

**Minutes of the 4<sup>th</sup> Meeting of  
the Tuen Mun District Council**

Date: 5 May 2020 (Tuesday)

Time: 2:38 p.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)	2:36 p.m.	End of meeting
Mr WONG Tan-ching (Vice Chairman)	2:30 p.m.	7:27 p.m.
Ms KONG Fung-yi	2:36 p.m.	7:27 p.m.
Mr CHAN Yau-hoi, BBS, MH, JP	2:30 p.m.	7:23 p.m.
Ms WONG Lai-sheung Catherine	2:36 p.m.	7:20 p.m.
Ms HO Hang-mui	2:30 p.m.	7:27 p.m.
Mr LAM Chung-hoi	2:34 p.m.	7:00 p.m.
Ms CHU Shun-nga Beatrice	2:30 p.m.	7:27 p.m.
Ms SO Ka-man	2:30 p.m.	7:25 p.m.
Mr YEUNG Chi-hang	2:30 p.m.	7:27 p.m.
Mr YAN Siu-nam	2:30 p.m.	7:27 p.m.
Mr WONG Tak-yuen	2:32 p.m.	7:21 p.m.
Mr LEE Ka-wai	2:30 p.m.	7:23 p.m.
Mr MO Kwan-tai Michael	2:30 p.m.	7:24 p.m.
Mr HO Kwok-ho	2:30 p.m.	7:27 p.m.
Mr LAM Ming-yan	2:30 p.m.	7:23 p.m.
Mr LAM Kin-cheung	2:30 p.m.	7:23 p.m.
Mr CHOW Kai-lim	2:32 p.m.	7:27 p.m.
Mr MA Kee	2:39 p.m.	End of meeting
Mr CHEUNG Ho-sum	2:32 p.m.	7:20 p.m.
Mr CHEUNG Kam-hung Kenneth	2:30 p.m.	7:27 p.m.
Mr LEUNG Ho-man	2:30 p.m.	7:24 p.m.
Mr WONG Hung-ming	2:35 p.m.	7:27 p.m.
Mr TSANG Chun-hing	2:35 p.m.	7:20 p.m.
Mr TSANG Kam-wing	2:32 p.m.	6:45 p.m.
Mr YAN Pui-lam	2:32 p.m.	7:24 p.m.
Mr POON Chi-kin	2:30 p.m.	7:20 p.m.
Mr LAI Chun-wing Alfred	2:32 p.m.	6:50 p.m.
Mr LO Chun-yu	2:32 p.m.	6:45 p.m.
Ms LAI Ka-man	2:30 p.m.	End of meeting
Ms LAW Pei-lee	2:30 p.m.	7:27 p.m.

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

Absent with Apologies:

The Hon LAU Ip-keung, Kenneth, BBS, MH, JP

By Invitation:

Ms LO Yuen-shan                      IP, SIP District Intelligence Section (Tuen Mun), Hong Kong  
Police Force

Mr Peter LEE                              General Manager, Environment, Three-Runway System, Airport  
Authority Hong Kong

Dr Jasmine NG                              Partner, Environmental Resources Management - Hong Kong,  
Limited

Dr CHAN Kwok-kuen, Ivan              Marine Parks Officer (Development) 2, Agriculture, Fisheries and  
Conservation Department

Mr WONG Yiu-hong                      Marine Officer/Cargo Handling, Marine Department

Ms NG Wan-shuen, Arantxa              Senior Assistant Shipping Master/Cargo Handling,  
Marine Department

Ms LEUNG Chui-ha, Jodi                  Regional Officer/New Territories West, Independent Commission  
Against Corruption

Ms Winnie WA                              Senior Community Relations Officer, ICAC Regional Office (New  
Territories North West), Independent Commission Against  
Corruption

Mr Ivan SHEK                              Assistant Community Relations Officer, Independent Commission  
Against Corruption

In Attendance:

Ms FUNG Ngar-wai, Aubrey              District Officer (Tuen Mun), Home Affairs Department

Ms TSUI Man-ye, 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

Mr CHUNG Lok-chin                          Chief Engineer/West 3, Civil Engineering and Development

	Department
Mr CHENG Kwok-yan, Brian	Chief School Development Officer (Tuen Mun), Education Bureau
Mr LEE Kam-ho, Edwin	District Environmental Hygiene Superintendent (Tuen Mun), Food and Environmental Hygiene Department
Ms Angela LEE	Police Community Relations Officer (Tuen Mun District), Hong Kong Police Force
Mr WONG Pui-chun	Chief Manager (Tuen Mun & Yuen Long), Housing Department
Ms NG Suet-ye, Joyce	District Lands Officer, Tuen Mun, Lands Department
Mr TAM Kwok-leung	Administrative Assistant, Lands (District Lands Office, Tuen Mun), Lands Department
Ms LO Lai-fong, Jackie	Chief Leisure Manager (New Territories North), Leisure and Cultural Services Department
Ms TAM Yin-ting, Pat	District Leisure Manager (Tuen Mun), Leisure and Cultural Services Department
Mr YUEN Shing-yip, Kepler	District Planning Officer, Tuen Mun & Yuen Long West, Planning Department
Mr YU Wai-yip, Ricky	District Social Welfare Officer (Tuen Mun), Social Welfare Department
Ms YUEN Miu-chun, Christine	Chief Transport Officer, New Territories North West (Acting), Transport Department
Ms YU Tsz-yan, Blanche (Assistant Secretary)	Executive Officer I (District Council) <sup>1</sup> , Tuen Mun District Office, Home Affairs Department

**I. Opening Remarks**

The Chairman welcomed all participants and representatives of government departments to the 4<sup>th</sup> meeting of the Tuen Mun District Council (“TMDC”).

2. On behalf of the TMDC, the Chairman welcomed Mr Kepler YUEN, District Planning Officer, Tuen Mun & Yuen Long West, who joined a TMDC meeting for the first time. Also, she took this opportunity to thank Mr NG Yuk-man, David, the former District Planning Officer, Tuen Mun & Yuen Long West, for the contributions he had made to Tuen Mun.

3. The Chairman said the audio recording of the meeting would be uploaded to the TMDC website, so Members who wished to speak were requested to raise their hands first, and speak only after she signalled them to do so.

4. The Chairman further said that to reduce the risk of the spread of the virus in the community, the Tuen Mun District Office (“TMDO”) had put the following measures in place during the meetings of the TMDC and its committees or working groups: (i) Participants, members of the press and councillor assistants (no more than five persons) must wear their own surgical masks and have their body temperature checked by the Secretariat’s staff before entering the conference room. Those with body temperature higher than 37.6°C would be denied entry; (ii) Participants, members of the press and councillor assistants (no more than five persons) must complete health declaration forms before entering the conference room; (iii) The meetings were not open to the public except members of the press and councillor assistants (no more than five persons), whose personal particulars (e.g. name, media organisation and staff number) would be duly recorded so that health authorities, when necessary, could trace all members of the press who entered the conference room; and (iv) Tea service during the meeting was suspended, and participants might bring their own water and drinking utensils. Moreover, unnecessarily long meetings should be avoided to minimise the time of people gathering in a crowded space. Furthermore, the TMDO had arranged to have the conference room thoroughly cleaned and disinfected by a cleaning team at 6:30 p.m., so she would try her best to finish the meeting before 6:30 p.m. through, for example, combined discussion of related agenda items and referral of matters that required further discussion to relevant committees or working groups. Therefore, she asked everyone to keep their speeches brief and avoid repetitive comments.

5. The Chairman then said Members who were aware of their personal interests

in any matters discussed at the meeting should declare the interests before the discussion. The Chairman would, in accordance with Order 38(11) of the TMDC Standing Orders (“Standing Orders”), decide whether the Members who had declared interests might speak or vote on the matters, might remain at the meeting as observers, or should withdraw from the meeting. All cases of declaration of interests would be recorded in the minutes of the meeting.

## **II. Absence from Meeting**

6. The Secretary said the Secretariat had received no applications from Members for leave of absence.

7. As regards the arrangements for the agenda of the meeting, the Chairman said that before the meeting, some villagers from Lung Kwu Tan Village and Siu Lam San Tsuen had come to petition against land reclamation and land resumption respectively. Besides, she had received a paper jointly signed by 16 TMDC Members, which was entitled “Call for Central Government to Listen Carefully to Voice of Hong Kong People”. Therefore, she would add three items to agenda item III, namely Discussion Items, for follow-up.

## **III. Confirmation of Minutes of the 2<sup>nd</sup>, 2<sup>nd</sup> Special and 3<sup>rd</sup> Meeting Held on 21 January 2020, 31 January 2020 and 10 March 2020 Respectively**

8. The Chairman said that on 29 April 2020, the Secretariat had sent the drafts of the minutes of the above three meetings to all the participants for perusal. As no proposed amendments had been received thereafter and no amendments were proposed by Members at the current meeting, the above minutes were confirmed.

9. Before the discussion on Matters Arising, the Chairman briefly introduced a discussion paper submitted by Mr MA Kee, which was entitled “Prompt Action to Identify Sites for Building of Public Clinic and Community Facilities in So Kwun Wat in Response to Serious Shortage of Community Facilities in Tuen Mun East”. She said that with her consent, the paper had been excluded from the agenda of the meeting, because the District Facilities Management Committee (“DFMC”) had passed a motion with similar content at its meeting on 21 April 2020, and would further discuss the matter concerned. According to Order 13(4)a of the Standing Orders, if a specific decision had been made by the TMDC on an issue discussed within six months, and there was no material difference between the views set out in the new paper and those contained in the previous one, no further discussion on the

issue should be conducted until the expiry of the six-month period. Thus, the matter should be further followed up by the DFMC.

10. Mr MA Kee disagreed with the Chairman, explaining that his paper talked about the use of land rather than the future allocation and development. He further said he agreed to the Chairman leaving it to the DFMC to follow up on the duplicated part of the paper, which was about the inadequate use of land in Tuen Mun East, but the other part of the paper was about the land he had identified for community facility use in Tuen Mun East. Therefore, he hoped the departments represented at the meeting could take the land he mentioned into account as early as possible in development, and he would continue to follow up on this matter at the DFMC later.

11. The Chairman said that since the DFMC was having further discussion on the matter concerned, she believed the matter raised by Mr MA Kee would be thoroughly discussed at DFMC meetings.

#### **IV. Matters Arising and Discussion Items**

**(A) Follow Up on Severe Pneumonia in Wuhan<sup>1</sup>**

**(Written Response from Department of Health)**

**(Written Response from Immigration Department)**

**(B) Notification and Public Announcement of Cases of Self-Isolation at Home**

**(TMDC Paper No. 35/2020)**

**(Written Response from Department of Health)**

12. The Chairman said that the TMDC had long been following up on the issue of COVID-19 and hoped the Department of Health (“DH”) and the Immigration Department (“ImmD”) could send officers to its meetings to answer Members’ questions. Yet, the above departments had only provided written responses so far. In this regard, she asked Members to refer to the written responses provided by the DH and the ImmD.

13. The Chairman then suggested that if Members had no objection, agenda item III(D), namely “Notification and Public Announcement of Cases of Self-Isolation at Home”, should be discussed together with this matter, as the two matters were related to each other.

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<sup>1</sup> On 11 February 2020, the World Health Organization officially named the disease Coronavirus Disease 2019.

14. The Chairman then said the TMDC had further discussed the matter of “Follow Up on Severe Pneumonia in Wuhan<sup>2</sup>” at its meeting on 10 March, but there had been no representatives from the DH and the ImmD at the meeting that day, so she had decided to take this matter forward. Moreover, at its first meeting held on 20 March this year, the Commerce, Industry and Housing Committee (“CIHC”) of the TMDC had discussed the matter of “Notification and Public Announcement of Cases of Self-Isolation at Home” and received a written reply from the DH. However, the CIHC opined that the written response from the DH failed to answer the questions of its members. Thus, the CIHC had decided to raise the matter at the TMDC meeting, and hoped the DH would send representatives to the meeting. At last, the Secretariat had only received the DH’s and the ImmD’s written responses, and it had emailed the relevant documents to Members for perusal before the meeting.

