p.m.

Tuen Mun District Council Secretariat

Date: January 2020

File Ref: HAD TMDC/13/25/DC/20