15. The Chairman said the TMDC had set up the Working Group on Community Crisis Response to follow up on matters related to the epidemic. She asked Members if they preferred referring matters related to the COVID-19 disease to the above working group or continuing to follow it up at the TMDC level.

16. Ms Catherine WONG reckoned that if departments were unwilling to attend TMDC meetings, they would be more unwilling to join the meetings of the Working Group on Community Crisis Response. She noted that currently, most of the confirmed COVID-19 cases were imported cases rather than local ones, so the departments would cite this as the reason for not joining meetings. For these reasons, she reckoned that the TMDC should follow up on the matter until the departments were willing to send representatives to its meetings.

17. Mr Kenneth CHEUNG said that while the DH stated in its written response that: “we build a healthy Hong Kong and aspire to be an internationally renowned public health authority”, but it had sent no representatives to meetings as yet. He concurred with the views of Ms Catherine WONG, and suggested the Chairman lead the TMDC to the DH for a meeting with the department’s representatives.

18. The Chairman concluded by saying that the TMDC would further follow up on the matter and write to the DH asking to meet with the department for discussion

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<sup>2</sup> On 11 February 2020, the World Health Organization officially named the disease Coronavirus Disease 2019.

on matters related to the epidemic and for direct communication on matters related to home isolation.

[Post-meeting note: After the meeting, the Chairman wrote to the DH and the ImmD inviting their representatives to the next meeting and asking for a meeting with the DH.]

**V. Matters Arising**

**(A) Request to Shelve the Public Housing Plan in Area 39**

**(TMDC Paper No. 22/2020)**

**(Written Response from Housing Department)**

19. The Chairman said the TMDC had discussed this matter at its meeting on 31 January and resolved to further discuss it. The Secretariat had received a written response from the Housing Department (“HD”), and emailed the documents concerned to all Members for perusal before the meeting.

20. Mr LAM Chung-hoi expressed strong dissatisfaction with the Government’s attitude and said most of the councillors had raised objection to the planning arrangements for public housing in Area 39 during the Government’s first consultation with the TMDC in 2014. Subsequently, having learnt that the Secretary for Labour and Welfare had said \$20 billion would be spent on the acquisition of properties for use as offices of social welfare organisations, he had asked the Government to drop the plan for Area 39. But disappointedly, the Government paid little heed to opinions. He pointed out that Area 39 was originally an area for green belts and government community facilities, and he opined that the demand for social services was more important than housing demand today. Therefore, he held the view that community resources were not put to good use when the Government obstinately applied to the Town Planning Board (“TPB”) for rezoning the land and demolish a school for development of hundreds of housing units. In this paper, he expressed the hope that the Government would rezone the area for open space use, as he considered that it was best to develop green zones or facilities there. He requested the Government to stop and re-examine the development project and provide the local community with the facilities that they originally wanted.

21. Mr WONG Pui-chun, Chief Manager (Tuen Mun & Yuen Long) of the HD, said it had taken a long time for the housing development in Tuen Mun Area 39 to

go through various stages, from land planning to the current construction. To ease the current housing supply-demand imbalance, the Housing Authority had worked tirelessly and more expeditiously in recent years to seek local support, identify land for housing development, and strive to use effective methods to produce more public housing units, with a view to providing the public with properly designed and maintained flats in safe and comfortable environments, so that they could live and work in peace. To this end, the Government had made an overall housing plan. The approved Tuen Mun Outline Zoning Plan of the development planning had been endorsed by the Chief Executive in Council on 21 December 2018, and the public housing planning brief for Tuen Mun Area 39 had been approved at the New Territories District Planning Conference on 8 May 2019. During the scrutiny of the plan, the TPB had received and considered the views of councillors and local people. For the works subsequently commenced, the Architectural Services Department (“ArchSD”) had completed the demolition of Pui Oi School in October 2019, and the Antiquities Advisory Board (“AAB”) had endorsed the Heritage Impact Assessment (“HIA”) Report of the public housing development project at Hin Fat Lane on 12 December 2019. Besides, the HD had started the works for public housing development in February 2020, which were due for completion in 2024. He further said the Development and Construction Division of the HD had kept in touch with the TMDC and local people by, for example, responding promptly to the enquiries made by the Dragon Kiln Concern Group on 20 February 2020 and meeting with Members who were concerned about the development on 30 March 2020 to report on the types of public housing development in Area 39 and the steps in foundation works investigation thereof. Also, the division had met with the owners of dragon kilns and interested persons on 24 April 2020 to report on the requirements in the monitoring of site heritage preservation and the overall planning concept of the project, and to exchange views on the plan for promoting ceramic art in the project. The staff of the HD Development and Construction Division would remain in close contact with the Dragon Kiln Concern Group and local people, and it hoped Members would continue to support the project to enable its smooth completion.

22. Mr Alfred LAI said that he had been in close contact with the Dragon Kiln Concern Group about this project, and that the communication might not be as smooth as the HD had described. The Dragon Kiln Concern Group had never been able to contact the HD before the works, and the department had begun to have relatively formal meetings with the Dragon Kiln Concern Group only after the

commencement of the works, which had shattered the group's hope of turning Pui Oi School into a community centre for ceramic art. As an important place for ceramics production, dragon kilns had historical and cultural significance. He hoped the HD would drop the plan for public housing development, or alternatively space should be reserved, conserved or developed for use by ceramic artists.

23. Mr TSANG Kam-wing had doubts about the HD representative's claim that there had been a great deal of consultation and planning. He reminded the HD to consider making plans for a market. Besides, he asked whether the department had studied the impacts of the construction of two buildings on traffic load in Chi Lok, and whether there had been negotiations with the Transport Department and related organisations on traffic arrangements. He appealed to the department to think more in the planning.

24. Ms Catherine WONG pointed out that the population of the area had grown to 10 000 as the Government had built a number of "infill buildings" there in recent years, but the impacts of population increase on traffic were often underestimated, with prior promises to increase bus routes all gone unfulfilled. She was worried about the current lack of transport facilities and the problem of the public taking crowded buses. She questioned why the Government further planned to add 1 000 units in North West Area. Regarding dragon kilns, she knew that the Dragon Kiln Concern Group just had no choice but to accept the Government's arrangements. Despite the Government's claim that the works would not affect the dragon kilns, she wondered what the Government would do if heritage was destroyed by the works. Furthermore, she asked the HD to promise to suspend the works immediately when problems arose, or else she would immediately call on residents to protect the dragon kilns.

25. Mr POON Chi-kin remarked that the Government was being irresponsible in population policy because it kept increasing housing and population in the area without considering the small size of the site and the number of nearby residents and without regard to community integrity and planning facilities in nearby communities (e.g. transport and environment planning facilities), leaving existing residents with ever-mounting pressure. He said this was a common potential problem faced by many constituencies, citing as an example the site of Tai Hing Government Offices in his constituency, which - as rumour had it - would be used to build single-block public housing despite the site's tiny size. Moreover, he opined that the

Government often made scapegoats of district councils (“DCs”) by claiming that reclamation was necessary because identified land was met with DCs’ opposition despite strong housing demand. He reckoned that if the Government did not take population policy into account, the land for housing development was still not enough even if there were more land or reclamation arrangements. He hoped the relevant department (e.g. the HD or the Planning Department (“PlanD”)) would explain when infill housing development had started and what considerations had been made about it.

26. Mr LAM Chung-hoi had doubts about how seriously the HD took local consultation. He said the Government actually ignored local opposition while claiming that it cared about the people.

27. Ms KONG Fung-yi said the Government put people in Tuen Mun but cared little about their daily lives, and it should be blamed for the problem of members of the public not being allocated public housing after waiting for years amid the continuous population growth in Hong Kong, while Mainland people who married Hong Kong people and gave birth were allowed to live in public housing upon arrival at Hong Kong. Regarding dragon kilns, the Government knew that the TMDC always hoped heritage could be preserved. Thus, she believed that the Government should not implement the plan obstinately, and that reclamation in Tuen Mun would meet with opposition from Members.

28. Mr CHEUNG Ho-sum said it was unacceptable for the Government to cram people into Tuen Mun on the grounds of development without regard to the shortage of community facilities in the district. Besides, given that dragon kilns were a culture of Tuen Mun, he questioned why the Government could totally disregard objections and push ahead with the plan.

29. Ms LAI Ka-man said the owners of the dragon kilns, who had all along been in contact with her, had expressed concerns about the corridor for cross-ventilation and hoped for a proper plan in this aspect. Besides, community facilities were under-provided in many new planned areas in Tuen Mun. For instance, Area 54 would see more than 10 000 people moving in and added to its existing population of over 10 000, but social welfare organisations and facilities remained insufficient there. In view of this, she suggested social welfare facilities be built under two buildings in Area 39.

30. Mr WONG Pui-chun of the HD said the department noted Members' views on Area 39 and other housing development and transport facilities in the area. He said that the HIA report of this project had been submitted to the AAB, and the department would closely monitor data on foundation works, such as vibration, ground settlement and the tilt of nearby buildings. If the data exceeded standards, the works would be suspended until the completion of improvement works, as promised in the HIA report.

31. District Planning Officer, Tuen Mun & Yuen Long West, said that given the huge housing demand in recent years, the Government had taken a multi-pronged (including short, medium and long-term) approach to find suitable land for housing development. There were many considerations in finding suitable land, including the compatibility of land use, the support of infrastructure facilities, and technical assessment of the proposed housing developments. If there were no insolvable technical problems, the PlanD would go through the rezoning procedures, such as gazetting and public consultation, in accordance with the Town Planning Ordinance. Consideration would also be given to additional community facilities involved in the increase in population.

32. The Chairman said Members raised a number of concerns about the lack of community facilities (including transport and social welfare facilities), so she requested the departments to keep tabs on and improve the situation.

33. The Chairman then said a motion moved by Mr LAM Chung-hoi and seconded by Mr Alfred LAI was to be dealt with. The motion read: "The Tuen Mun District Council requests the Government to immediately shelve the existing plan for Area 39 and convert the site into a leisure park."

34. Mr LAM Chung-hoi said that the motion was moved because Members believed the site concerned was not suitable for construction of high-rise buildings. He also said a block of public housing was to be built there, but the Government had not yet announced its nature (e.g. for rent or sale), so Members were concerned about the community integrity and living facilities (e.g. transport facilities) there. Moreover, he said dragon kilns were precious heritage in the area and wondered what arrangements would be made if piling works were carried out there. He found it unacceptable for the Government to carry out the entire plan obstinately.

He called for Members' support for his motion to return the site to residents.

35. After voting, the motion was carried with 26 votes in favour, 0 vote against and 1 abstention.

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

## **VI. Discussion Items**

### **(A) Proposed Marine Park for the Expansion of Hong Kong International Airport into a Three-Runway System**

36. The Chairman welcomed Mr Peter LEE, General Manager, Environment, Three-Runway System of the Airport Authority Hong Kong ("AA"), Dr Jasmine NG, Partner of Environmental Resources Management - Hong Kong, Limited, and Dr Ivan CHAN, Marine Parks Officer (Development) 2 of the Agriculture, Fisheries and Conservation Department ("AFCD"), to the meeting. She then said the Secretariat had received PowerPoint slides from the AA before the meeting and emailed them to all Members for perusal.

37. Mr Peter LEE of the AA gave a PowerPoint presentation to briefly introduce the captioned matter.

38. Mr LO Chun-yu opined that the AA was not sincere in consulting the TMDC and local stakeholders on the matter, as some projects mentioned by the AA representative had already put into practice. Moreover, he said Lung Kwu Chau was in his constituency, but he had never received any information about the captioned matter. Finally, he asked whether the authority would invite the TMDC to the project site for inspection.

39. Mr Michael MO said he had checked the EIA website and found that the Government had made regular reports about the "encounter rate" of Chinese white

dolphins. He quoted a report as saying that the AA had found 252 Chinese white dolphin groups in 2017, which comprised a total of 845 Chinese white dolphins; however, the Government had found only 35 Chinese white dolphins in 2019. He added that comparing the data of 2017 and 2019, the STG rate had dropped from 4.8 to 2.86 and the ANI rate from 16.8 to 8.89. In his view, such a big drop during the works suggested that the project had great ecological impacts. He further said the “conservation programmes” launched with the AA’s funding commitment of \$300 million had borne no fruit over the years. Given that the works for the captioned project had been delayed for almost a year and, according to an AFCD report, the reclamation area near Lung Kwu Chau was a “moderate habitat area” of Chinese white dolphins, he requested the authority to enhance its conservation plan; otherwise Chinese white dolphins, the TMDC’s mascot, could no longer be seen in the area.

40. Mr TSANG Kam-wing opined that the AA’s briefing served little purpose because the Government would pay no regard to the objections the TMDC raised at the meeting. He said a 2016 WWF report showed that The Brothers Marine Park was not effective in redressing the continuous decline in the number of dolphins, and the Government had never come up with a solution the problem. He further said Hong Kong was one of the few remaining regions where Chinese white dolphins were found, but what the Government did would completely destroy their ecology and decimate them.

41. Mr Peter LEE of the AA thanked Members for their questions. He pointed out that the AFCD usually used the “abundance” data to monitor and report the number of dolphins that were active in Hong Kong waters each year. From 2016 to 2018, the numbers reported in the AA’s Chinese white dolphin survey were 63, 71 and 77 respectively. The three-runway system (“3RS”) project had been officially launched in 2016, and the data showed a relatively stable abundance of Chinese white dolphins. Also, the authority’s dolphin experts had expected some Chinese white dolphins to temporarily leave the waters near the project during the marine works. Moreover, the authority had taken various steps during the works to mitigate ecological impacts, and there were also long-term measures to conserve the marine ecology, including the establishment of the proposed marine park and the trial deployment of artificial reefs and release of fish. In addition, he said the authority had invested \$400 million in establishing the Marine Ecology Enhancement Fund and the Fisheries Enhancement Fund since 2016 to fund projects

to improve the marine environment, the marine ecology and fishery resources, including studies on Chinese white dolphins at Pearl River Estuary and near Lingdingyang.

42. Dr Ivan CHAN of the AFCD said the purpose of designating the marine park was to protect the marine environment and better preserve Chinese white dolphins in the future. He added that the department expected to step up conservation work after the designation of the marine park by, for example, restricting vessel speed in the waters of the designated area.

43. Ms HO Hang-mui said the AA wishfully thought that Chinese white dolphins had just temporarily left Hong Kong waters and would return to Hong Kong after the completion of the project. In this regard, she asked whether the Government had detailed statistics showing the annual number of deaths of Chinese white dolphins. She added that besides the captioned project, the Government should consider other options to reduce harm to the marine ecology and Chinese white dolphins. Moreover, she said Terminal 2 needed to be demolished after operating for only a short period of time, which she believed was not environmentally friendly. And the AA had not mentioned the plan to demolish Terminal 2 in its previous consultation with the TMDC, so she opined that the entire 3RS project went against the wish of Hong Kong people.

44. Mr HO Kwok-ho believed that the 3RS project was a “big white elephant” and Hong Kong people had expressed their opposition many times. Besides, he said some workers in the 3RS project had recently asked him for help, saying that they had not received money from the Government’s Anti-epidemic Fund, so he asked whether the AA regulated the welfare of workers.

45. Mr YAN Pui-lam requested the AA to use the AFCD’s Marine Mammals Monitoring Reports for data analysis in its consultation with the TMDC. Besides, he opined that the public had no expectations of government departments because the project was already a fait accompli. Still, he hoped government departments would provide data for the public to know the impacts of the project on marine life.

46. The Vice Chairman noted that the AA had talked about the release of fish fry in the waters. He asked whether the authority had put specific measures in place to prevent fishermen from fishing there.

47. The Chairman said Members were mainly concerned about Chinese white dolphins, the marine ecology, and the welfare of workers in the 3RS project, so she wanted a focused response from the AA representative.

48. Mr Peter LEE of the AA said the AFCD and the authority carried out surveys on the abundance of Chinese white dolphins in Hong Kong, and it was scholars who studied the situation outside Hong Kong. In this connection, the AA had established the Marine Ecology Enhancement Fund and funded projects to examine the abundance of Chinese white dolphins near Pearl River Estuary and Lingdingyang. In response to a Member's enquiry about the number of stranded Chinese white dolphins, he said the AFCD website provided relevant figures, which had been relatively stable over the recent decade, and the 3RS project had not made any big difference. Moreover, he said the epidemic had not put a halt to the work of construction workers in the 3RS project. In response to Members' concern about the release of fish, he said the AA had arranged tracking to understand the post-release situation. The fish had been released in the marine restricted area of the airport to reduce the chance of being caught afterwards. The authority would refer to relevant data to assess the feasibility of fish release in the marine park or waters near the proposed 3RS in the future.

49. Ms LAW Pei-lee thought it was strange to say that "the purpose of establishing the marine park was to improve the marine ecology" because the marine environment had been normal, but was damaged due to the Government's failure to take proper conservation steps in the project. Therefore, she hoped the Government would take longer-term considerations in future planning (including the plan to build artificial islands) to avoid damage to the Earth's resources.

50. Mr WONG Tak-yuen said he had received a letter in the early days of his office inviting TMDC Members to join the AA's community liaison group, but no reply slip had been provided for him to make a reply, nor had relevant staff contacted Members. Thus, he suspected that the AA was actually not sincere in consulting local stakeholders.

51. Ms Catherine WONG reckoned that while Chinese white dolphins could survive only in clean waters, the 3RS project had caused pollution, repeatedly undermining the water quality of the nearby waters. She added that the

establishment of the marine park was not much help in restoring the waters to their original appearance as fishermen's fishing activities would make it harder for various fish to survive. Therefore, she asked how the AA dealt with fishing activities in the marine park.

52. Mr CHAN Yau-hoi found the introductions by the AA and the AFCD not clear enough. He asked whether the AA could develop technology to track Chinese white dolphins, study their habits and facilitate their reproduction. Also, he asked whether the Government could speed up the construction of the marine park to provide a better habitat for Chinese white dolphins.

53. Mr TSANG Kam-wing said vessel activities could affect the living environment of dolphins. Thus, he asked whether the AA had any corresponding measures to prevent threats to the lives of dolphins that relied on sonar for their activities. Furthermore, as regards the AA's arrangements for release of fish fry, he asked about the criteria the AA used to determine the types of fish to be released.

54. Ms Beatrice CHU said the AA usually invited district councillors via the airport liaison group to have meetings at the airport. But from her experience, the AA would not respond to the views of the liaison group's members, and participants in the meetings were mostly stakeholders in favour of the 3RS project. She therefore opined that the liaison group was not particularly meaningful. For this reason, she believed that consultation was meaningless if the AA did not change its decision-making model. She hoped the authority would pay due regard to the opinions of the targets of its consultation.

55. Mr Peter LEE of the AA responded that the airport liaison group established in 2012 operated with a term of two years, and as the term of office of the current liaison group would end in August this year, the AA would invite members of local communities to join the new liaison group. Besides, he said the AA had taken different measures, including the setting up of research funds and the trial release of fish and deployment of artificial reefs, to improve the marine ecology. In response to Members' concerns about the dolphin population, he noted that while the AA's survey showed that 77 dolphins had been found in 2018, it did not mean there had been only 77 dolphins living in Hong Kong, as other studies showed that dolphin activities of varying degrees were found in waters near Hong Kong.

56. Dr Ivan CHAN of the AFCD said Hong Kong had seen a case of Chinese white dolphin stranding in Pak Kok Tsui, Lamma Island on 28 February this year. He added that he believed the case had nothing to do with the 3RS project as the location of the incident was far away from the project. Besides, there were currently about 2 500 Chinese white dolphins in the whole Pearl River Estuary. As researchers usually carried out dolphin monitoring in Hong Kong waters only, the recorded dolphins were actually part of the dolphin colony in the whole Pearl River Estuary. It followed that the numbers of Chinese white dolphins found in Hong Kong waters varied greatly at different times, with their travel between the waters of the two places being one of the reasons. There was no connection between such variation and the case of dolphin stranding.

57. In response to Ms Catherine WONG's question about whether fishing activities were allowed near the marine park, Dr Ivan CHAN of the AFCD said that under the new fisheries management strategy in marine parks, commercial fishing was prohibited in Hoi Ha Wan Marine Park, Yan Chau Tong Marine Park and Tung Ping Chau Marine Park in the eastern waters and Sha Chau and Lung Kwu Chau Marine Park in the western waters to strengthen the protection of coral communities and enhance overall fishery resources in Hong Kong. And with the marine park fishing permit system in place, commercial fishing by registered local fishing vessels was allowed to continue in The Brothers Marine Park and the new marine parks to be designated in the western waters.

58. The Chairman said an impromptu motion had been received, which read: "The AA and relevant government departments are censured for their failure to effectively protect the living environment of Chinese white dolphins in Hong Kong waters." The motion was moved by Mr Michael MO, and seconded by Mr LEUNG Ho-man, Mr WONG Tak-yuen, Ms HO Hang-mui, Mr WONG Tan-ching, Ms KONG Fung-yi, Ms Beatrice CHU, Mr TSANG Chun-hing, Mr YAN Pui-lam, Mr Alfred LAI, Ms LAW Pei-lee, Mr POON Chi-kin, Mr LO Chun-yu, Mr TSANG Kam-wing, Mr WONG Hung-ming, Mr Kenneth CHEUNG, Mr MA Kee, Mr LAM Kin-cheung and Ms Catherine WONG. The Chairman further said she would process the impromptu motion as it was seconded by more than half of the Members.

59. Mr Michael MO said the AA and the AFCD had not responded directly to the questions raised by Members, and even Members with different political views

requested the Government to speed up its conservation work. He further said that even a fishing vessel with a speed of only 10 knots per hour could produce noise of more than 100 decibels at the bottom of water, which was beyond the hearing capacity of Chinese white dolphins. He was very disappointed with the AA's consultation, opining that the authority did not respect Members' opinions.

60. The Chairman said Members were not satisfied with the AA's responses. She hoped the impromptu motion tabled at this meeting could serve as a warning to the departments concerned.

61. After voting, the motion was carried with 28 votes in favour, 0 vote against and 2 abstentions.

[Members in favour: Mr WONG Tan-ching, Ms KONG Fung-yi, Ms Catherine WONG, Ms HO Hang-mui, Mr LAM Chung-hoi, 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. Members abstaining: Mr CHAN Yau-hoi and Ms LAI Ka-man.]

62. The Chairman thanked the representatives from the AA and the AFCD for joining the meeting. She would like them to actively consider the views of Members.

**(B) Work Plan of ICAC Regional Office (New Territories North West), 2019/20**  
**(TMDC Paper No. 33/2020)**

63. The Chairman welcomed Ms Jodi LEUNG, Regional Officer/New Territories West of the Independent Commission Against Corruption ("ICAC"), Ms Winnie WA, Senior Community Relations Officer of ICAC Regional Office (New Territories North West), and Mr Ivan SHEK, Assistant Community Relations Officer of the ICAC, to the meeting.

64. Ms Jodi LEUNG of the ICAC gave a PowerPoint presentation to briefly

introduce the “Work Plan of ICAC Regional Office (New Territories North West), 2020/21” and invited the TMDC to be a supporting organisation of a probity promotion programme for Tuen Mun.

65. Mr LO Chun-yu said the ICAC had been established in 1974 due to serious corruption among police and public officers. As far as the current situation in Tuen Mun was concerned, police officers were suspected of maladministration and misconduct in public office by abusing violence and arbitrarily arresting young people in the previous few months, but it seemed that the ICAC had not taken any law enforcement action, nor had it dealt with the incidents involving TANG Ping-keung and Rupert DOVER so far. He said the public’s lack of confidence in the ICAC and Hong Kong’s integrity did not arise for no reason. Also, he questioned the data provided by the ICAC. Besides, he said vote-rigging was rampant in elections, adding that even though some people had lodged complaints with the Registration and Electoral Office (“REO”) about receipt of voter registration forms that did not belong to members of their households, the office had replied that such errors were merely careless mistakes. He further remarked that as an important organisation in Hong Kong, the ICAC should not only do promotional work in districts, but more importantly enforce the law to maintain integrity in Hong Kong.

66. Ms Catherine WONG said everyone had distant respect for and very high trust in the ICAC in the early days of its inception. She was regretful about the loss of public confidence in the ICAC. She said she had joined members of owners’ corporations (“OCs”) to make enquiries or reports at the ICAC office in Yuen Long, but they had been asked to provide evidence before cases could be opened. She wondered what the point was in asking the ICAC to investigate if evidence was already out there. She elaborated on the vote-rigging problem raised by Mr LO Chun-yu, saying that some local residents had provided their identity card information when joining activities at councillor offices, and had subsequently received letters from the REO informing them of their voter status. After receiving such letters from unknown sources, the local residents had written “no such person” and sent the letters back to the REO. She asked whether the ICAC would request the REO to add marks on the voters’ list to show that such persons were not residents of the households concerned, and to verify the persons’ identity in voting.

67. The Chairman said there were a number of Members waiting to speak. She

suggested the ICAC representatives try their best to respond. She added that while she knew the ICAC representatives came from the education team rather than the law enforcement team, they should give explanations to Members.

68. Mr TSANG Chun-hing expressed appreciation for the ICAC's sincerity as shown by its presence at the meeting. He also expressed willingness to facilitate the ICAC's efforts to seek the TMDC's support for collaboration on community education about corruption prevention. He said that according to an earlier news report, there had been 28 cases in progress involving suspected corruption by civil servants in anti-extradition amendment bill incidents as of the end of February - 26 of which involved police officers. He requested the ICAC to share information about special cases of common corrupt practices involving police officers, so that local residents could be educated about corruption prevention or ways to report corruption.

69. The Chairman said there were 12 Members waiting to speak, so in order to speed up the progress of the meeting, the ICAC representatives would give responses after every six Members' speeches.

70. Mr LEE Ka-wai suggested the Prevention of Bribery Ordinance ("POBO") be amended as soon as possible to extend its application to the Chief Executive, so he appealed to the ICAC to convey the opinion on to the Chief Executive. In addition, he asked how the use of force and coercion in elections was tackled within the ICAC's purview.

71. Mr Kenneth CHEUNG commented on the work proposal's recommendation to provide education for children and young people in the district, saying that according to data and descriptions by different Members, it was unlikely children and young people would offer or accept bribes, but public officers (especially police officers) were involved in a large number of corruption cases. To reduce the number, he suggested that classes should be provided in the 2020-21 work proposal for police officers to join one after another, so as to imbue them with the idea of protecting integrity. He added that if education or talks were to be provided, the target should be police officers rather than children and young people.

72. Mr MA Kee said the ICAC should have sent not only representatives from its education team but also those from its law enforcement or prevention arms to the

meeting to provide explanations for Members. On corruption crimes induced by misconduct, he said that the public were disappointed with the misconduct of the Government (especially law enforcement departments) and thus had a negative impression of the ICAC, which in turn affected the ICAC's publicity work. He said education work served to prevent crimes, so he suggested that education for departments should be enhanced by providing more training for public officers to heighten their vigilance against corruption. He opined that it was too dull to focus only on education about what corruption was every year, and that the ICAC's image could be improved only when the public sector did well.

73. Ms Jodi LEUNG of the ICAC gave a consolidated response to Members' comments and enquiries as follows:

- (i) The ICAC used a three-pronged approach to combat corruption. While she was responsible for education work, she stressed that the ICAC was a law enforcement department that had always been fighting corruption in an impartial, fair and just manner, irrespective of the identity and backgrounds of the persons involved or any other factors;
- (ii) On corruption, the situation in today's Hong Kong was much better compared to the 1960s and 1970s. Back then, there had been more corruption complaints about government officers. After years of efforts by the ICAC, corruption was under control and syndicated corruption had already been rooted out. Still, there were some government officers involved in bribery, acceptance of bribes, or misconduct in public office. The ICAC would investigate all corruption cases in accordance with the law, and it had also been strengthening efforts at anti-corruption education in the public sector;
- (iii) In response to the case mentioned by a Member in which complainants or informants had been asked to provide evidence at an ICAC regional office, she made a clarification saying that the public were not required to provide evidence when making reports to the ICAC, and as long as they had reasonable suspicion of corruption and could provide some basic information, they might make reports to a regional office or the report centre of the ICAC. She stressed that it was the ICAC's responsibility to collect evidence as a law enforcement department, and the public only needed to provide information and were not required to play an investigative role;

- (iv) Regarding the suspected corruption cases involving government officers as just mentioned by Members, it was the ICAC's established policy not to comment on individual incidents. The ICAC's statutory duty was to investigate corruption or related crimes, including misconduct in public office under the common law. After receipt of complaints in this regard, and if there was sufficient information, the ICAC would take follow-up action rigorously, irrespective of the departments and identity of the officers involved;
- (v) The POBO revised in 2007 stated that the Chief Executive was subject to the regulation of sections 4, 5 and 10 of the POBO. Sections 4 and 5 stipulated that the Chief Executive was not allowed to accept advantage in official capacity, while section 10 was about the offence of wealth not commensurate with official income;
- (vi) On election, it was unlawful for any person to provide false information in a voter registration form, and the relevant legislation was enforced by the Hong Kong Police Force ("HKPF"). Cases of this kind could be reported to the Police or the REO. Moreover, according to section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance, it was unlawful for any person to provide false information to register as a voter and vote at an election. After receiving such a complaint, the ICAC would certainly follow it up and investigate. The ICAC had been using different channels (including online platforms or leaflets) to make it clear to voters that it was unlawful for any person to use false information to register as a voter and vote at an election;
- (vii) Electoral force or coercion meant someone used force, intimidation or coercion as a means to compel a candidate to withdraw from or stand for an election, or used such a means to compel a voter to vote for a particular candidate. Such acts were in violation of the Elections (Corrupt and Illegal Conduct) Ordinance. The ICAC had stepped up publicity through different channels to bring this to the attention of different targets (including the elderly, the youth, people of different races, or general voters);
- (viii) On the education for children and young people, the ICAC had for years been devoted to using different means of publicity to imbue them with such positive values as integrity and law-abiding;
- (ix) For the government sector, the ICAC had been providing

anti-corruption education for various departments. Besides holding talks for departments, it also joined the Civil Service Bureau to organise thematic seminars on conflicts of interests or misconduct in public office for departments and government officers at various levels;

- (x) The ICAC and the HKPF worked closely on corruption prevention education. Directorate officers of the ICAC regularly joined the meetings of the HKPF's committee on integrity management and Corruption Prevention Group to offer advice on integrity training and systemic corruption prevention, and to assist in the formulation of integrity management measures. The commission had long been cooperating with the Police College to design corruption prevention teaching materials in police courses for new and serving officers and provide training. Furthermore, the ICAC held talks for different police districts to heighten officers' vigilance against corruption. The ICAC would stay in close touch with the HKPF to assist the force in promoting integrity. In addition to the HKPF, the ICAC had similar close cooperation with other law enforcement agencies such as the Immigration Department and the Hong Kong Customs; and
- (xi) The ICAC's education on corruption prevention was comprehensive and targeted different people in an all-embracing manner. Both public and private organisations must keep themselves clean to maintain fairness and justice in Hong Kong society. Therefore, the ICAC worked tirelessly on preventive education and did publicity in different departments or sectors to enhance public awareness and preserve integrity.

74. The Chairman said there were six Members waiting to speak. She recommended Members keep their speeches as brief as possible and avoid repeating points that had already been responded to.

75. Mr YAN Pui-lam asked whether the ICAC could provide education for personnel of the Liaison Office of the Central People's Government ("LOCPG") in response to the recent issues about LOCPG personnel not being bounded by Article 22 of the Basic Law and about their increasing interference in elections. He also asked whether the ICAC had the right to investigate LOCPG officers if members of the public reported LOCPG officers' suspected interference in elections to the

ICAC. Moreover, he suggested the ICAC visit OCs more in the future to provide education on tendering, among other things. Also, he suspected that police officers or the Leisure and Cultural Services Department (“LCSD”) might have accepted advantage when dealing with issues in Tuen Mun Park. He hoped the ICAC could answer actively.

76. Mr YEUNG Chi-hang noted that the ICAC had received more than 2 000 complaints the year before. He asked whether the figure included all complaints received - be they reasonable or not, or it only included those in respect of which the ICAC believed there were investigation directions and cases had been opened. Besides, he noted that while the ICAC was a law enforcement department, its annual work plans focused too much on publicity and education. He suggested more emphasis be put on law enforcement as well as publicity and education. Moreover, the document should show not only the number of complaints as just mentioned, but also the number of cases finally opened for investigation, the number of prosecutions filed and the prosecution success rate. On election issues, he asked whether a case could be opened only after a person providing a false address voted and left and the election results were announced, or the ICAC would make pre-vote arrangements after being informed about the suspected provision of false address and send officers to the polling station to carry out investigation on the spot if the person came to vote. In his opinion, the above two enforcement attitudes were different in terms of pro-activeness. As a law enforcement department, the ICAC should explore ways to improve law enforcement and prosecution, so as to reinforce its three-pronged strategy. As the Legislative Council (“LegCo”) election was approaching, he suggested the ICAC approach the above problems, especially vote-rigging, to ensure a clean election. In addition, it had been 30 to 40 years since the new town development of Tuen Mun, and many private buildings required major maintenance. In view of this, he suggested the ICAC not only engage in publicity and education, but also plan more for prosecution and be active in investigation instead of taking action only after receipt of complaints.

77. Mr WONG Hung-ming put three questions to Ms Jodi LEUNG of the ICAC. On corruption prevention in building management, he said the Government had completed the legislation of the Building Management Ordinance (Cap 334) (“BMO”) in haste years before to shift the responsibility for building management onto small owners, but many loopholes had emerged (in the regulation of proxy votes and tendering, for example). Neither was the regulation of tendering binding,

nor was the Home Affairs Department (“HAD”) given the actual power of prosecution or regulation under the above legislation. Therefore, he asked whether the ICAC had joined the HAD or other relevant government departments to review and revise the BMO in view of the large number of building management-related questions received before and in the light of preceding cases. Moreover, in addition to the ICAC’s corruption prevention legislation, the common law also gave the ICAC powers in respect of misconduct in public office, abuse of office and supervisory responsibility (i.e. supervisors held responsible for extensive or repeated misconduct by their subordinates). He said he was not familiar with the laws in this area, so he asked whether the case reported in recent news about the police suspected of making bombs and shifting the blame onto members of the public was within the above three areas covered by the common law, and whether the ICAC had the power to initiate investigation and follow-up action.

78. Mr POON Chi-kin praised the design and content of the ICAC leaflet, but he said the content of the leaflet seemed to be politically incorrect because it made reference to the anti-corruption situation in the British Hong Kong era and contained many local monuments on Hong Kong Island. He suggested attractions in New Territories, Kowloon or Tuen Mun be covered in the next issue of the leaflet for reference. He added that he was sad about the content of the leaflet, as he could reminisce about Hong Kong’s success in integrity and rule of law in the long-gone good old days only from the old buildings. Besides, he said that after the DCs election the previous year, all councillors had submitted election returns for declaration of interests. As far as he knew, the ICAC was responsible for verifying the election returns. It had been more than half a year since then, so he would like to ask about the progress. He further said society was collapsing and many people believed the ICAC was a fairer organisation that would investigate misconduct by civil servants and public officers, so he hoped the ICAC would remain committed to their duty.

79. Mr TSANG Kam-wing said that according to a poll conducted in November 2019, the HKPF ranked ninth among the nine major disciplined services in Hong Kong, with a satisfaction rate of 37.9%, and the ICAC ranked just above the Police, with a score of 50 or so. Citing his personal experience of making a complaint as an example, he said some diligent and responsible ICAC officers had picked him up and taken him to an inconvenient place to take a statement. He said the purpose of establishing the ICAC was mainly to examine police corruption and investigate

police officers, so there were still two teams armed with guns. There had been complaints about police officers repeatedly losing control of their emotion and committing misconduct during enforcement actions, but the ICAC had neither taken follow-up action nor intervened. He further said the ICAC did not handle the complaint it had received about the recent DOVER case, not to mention the incidents of commanders allowing front-line or self-proclaimed police officers to assault demonstrators, and this was exactly why Hong Kong people were disappointed in the ICAC. He opined that the ICAC should fulfil its duty instead of turning a blind eye.

80. Ms HO Hang-mui said that according to a media report, a senior government official had recently been suspected of misconduct in public office by erecting illegal structures and operating a guesthouse without a licence. Therefore, she asked whether the ICAC would investigate this matter on its own initiative or only after receiving a complaint from the public.

81. The Chairman elaborated on Mr LEE Ka-wai's question, saying that a report by Mr Andrew Li, the former Chief Justice, had requested that the application of sections 3 and 8 of the POBO should be extended to the Chief Executive. She said it was incumbent upon the ICAC to drive progress in this area, and asked whether the ICAC had done anything to drive progress in recent years. Moreover, it had been several years since amendments to the BMO had been proposed to regulate how authorisation letters were obtained and to impose strict requirements on owners' meetings convened for major project funding, but nothing had been put into practice so far. Therefore, she asked whether the ICAC had done anything to drive progress. Besides, she enquired about bid-rigging, saying that the ICAC was supposed to put forward new recommendations on regulation because bid-rigging not only involved housing estate management or OC issues, but had something to do with consultancies' conduct and bid-rigging syndicates that had connections with contractors. She invited Ms Jodi LEUNG of the ICAC to respond, or alternatively to actively make the TMDC's voice heard by senior officers.

82. Ms Jodi LEUNG of the ICAC gave a consolidated response to Members' comments and enquiries as follows:

- (i) The ICAC classified complaints into the corruption and non-corruption categories. The more than 2 000 complaints mentioned above, which had been made by the public through different channels (e.g. by

telephone, in person or by letter), were all related to corruption. The ICAC handled all corruption complaints in accordance with established procedures, and each completed investigation was reviewed by the independent Operations Review Committee to ensure the ICAC enforced the law in a fair and impartial manner. The ICAC had prosecuted about 150 people a year in recent years, with a conviction rate of 80%;

- (ii) The ICAC understood everyone having very high expectations and demands of government officers in terms of ethics and integrity. As a law enforcement department, the ICAC would definitely take rigorous follow-up action in accordance with the law if there was sufficient information on the complaints it received about corruption and related crimes (including misconduct in public office). As regards the incidents mentioned by Members, she hoped Members would understand that it was the ICAC's established policy not to make any comments on individual incidents. The ICAC always enforced the law without fear or favour, irrespective of the backgrounds and identity of the persons involved. The ICAC Operations Department would definitely further step up law enforcement against corruption;
- (iii) The ICAC joined the REO and the Electoral Affairs Commission to carry out a review and offered advice after each election;
- (iv) On building management, major maintenance could easily breed corruption. If members of the public suspected there was corruption, they could lodge complaints with the ICAC. If the ICAC obtained relevant information, it would carry out investigations on its own initiative and intervene early to prevent corruption crimes in some circumstances. In addition to a regular team for investigating corruption in building management, the ICAC had another team dedicated to the investigation of bid-rigging activities that might involve corruption. In fact, there had been a case where the proprietor of a housing estate engineering company and a manager of a management company had been brought to justice due to bid-rigging corruption;
- (v) Besides, the Corruption Prevention Department of the ICAC was always in contact with lead departments about building management to offer appropriate advice on corruption prevention; and
- (vi) While the ICAC was a law enforcement agency, its Corruption

Prevention Department offered advice on corruption prevention in government policies or procedures. But legislative amendments to, for example, the BMO or the scope of application of sections 3 and 8 of the POBO were the responsibilities of relevant lead departments and handled by the Government. As a law enforcement department, the ICAC always maintained political neutrality and followed the principle of confidentiality, striving to fulfil its responsibility for fighting corruption and promoting integrity.

83. The Chairman said Mr YAN Pui-lam hoped the ICAC would answer the question of whether the LOCPG was subject to ICAC regulation.

84. Ms Jodi LEUNG of the ICAC responded that it was the ICAC's established policy not to comment on individual circumstances. The ICAC had the power to enforce the law against any corruption and bribery in the Hong Kong territory. The ICAC would definitely take rigorous follow-up action if there was sufficient information about the corruption complaints it received.

85. The Chairman said that as stated in paragraph 10 of the paper, the ICAC planned to invite the TMDC to be a supporting organisation of the "All for Integrity" publicity programme in Tuen Mun for the year 2020-21. She suggested that as before, the TMDC should act as a supporting organisation and refer the matter to the Social Service Committee ("SSC") for follow-up. The ICAC could report to Members on the progress of the programme and seek the TMDC's opinions on the programme through the SSC. Also, the ICAC might use the TMDC logo when promoting related activities.

86. As Members had no further comments, the Chairman announced that the above arrangements were adopted.

**(C) Tuen Mun District Office Annual District Plan 2020/2021**  
**(TMDC Paper No. 34/2020)**

87. District Officer (Tuen Mun) ("DO(TM)") invited Members' comments on the Tuen Mun District Office Annual District Plan 2020/2021, which gave an account of the TMDO's work in the previous year and the direction of its work in the year 2020-21. She said the major areas of the TMDO's work included community building, local environmental improvements, district administration,

emergency assistance and so forth.

88. On community building, DO(TM) said the TMDO had appointed different committees (e.g. the Tuen Mun District Fight Crime Committee, the Tuen Mun District Fire Safety Committee, the Tuen Mun District Youth Programme Committee, and the Tuen Mun District Civic Education Committee) and performed building management work. Besides, it organised activities with the Social Welfare Department to provide support for new arrivals and help ethnic minorities to integrate into the community.

89. On local environmental improvements, DO(TM) said the HAD-funded Rural Public Works Programme (“RPWP”) was implemented along with the District Minor Works Programme of the DFMC under the TMDC to carry out works proposed by rural villagers. The TMDO’s work under the RPWP for the year 2020-21 was set out in the appendix to the paper.

90. On district administration, DO(TM) said the TMDO supported the work of the TMDC. For the Signature Project Scheme, the Chief Executive had reserved funding of \$100 million in 2013 for each DC to run one-off projects. In the same year, the TMDC had decided to spend \$70 million on the “Revitalisation of Tuen Mun River and Surrounding Areas” and \$30 million on the “Promotion of Youth Development in Tuen Mun”. Regarding the project on the “Promotion of Youth Development in Tuen Mun”, the TMDC had selected Yan Oi Tong as a partner organisation to launch a six-year free service for the youth from 1 April 2017. In this regard, she said Yan Oi Tong had originally planned to give a report at the 3<sup>rd</sup> TMDC meeting. But due to the time constraints of the above meeting, a post-meeting introduction to its work had been given to Members by circulation instead. She added that Yan Oi Tong would give the TMDC an annual report on its work later. As for the District-led Actions Scheme, the TMDO had received additional funding from the HAD since the year 2019-20 to carry out continued work in recent years in three major areas, including (i) tackling illegal shop-front extension; (ii) tackling illegal parking of bicycles; and (iii) strengthening mosquito/pest control. A work report in this regard had been circulated to Members for comment after the previous TMDC meeting.

91. On emergency assistance, DO(TM) said that if a large number of injured people were, or were expected to be, sent to Tuen Mun Hospital due to a major

accident in Tuen Mun, the TMDO would set up an emergency help desk at the hospital to provide support for the injured and their families.

92. Before Members commented on the above plan, the Chairman said 16 Members had signed a petition, and she was going to present the petition to DO(TM) and the Secretary on behalf of these Members. She said the petition was about the strong condemnation of the TMDO's and the Secretariat's unauthorised alteration to the agenda for the TMDC meeting. She said she had contacted the Secretary to invite them to receive the petition, but according to the Secretary, they would not receive the petition on this matter. And she had stated in response that the petition would be presented at the meeting and a related paper would be discussed under this agenda item.

[At this point, the Chairman presented the petition to DO(TM) and the Secretary.]

93. The Chairman said she would first enquire about the cooperation between the TMDO and the TMDC. She said that according to paragraph 21 of the work plan, the TMDC played an essential part in the District Administration Scheme and, as mentioned in other parts of the work plan, the TMDC provided funding for the Tuen Mun District Fight Crime Committee, the Tuen Mun District Fire Safety Committee, building management, civic education, youth activities and so forth. She said the TMDC had been very positive about the TMDO's work, and both sides had been willing to talk to each other. She had served as a district councillor for more than two decades before re-joining the TMDC in this term, and had never heard that government departments could alter the agenda of a DC and comment on whether an agenda item was compatible with DC functions or not. She said it was impossible for DO(TM) to know DC functions better than she did, as DO(TM) might still be a student on the first day that she had served as a district councillor. Also, she had checked the TMDC website and found a number of precedents for TMDC discussions on the relationship between the central authority and the region. For instance, a discussion paper entitled "Request to Discuss the Role of District Councils in Promoting 'National Education'" had been signed and submitted by seven of the then TMDC Members led by Mr HO Chun-yan, Albert, but the paper had not been rejected by the then TMDC Chairman, Mr LAU Wong-fat. In July 2011, Mr KWU Hon-keung had submitted a discussion paper entitled "Request the Security Bureau to Clarify Doubts about Mainland 'Overage Children' of Hong Kong", which was also about Mainland-Hong Kong relations. In November 2014,

seven of the then Members led by her had submitted a discussion paper entitled “Request for Strengthening the Role of the SAR Government in Examining and Approving Applications for Entry to Hong Kong from Mainland China”. She further said the Government had consulted the TMDC on matters concerning Mainland-Hong Kong relations by, for example, submitting the 4<sup>th</sup> and 5<sup>th</sup> Reports of the Constitutional Development Task Force to the council. At that time, in response to the decisions made by the Standing Committee of the National People’s Congress, the Government’s task force had consulted the TMDC on the methods of selecting the Chief Executive and forming the LegCo. In 2013, the Government had submitted a paper entitled “Public Engagement Exercise on Population Policy” to the TMDC to introduce the concepts of the policies on increasing the population of Mainland immigrants to Hong Kong and on elderly people residing in the Mainland. In this regard, she asked whether DO(TM) had looked at these precedents, and invited DO(TM) to explain why the paper submitted by her and the 16 Members could not be tabled at the TMDC meeting like previous papers.

94. DO(TM) responded that the Chairman and other Members had submitted a discussion paper entitled “Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun Residents)”. After the TMDO’s internal consultation on the above paper, the Secretariat had sent an email to the Chairman on 27 April stating that as the above paper was not relevant to district-level matters in Tuen Mun, the TMDO had reservations about its compatibility with the DC functions specified in section 61(a) of the District Councils Ordinance (Cap 547). If a matter to be discussed at a meeting was not compatible with the provisions of the District Councils Ordinance, the Secretariat would not issue the paper on the matter, nor would the staff of the Secretariat and other government departments attend or participate in the discussion on the paper. For the above reasons, the Chairman had been invited to carefully consider the matter concerned and notify the Secretariat in writing about her decision for the Secretariat’s further follow-up. The email had been followed by a phone call from the Secretariat’s staff explaining the TMDO’s position to the Chairman and stating that the above paper would not be included in the agenda to be issued by the Secretariat. At that time, the Chairman had noted the arrangements without raising any objection. Later, the Secretariat had formally issued the agenda. Therefore, it was not that the TMDO and the Secretariat had altered the agenda for the meeting without authorisation. She further said an email from the Chairman had later been received only on 2 May. She reiterated that in accordance with Order of 6(5) of the

Standing Orders, the Chairman was responsible for approving the agenda for a TMDC meeting and ensuring that the agenda items were not incompatible with the DC responsibilities prescribed in section 61 of the District Councils Ordinance. Therefore, if the Chairman added any item that was incompatible with the District Councils Ordinance to the agenda, the staff of the Secretariat and other government departments would not attend or participate in the discussion on the item. She was not in a position to comment on the TMDC's practices in previous times, but she said that as far as the paper in question was concerned, the TMDO had sought internal advice and had reservations about the paper's compatibility with DC functions, so the email had been sent to invite the Chairman to review the decision and notify the Secretariat in writing.

95. The Chairman said she had sent an email on 2 May to reiterate her ruling. She held that the above paper was not incompatible with DC functions. It had taken several days for her to make the ruling because she had needed time to search for TMDC precedents to justify her ruling. Therefore, in the email, she had reiterated her ruling as the TMDC Chairman, but she had also made it clear that the agenda could be modified, so she would add the item of "Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun Residents)" to the agenda for the meeting. She hoped that when the TMDC discussed the above matter, DO(TM) and the Secretariat would remain at the meeting to participate in the discussion and provide support; otherwise the TMDO would be the first to undermine its relationship with the TMDC and the relationship between the central authority and the region. She opined that all matters were open for discussion, and the TMDC should not be expected to only act as a rubber stamp. She said these were her comments on the TMDO's work plan.

96. Ms HO Hang-mui said she wanted to have the above paper as soon as possible to understand its content. The Chairman said the paper would be distributed later.

97. Mr Kenneth CHEUNG said many residents were concerned about the "Improvement Works under West Rail Flyover at Tuen Tze Wai, Tuen Mun" under the RPWP. He added that the land was enclosed by wire fences and overgrown with weeds, and street lights were blocked. He asked when the land would be formed, and whether the above works, the "Access Improvement Works near Belrose Place at Nai Wai, Tuen Mun", and the "Drainage Improvement Works near

House 88G, To Yuen Wai, Tuen Mun” and the “Pavement Improvement Works near Lamp Post No. AD2315 at Wo Ping San Tsuen, Tuen Mun” under “Rural Public Works (Maintenance)” would start within this year.

98. Mr LO Chun-yu asked if DO(TM) and the Secretariat could promise to remain at the meeting and provide secretariat services during the discussion on the matter of “Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun residents)”.

99. DO(TM) said the “Improvement Works under West Rail Flyover at Tuen Tze Wai, Tuen Mun” was due to start in December this year and due to be completed in May 2021; the “Access Improvement Works near Belrose Place at Nai Wai, Tuen Mun” was due to start in June this year and due to be completed in September this year; the “Drainage Improvement Works near House 88G, To Yuen Wai, Tuen Mun” was due to start in September this year and due to be completed in October this year; and the “Pavement Improvement Works near Lamp Post No. AD2315 at Wo Ping San Tsuen, Tuen Mun” was due to start in August this year and due to be completed in October this year. Besides, she said that after seeking internal advice on the matter of “Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun residents)”, the TMDO had reservations about the above paper’s compatibility with the DC functions specified in section 61 of the District Councils Ordinance. Therefore, the staff of the Secretariat and other government departments would not be present at the meeting when the TMDC discussed the above paper later, and would attend the meeting and participate in discussion again when the TMDC discussed the next agenda item.

100. Ms Beatrice CHU said she knew that under the District-led Actions Scheme, the TMDO joined other departments to follow up regularly on the illegal parking of bicycles or the placement of miscellaneous objects in public areas. But she opined that the progress was slow, and she was not sure whether some locations were counted among the locations for regular management. According to her observations, environmental hygiene was poor at some locations that had never been dealt with, but she did not know which departments should be contacted for follow-up. She asked whether the TMDO could provide a list of the venues it managed to facilitate Members’ follow-up and promote the cooperation between the TMDC and the TMDO. Moreover, she had for years been following up with the TMDO on the management of TMDO-managed venues (e.g. Castle Peak Bay

Waterfront Promenade and Tsing Ha Lane Sitting-out Area), but the TMDO was always being passive. Therefore, she asked whether the TMDO would invest more resources into this area and reveal its plan for the regular management of these venues to solve the problem of ineffective venue management.

101. Mr LEE Ka-wai said building management was a top priority for both the TMDO and Members. According to the plan in question, TMDO officers would attend building management meetings. In this regard, he said his office had asked the TMDO if it could send officers to the annual meeting of owners of Glorious Garden to be held on 16 May, and the TMDO had replied that it was considering whether to do so. He hoped that the TMDO would be active in sending officers to annual meetings of owners if it wanted to do a good job in building management. He noted that while DO(TM) had just said the TMDO supported the TMDC's work, the Secretariat provided no support for the District Civil Rights Development Committee (Discussion Limited to Civil Rights Matters in Tuen Mun as Recommended by Home Affairs Department) ("DCRDC"), leaving the committee unable to meet. He said that while the Tuen Mun District Civic Education Committee was a good platform, the DCRDC also served as a bridge for cooperation between the Government and the TMDC. He wondered how cooperation could happen and how district education work could be done when the TMDO did not allow the DCRDC to hold meetings. He urged the TMDO to follow up on the work of the DCRDC as soon as possible, so that the DCRDC could meet smoothly and opportunities could be provided for the TMDO and the TMDC to work together.

102. Mr HO Kwok-ho said DO(TM) had just pointed out that the discussion paper entitled "Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun residents)" was not compatible with the District Councils Ordinance, but DO(TM) had not responded directly to the Chairman's question as to why the TMDC had been allowed to discuss similar matters before. He asked whether these precedents had been talked about during the TMDO's internal consultation for the relevant parties to decide whether the matter of "Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun residents)" was compatible with the District Councils Ordinance or not. He wanted a direct response from DO(TM).

103. DO(TM) said a list of TMDO-managed facilities would be provided after the meeting. She said the TMDO had always been diligent when following up on Ms

Beatrice CHU's letters about venue management. Due to the recent epidemic, some scheduled work had to be postponed, but the TMDO would follow up on the work more closely. Regarding the annual meeting of Glorious Garden owners, she said the TMDO would send officers to the meeting. On the DCRDC, she said the HAD had given the TMDC Chairman a reply on 27 April stating that for the item about human rights and civil rights set out in the terms of reference for the DCRDC, section 61 of the District Councils Ordinance provided that a DC should only discuss matters related to the district it belonged to; for the investigative function mentioned in the terms of reference, section 61 of the District Councils Ordinance provided that the function of a district council was to offer advice to the Government, which did not involve any investigative role; for the function related to hearings mentioned in the terms of reference, the HAD had reservations about whether such activity was a matter or activity that a DC should undertake. In the conclusion of the above reply, the HAD had suggested that in view of the above issues, the TMDC should make appropriate amendments to the DCRDC's name and terms of reference for further study. The TMDO would provide services if the DCRDC was compatible with DC functions. As for the legal advice sought on the matter of "Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun residents)", she said that according to the Government's internal practice, the Department of Justice offered legal advice to departments rather than DCs, so the TMDC might seek legal advice on its own where necessary. She added that after internal data collection and analysis, the TMDO had come to the conclusion that it had reservations about the above paper's compatibility with the DC functions specified in section 61(a) of the District Councils Ordinance, so it could neither provide services nor participate in the discussion concerned.

[Post-meeting note: After the meeting, the TMDO provided Ms Beatrice CHU with a list of TMDO-managed outdoor facilities through the Secretariat.]

104. Mr WONG Tak-yuen said that according to some local residents, the TMDO had been consulted on whether it would send officers to the annual meeting of owners, and the TMDO had replied in the negative. He wondered whether there had been a problem with internal communication and whether the TMDO's reply at the meeting was final. Besides, he asked if there was any established guideline stating that in case of a dispute over building management, a district office would its officers to an owners' meeting to offer support only when the meeting had secured

the assistance of the management company or been endorsed by the OC concerned.

105. Mr LEUNG Ho-man asked whether the TMDO recommended OC meetings be suspended amid the current epidemic. He said there had been cases in his constituency where, for example, an OC's failure to meet had resulted in the direct replacement of a cleaning company. He asked whether the TMDO had provided any guidance on how to deal with issues of this kind. He asked whether the TMDO could provide more education or guidance for not only OCs but also residents to put them in the picture. Regarding the work plan, he said he wanted to know more about community halls. Also, he said many organisations in the district had complained that they failed to book venues, but many organisations of the same kind (e.g. singing or dancing groups) often succeeded. He would like to know whether the HAD had received such comments and whether it would review the regular mechanism in this regard and take follow-up action.

106. Mr LO Chun-yu said that according to section 61(a) of the District Councils Ordinance, a function of a DC was "to advise the Government on matters affecting the well-being of the people in the District". He said that as Mr Michael MO had mentioned earlier, the point at issue was "well-being". He asked DO(TM) to explain what was meant by "well-being", and whether civil rights and human rights were part of the "well-being" in the district. If the TMDO had sought legal advice, it should give a clear explanation. In his opinion, Mainland-Hong Kong relations definitely concerned residents in the district.

107. DO(TM) said that regarding the annual meeting of Glorious Garden owners, the TMDO staff might need time to consider the enquiries they received, but she had confirmed with the TMDO staff concerned that the the TMDO would send officers to the meeting. Moreover, she said the HAD was responsible for BMO-related work, and the relevant policy was to assist residents in setting up residents' organisation for proper management of buildings. If the above condition was met, the TMDO staff would be glad to attend the meetings and provide assistance. Some buildings had not called owners' meetings due to the epidemic, but with the relaxation of the gathering restrictions, the work in this regard would gradually return to normal. Even when the gathering restrictions had been in force earlier, OC meetings had been exempted. As for the 11 community halls managed by the TMDO, relevant guidelines could be found on the HAD website, under which the TMDO invited district organisations to apply for the halls every quarter and held

ballots to process the applications received. The management of community halls could be discussed in detail at DFMC meetings. Regarding DC functions, she said consideration should be given to not only “well-being” but also the “district level”, so what should be discussed were affairs in Tuen Mun, rather than territory-wide affairs.

108. The Chairman said that it was uncertain whether the matter of “Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun residents)” could be raised at this meeting, but the paper had been distributed to Members. She said that as representatives from the HKPF had walked out in the previous meeting, she had written to the Civil Service Bureau lodging a complaint against Mr KONG Man-keung, District Commander (Tuen Mun) of the HKPF, about his negligence of duty. If any department representatives present left the meeting during the discussion on the matter, she would make complaints without exception.

**(D) Request for Resumption of Vacant Land Next to Gold Coast Yacht and Country Club to Build a Leisure Park Instead of Leaving It Idle**  
**(TMDC Paper No. 36/2020)**

**(Written Response from District Lands Office, Tuen Mun)**

109. Mr MA Kee said the Lands Department (“LandsD”) had handed over the captioned land to Sino Company Limited in 1991 on condition that the above area measuring 7 000 square metres was “to be surrendered to the Government”. In other words, the Government might resume the land for use at any time if necessary, but disappointedly, the land had been left idle for decades. He used to think the land was a public area, but the District Lands Office, Tuen Mun, said it was private land, and this might be the reason why the land leased to Sino Company Limited had been left unused for more than 30 years. He reckoned that given the shortage of land in Tuen Mun East, the LCSD might as well resume the land as soon as possible to provide a park, which was under-provided in Tuen Mun East. Also, relevant government departments might think about the land if they could not find land for planning.

110. District Lands Officer, Tuen Mun, said the land mentioned in the paper was Tuen Mun Town Lot No. 238 Section C5. According to the land lease for Tuen Mun Town Lot No. 238, the developer should provide and maintain an open space of not less than 7 000 square metres within the lot. The open space was situated on

the land mentioned in the paper. She said that if any government department planned to acquire the land for use as an open space, the District Lands Office, Tuen Mun, would render support in land administration and in due course hand over the required land to the department concerned for works in accordance with the development schedule and the land lease conditions.

111. Mr Michael MO said the above land was open to the public, but subject to time limits and numerous restrictions. Also, the land was allocated to the developer concerned for commercial activities, and the profits went to the developer. He said government, institution or community facilities were in desperately short supply in Southeast Tuen Mun, and supporting facilities in So Kwun Wat lagged behind the large number of developments that would take place there. Thus, he agreed to the request in the paper, but hoped that when using the land, departments would keep the green spaces (e.g. lawn) there as far as possible, unless another place was to be found to provide green spaces.

112. Ms Beatrice CHU cited an axe-shaped site near Aegean Coast, which was similar in nature to the above land, as an example, saying that residents there had endeavoured to resist the development of the site into residential housing years before, and the site had been returned to the LandsD for long-term management. Subsequently, the TMDC had reached a consensus in 2007 to develop the above site near Aegean Coast into a park, but the site had been left idle since then because the Government claimed that no leisure facilities were under-provided based on the population-based planning ratio prescribed for each type of facility in the Hong Kong Planning Standards and Guidelines (“HKPSG”). She reckoned that community facilities were obviously under-provided in Tuen Mun East, and that the relevant ratio should be loosened if the Government was to make good use of the above land to answer the needs of the area.

113. The Chairman asked the District Lands Office, Tuen Mun, whether the above situation had anything to do with the non-renewal of short-term tenancy (“STT”) recently announced by the Office of The Ombudsman or the Audit Commission. If so, she believed the LandsD should review the situation on its own initiative and resume the STT land instead of waiting for other government departments to apply for the use of the land.

114. District Lands Officer, Tuen Mun, said the vacant land mentioned in the

paper, which was situated next to the Gold Coast Yacht and Country Club, was a private lot not subject to any STT. According to the relevant land lease, the developer was required to provide an open space in Tuen Mun Town Lot No. 238, and the developer had built the open space on the above land. If any department wished to build leisure facilities on the land, the District Lands Office, Tuen Mun, would render support in land administration and resume the land in accordance with the land lease conditions. The land near Aegean Coast mentioned above was a piece of government land, and was currently managed by the LandsD after the relevant developer had completed the development and returned the land to the Government years before in accordance with the land lease conditions.

115. District Planning Officer, Tuen Mun & Yuen Long West, said the land mentioned in the paper was zoned for “Other Specified Uses” annotated “Yacht Club, Boat Repairing and Commercial Facilities Associated with Marina Development” on the approved Tuen Mun Outline Zoning Plan. According to the notes on the above outline plan, no planning application would be required if a government department planned to build an open space on the land; but if the land was planned to be used for other recreational purposes, an application for permission should be made to the Town Planning Board (“TPB”). According to the HKPSG, there was no shortage of open space in Tuen Mun (no matter whether the calculation was based on existing supply or planned land).

116. Ms Jackie LO, Chief Leisure Manager (New Territories North) of the LCSD, said that while keeping an open mind about the proposal, the department knew that Members or residents had long been arguing that community facilities were under-provided in Tuen Mun East, so the LCSD would explore with relevant departments after the meeting whether other community facilities (e.g. a sports complex and a football pitch) apart from a park could be provided on the land. If such a project was to be launched, there would be some established government procedures to go through, and a report would be given to the TMDC after collection of relevant information.

117. The Chairman thanked the departments for their responses. She invited District Planning Officer, Tuen Mun & Yuen Long West, to take note of Members’ views and have discussion with other departments if necessary.

118. As the Secretariat had arranged to have the conference room cleaned by a

cleaning team at 6:30 p.m., the Chairman anticipated a special meeting was needed to finish the agenda items that were yet to be discussed at the meeting. She said the meeting would deal with the matter concerning the public cargo working area (“PCWA”), which would be followed by petitions by two groups of residents, the funding for the purchase of anti-epidemic supplies by the Working Group on Community Crisis Response, and the funding application by the Tuen Mun District Dragon Boat Race Committee. She expected the above four relatively urgent matters could be dealt with before 7:00 p.m. at the latest.

119. Ms Catherine WONG said she did not agree to the meeting finishing before 7:00 p.m., and questioned why time limits were in place, leaving Members unable to have in-depth discussion despite the fact that almost all government departments had resumed work. She asked DO(TM) whether it was necessary to leave the conference room before 7:00 p.m. to facilitate the cleaning arrangements. She said some DCs could meet until late at night, whereas the TMDC had to finish its meetings in haste. Members who were not available for the special meeting would be considered absent. She hoped the time for the meeting could be extended as much as possible.

120. The Secretary said that while a cleaning company had been invited to clean the conference room at 6:30 p.m., the Secretariat could ask the company to postpone the cleaning. Since the TMDO had engaged a contractor to do deep cleaning, it was necessary to carry out the cleaning that day.

121. Ms KONG Fung-yi said that as the previous DFMC meeting had overrun a bit, cleaners outside the conference room had become very impatient. She said she did not mind the meeting went on until even later, but she thought participants should care about not only themselves but also the cleaners. It was already 6:30 p.m. and they needed to go home. Opining that others needed to be cared about as well, she agreed that a special meeting be held to discuss the matters in detail.

122. The Chairman said the cleaning work had been scheduled for that day, but the epidemic was easing and the gathering restrictions would be relaxed, so she believed the arrangements were up for review. She said the TMDO recommended that two meetings be held a week in April and May and each meeting last no longer than four hours. If the current meeting was closed, the SSC and the CIHC could meet in the following week to decide whether to continue with the arrangements

concerned. Since the time limits on TMDC meetings might be relaxed from next week onwards, she asked for the Secretariat's cooperation on the matter of whether to arrange cleaning. The arrangements for that day should not be changed abruptly since confirmation had already been made with the Secretariat.

123. Mr YAN Pui-lam suggested the meeting go on because some Members had submitted time-limited papers. He said the problem of cleaners having to wait was of the Secretariat's own making. The Chairman said urgent matters would be dealt with at this meeting.

124. Ms KONG Fung-yi said she had no intention of disrupting the meeting, but Members submitted a lot of papers for discussion at TMDC meetings, so she suggested the TMDC meet in the morning to avoid the meetings running into late night. She hoped Members would consider her idea.

(E) **Fire at Tuen Mun Public Cargo Working Area**  
(TMDC Paper No. 37/2020)

(F) **Urge for Expeditious Relocation of Tuen Mun Public Cargo Working Area at Hoi Wah Road and Enhanced Regulation to Reduce Disturbance to Residents' Daily Lives**  
(TMDC Paper No. 38/2020)  
(Written Response from Transport and Housing Bureau)

125. The Chairman said that as the above two matters were related to each other, she suggested they be discussed together.

126. The Chairman then said that as regards the above two matters, the Secretariat had written to the Marine Department ("MD"), and the department had accepted the TMDC's invitation to the meeting. The Chairman welcomed Mr WONG Yiu-hong, Marine Officer/Cargo Handling, and Ms Arantxa NG, Senior Assistant Shipping Master/Cargo Handling, of the MD to the meeting. She invited Mr Michael MO, the first proposer of TMDC Paper No. 37/2020, to give a brief introduction.

127. Mr Michael MO said two fires had broken out in Tuen Mun PCWA in April 2020. He had been at the scene of one of the fires and witnessed the MD staff's poor handling of the emergency. Also, he had found that there had been blind spots in the coverage of the closed-circuit televisions ("CCTVs") and that container

houses had been used in place of permanent facilities as contractors' offices. Moreover, the current agreements with the contractors' would expire in July 2021. Their performance in managing the PCWA was poor, with serious rodent problems having occurred and their staff being impolite to councillors. According to the MD, there was no penalty mechanism in place to regulate contractors and push them to improve their services. He suggested that while short and medium-term measures should be taken to improve the PCWA management, the PCWA should be relocated in the long run.

128. The Chairman then asked Ms Beatrice CHU, the first proposer of TMDC Paper No. 38/2020, to give a brief introduction.

129. Ms Beatrice CHU said the relocation of the PCWA in Area 16 had long been discussed, but over the years, the department had merely said it would study the feasibility of the relocation and followed up on the matter with the Working Group on Development and Planning of Tuen Mun District in the previous term. Residents in the area, which were increasing in number, suffered an everyday nuisance, so some Members had complained about the noise from the PCWA and its operation during non-operating hours, which affected the daily lives of nearby residents. The Transport and Housing Bureau ("THB") stated in its reply that given the current need and cargo demand, the PCWA was the only place suitable for cargo operation. Yet, the bureau neither answered the questions nor gave responses about the study. She reiterated that the PCWA operated until the early hours almost all year round and loudspeakers were used to the annoyance of residents. When having a discussion with her the week before, the MD had said that in line with the recommendations put forward at meetings, it would address the complaints by taking such measures as hiring staff, installing CCTVs, and assigning marine launches to carry out patrols after 9:00 p.m. against unauthorised operation at non-operating hours. She reckoned that the MD could do more to improve the management of the PCWA. She hoped that they would talk about how the above measures were working and that the PlanD would talk about the progress of the study.

130. Mr WONG Yiu-hong of the MD gave a consolidated response to Members' comments and enquiries as follows:

- (i) Members had said that with the curtains of the MD office down, the department's staff had been unaware of the outbreak of the fire.

Enquiries revealed that at 6:20 p.m. on 9 April, the site management staff had found smoke coming from a container office in the backup area of Berth No. 2, and had immediately notified the office on a walkie-talkie. There had been a marine inspector and a senior artisan on duty in the office. Upon receipt of the notification, the marine inspector had also received a councillor's call reporting the fire. Therefore, the management staff had notified the office immediately upon the outbreak of the fire;

- (ii) Regarding Members' question as to how the MD could ensure the operators' container offices could reduce the risk of fire and how long it would take to put the relevant inspections or measures into practice, the MD had conducted a site inspection with the Fire Services Department ("FSD") in the immediate wake of the fire. According to preliminary investigations, it was believed that the fire on 9 April had been caused by a short circuit. In view of this, the MD had immediately issued a notice to the operators, reminding them how to use electricity safely and to pay attention to the relevant safety guidelines issued by the Electrical and Mechanical Services Department ("EMSD"). Moreover, the FSD had offered advice during the inspection that day, and would join the MD to organise a safety seminar for the container yard operators. The MD would arrange the seminar;

[Post-meeting note: The MD and the FSD held the safety seminar on 23 June 2020.]

- (iii) Regarding a Member's question as to whether the MD had any plans to build permanent offices to replace the operators' container offices, PCWA operators tendered for berths to run their businesses, and the licence agreements had a validity period. As the existing licence agreements would expire in the middle of next year, the department had no plans to allow the operators to build permanent offices in the cargo handling area;
- (iv) Regarding a Member's question as to whether the MD had followed up on the matter about misbehaviour by the operators' representatives in dealing with district councillors, enquiries by the MD staff revealed that during the fire, some management staff had not allowed other people to approach the fire scene with a view to maintaining order. At that time, the staff had not received any request for assistance. In

case of need, the MD staff would certainly help the persons involved in an incident and seek assistance from police officers on the scene. As the PCWA was a place for cargo handling, the MD would try its best to advise those who had no part in cargo handling to leave for safety's sake;

- (v) There were established procedures for dealing with emergencies in cargo handling areas, which mainly involved reporting to supervisors while calling 999 to report to the Police at the same time. The MD staff had followed the relevant procedures that day by attending the scene immediately upon receipt of the notification to coordinate the work of the FSD and the HKPF;
- (vi) The PCWA operated from 7:00 a.m. to 9:00 p.m., and no cargo handling activity was allowed in the area outside the operating hours. In view of recent complaints about noise in the early hours, the MD had assigned launches to patrol the waters near the PCWA from 5 to 9 April and from 27 April to 4 May 2020 to see if there had been any unauthorised operation. By the day before the meeting (i.e. 4 May), the MD had not found any cargo handling or noise. Despite this, the department had not only arranged marine launch patrols but also issued a written notice to the operators reminding them not to carry out cargo activities outside the operating hours;
- (vii) Regarding noise from the PCWA, the MD would keep reminding operators to use instant communication devices like phones or walkie-talkies instead of loudspeakers, to check their cranes regularly to prevent noise produced due to insufficient lubricating oil, and to avoid throwing cargoes from heights, which could produce loud noise. The MD took the noise problem in Tuen Mun PCWA very seriously. In addition to the above measures, a special measure had been taken to free up a 44-metre-long space at Tuen Mun Berth No. 1 to create a buffer zone (near Hanford Garden) that was free of cargo operation. Also, rock-mounds had been laid to prevent the operators from entering the buffer zone for operations that produced noise;
- (viii) The MD would make improvements in view of the CCTV issue raised by a Member. The EMSD had conducted a site visit the week before and suggested that to step up monitoring, CCTVs with video recording function should be installed in the PCWA office tower, so that video clips could be checked to see if there were any operators handling

cargoes outside the operating hours (i.e. after 9:00 p.m.) in the future. It took time to install the CCTVs, so before the installation works, the MD had assigned two management staff to patrol the PCWA in the middle of every night starting 1 May to monitor if there was any cargo handling; and

- (ix) Regarding the PCWA relocation, the MD had been working hard to minimise the impacts of cargo operation in the PCWA on neighbouring residents. The Government strived for a balance between the opinions of all sectors of society to ensure that the PCWA's operation could match the development of the industry, the district and the port. According to the THB's reply, there was no plan to relocate the PCWA for the time being.

131. The Chairman said there were three Members waiting to speak, and both Mr Michael MO and Ms Beatrice CHU wished to make their second speeches. She would not accept any more requests to speak.

132. Mr YAN Pui-lam said he had recently met with Ms Beatrice CHU, Mr Michael MO and the MD. At the meeting, the department had agreed to install CCTVs with no voice recording function. He asked the MD to respond on this. He added that according to the MD, the agreements with the contractors would end on 31 July 2021. He asked whether the MD would renew the lease agreements with the two tenants involved in the earlier fires, and whether new penalties (e.g. additional penalties for violations in the first year) would be imposed in the leases.

133. Mr WONG Hung-ming said that in addition to the disturbing noise from the cargo handling area, black smoke was often found being continuously emitted from vessel mounds in the cargo handling area near the housing estate 2gether. No complaint could be made as there was no way to find out which department was responsible for regulation. He suggested the MD step up patrols and asked the department who was responsible for regulating black smoke. As the MD had said consideration would be given to the installation of CCTVs, he suggested CCTVs with voice recording function be installed along Wu Shan Road (i.e. the area next to the PCWA off Yuet Wu Villa and 2gether). He said he had many times contacted an MD manager surnamed MAK, but there was a big difference between the situation described in the MD's reply and that reported by residents. While the MD had said no noise had been found despite its frequent patrols, residents had said

some people used loudspeakers to chat on vessels in the middle of the night, much to the annoyance of the residents. He added that there were fewer complaints not because the situation had improved, but because residents closed windows and turned on air-conditioning. Therefore, he suggested that where necessary, the MD might join the marine police to step up patrols and install CCTVs near the fishing market.

134. Mr YAN Siu-nam said noise from the PCWA was a nuisance not only to residents in Nerine Cove, Hanford Garden and Sam Shing Estate, but also to those living in Marina Garden and Miami Beach Towers. He said this paper had been discussed at TMDC meetings many times years before, and he had also submitted a paper. Yet, the MD had given the same response every time, saying that it would remind the industry to keep quiet. Therefore, he had doubts as to how reminders or education alone could be effective. He further said the PCWA affected nearby dwellings, and was unable to accommodate a large number of vessels and cargoes. Therefore, he asked whether, with the opening of Tuen Mun - Chek Lap Kok Link, the PCWA could be relocated to Area 40.

135. Ms KONG Fung-yi said she and Mr YIM Tin-sang had the foresight to submit a paper in 2014 and suggest at a meeting that the PCWA be relocated as soon as possible. As recorded in the minutes of the meeting, government departments had made it clear back then that the feasibility of relocating the PCWA to Area 40 or 38 would be examined; but this time, the MD said in its written response that no consideration was given to the relocation. She therefore had doubts about the work of government departments. As the agreements would end next year, she suggested the Government relocate the PCWA as soon as possible to help improve the lives of Tuen Mun residents. She added that the MD was not supposed to enter into any agreement with any person after the current agreements expired; otherwise, it might be accused of betraying residents.

136. Mr Michael MO put some further questions to the MD, including whether the curtains had been down that day, why the MD organised seminars rather than fire drills for all the contractors, and whether video recordings of the contractor staff's impolite behaviour could be provided after the meeting. Moreover, he said the MD staff should be aware that some people often played tin kau and pai kau from 3:00 p.m. to 4:00 p.m. in the canteen behind the MD office. As the staff had said it took five minutes to walk from the office to the fire scene, he asked the MD to

respond whether “five minutes” was the department’s service pledge.

137. Ms Beatrice CHU said she had told the MD staff at a meeting the previous week that the current service hours of the PCWA management staff were from 7:00 a.m. to 9:00 p.m., but the complaints received were often about issues happening outside the operating hours. She strongly disagreed that only CCTVs should be installed, and suggested staff should be hired to manage the cargo handling area for longer hours on a regular basis. And on behalf of residents, she requested Tuen Mun PCWA be relocated as soon as possible.

138. Mr WONG Yiu-hong of the MD gave a consolidated response to Members’ comments and enquiries as follows:

- (i) The MD would explore with the EMSD the technology of adding voice recording function and would report in due course;  
[Post-meeting note: The MD quoted a response from the EMSD as saying that voice recording devices fitted on outdoor CCTVs might fail to perform their expected functions because they would be affected by different factors such as the sound of the wind.]
- (ii) Regarding the tendering of berths, the MD would clearly state the conditions for renting the berths on tender documents in accordance the tendering procedure and;
- (iii) The laws regulating air pollution caused by black smoke from vessels were enforced by the MD. Under the current legislation, the MD would investigate and prosecute if the smoke emitted from an exhaust chimney was as dark as Shade 2 on the Ringelmann Chart for three minutes. Reports to the MD were welcome;
- (iv) The department would follow up on the vessel noise problem in Tuen Mun Typhoon Shelter or other places;
- (v) As the government department responsible for overseeing the daily operation of the PCWA, the MD could not respond on the PCWA relocation on behalf of other government departments;
- (vi) No detailed enquiry had been made as to whether the curtains had been down that day. This question could not be answered as the staff on that day could not remember whether the curtains had been down at that time;
- (vii) When asked about the “five minutes” matter, the staff on the day had said they could not remember what they had said at that time, as they

were dealing with the fire, busy contacting the police, the FSD or supervisors of the department and;

- (viii) The MD would liaise with the FSD to arrange safety seminars for the operators. If necessary, a report could be given in due course; and  
[Post-meeting note: The MD and the FSD held the safety seminar on 23 June 2020.]
- (ix) Some Members had said patrols by marine launches and the installation of CCTVs alone did not suffice for the current situation, and staff needed to be hired. The MD had hired two night-time management staff to patrol the container yard overnight starting 1 May.

139. The Chairman thanked the MD representative for his responses.

**(G) Matters Related to Lung Kwu Tan Village and Siu Lam San Tsuen**

140. The Chairman said she would skip agenda items F to L under “Discussion Items”, and would not deal with the matter of “Call for Central Government to Listen Carefully to Voice of Hong Kong People (including Tuen Mun Residents)”. Instead, she would raise the captioned matter to deal with the petitions from villagers in Lung Kwu Tan Village and Siu Lam San Tsuen.

141. The Chairman said that while the petition from villagers in Lung Kwu Tan Village would be referred to the relevant policy bureau, some Members present had also moved a motion, which was seconded by more than half of the Members. The motion read:

**“Objection to Planning and Engineering Study for Lung Kwu Tan Reclamation and the Re-planning of Tuen Mun West Area**

In January this year, the Development Bureau (“DEVB”) submitted documents on ‘Public Works Project Item No. 767CL - Planning and Engineering Study for Lung Kwu Tan Reclamation and the Re-planning of Tuen Mun West Area’ to the LegCo, which are about the preliminary proposals to reclaim about 220 to 250 hectares of land in Lung Kwu Tan, Tuen Mun, for industrial use (see Picture 1) and to rezone the 65-hectare site of the River Trade Terminal in Tuen Mun West for residential use. The DEVB is seeking an allocation of \$179 million from the LegCo Finance

Committee for an engineering study, which is due to start in the second half of the year and be completed within 30 months, subject to the approval of funding.

The proposed project for reclamation in Lung Kwu Tan not only has destroyed the marine environment of the Lung Kwu Tan area and caused permanent damage to the ecology of Lung Kwu Tan Village, but will also bring endless air pollution and traffic congestion to the entire Tuen Mun. The TMDC will never agree to the project.

Regrettably, the Government has submitted the funding application in respect of the study to the LegCo Public Works Subcommittee without prior consultation with the new TMDC. In view of this, I move to oppose the ‘Planning and Engineering Study for Lung Kwu Tan Reclamation and the Re-planning of Tuen Mun West Area’ before the LegCo Public Works Subcommittee’s scrutiny starts.”

The motion was moved by Mr YAN Pui-lam and Mr LO Chun-yu, and seconded by Ms LAW Pei-lee, Mr POON Chi-kin, Mr WONG Hung-ming, Mr Kenneth CHEUNG, Mr MA Kee, Mr LEE Ka-wai, Mr YAN Siu-nam, Ms SO Ka-man, Mr Alfred LAI, Mr TSANG Chun-hing, Mr LEUNG Ho-man, Ms Catherine WONG, Mr CHEUNG Ho-sum, Mr CHOW Kai-lim, Mr LAM Ming-yan, Mr Michael MO, Mr WONG Tak-yuen, Mr YEUNG Chi-hang, Ms Beatrice CHU, Mr LAM Chung-hoi, Ms KONG Fung-yi and Mr WONG Tan-ching.

142. After voting, the motion was passed with 25 votes in favour, 0 vote against and 0 abstention.

[Members in favour: Mr WONG Tan-ching, Ms KONG Fung-yi, Mr CHAN Yau-hoi, 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 YAN Pui-lam, Mr POON Chi-kin and Ms LAW Pei-lee.]

[Post-meeting note: After the meeting, the Chairman wrote to the DEVB referring

the petition from the village representative of Lung Kwu Tan Village to the bureau and informing it about the TMDC's passage of the above impromptu motion.]

143. The Chairman then said that in 2015, the TMDC had raised objections to the LandsD's resumption of land in Siu Lam San Tsuen for private housing development, reckoning that the LandsD should drop the plan for Siu Lam San Tsuen and should not ask the villagers to move. In accordance with the wishes of Siu Lam San Tsuen villagers, the TMDC would pass their petition on to the LandsD.

[Post-meeting note: After the meeting, the Chairman wrote to the LandsD referring the petition from Siu Lam San Tsuen villagers to the department.]

144. Ms Beatrice CHU said that as far as she knew, Siu Lam San Tsuen had talked to the Chairman, and a motion would be raised in the name of the TMDC at this meeting to support the villagers' firm determination to defend their homes against eviction and demolition, but the Chairman had merely said the petition from the villagers would be referred to the LandsD. She felt there was a difference in effectiveness, so she hoped an impromptu motion could be proposed, and she was willing to be the proposer. She noted that the matter could be traced back five years when the then Chief Executive had said a number of sites in Tuen Mun East, including the one in Siu Lam San Tsuen, should be rezoned, but the villagers had not been consulted at that time. In 2015, the TMDC had made a representation to the TPB expressing its opposition, but the TPB had approved the plan without regard to the TMDC's position. This matter had been left aside for years, and the villagers had thought things had been all right until recently when a pre-resumption registration exercise had suddenly been carried out by the LandsD, sending the villagers into a panic. She added that in the 1970s, these villagers had been forced to move from Lok On Pai to Siu Lam San Tsuen, where they currently lived; this time the Government was forcing them to move again. She said the villagers had expressed grave concern and hoped the TMDC would help them again. Also, she had told a representative from the District Lands Office, Tuen Mun, that the villagers' position was to defend their homes against eviction and demolition. They must resist strongly if the LandsD did not listen to their voice and broke the promises it had made years before.

145. The Chairman said she had read the villagers' petition and expressed the TMDC's support. She reiterated that impromptu motions moved by Members

should be put in writing and seconded by more than half of the TMDC Members before she dealt with the motions. She did not think Members were unfamiliar with the procedure, but none of them had submitted a motion to her. She hoped Members would not expect each other to move a motion.

146. Mr MA Kee said he had not moved a motion because he did not want the matter discussed hastily at this meeting. Villagers hoped their opposition could be expressed to relevant departments through the petition. He asked District Lands Officer, Tuen Mun, to note that the petition should be sent to the Secretary for Development rather than the LandsD. He was afraid that if the matter was raised at this meeting, further discussion on the matter would not be allowed within the following half-year period. Therefore, he preferred to explain the views of the villagers in detail and give a full account of the matter at the next meeting.

147. The Chairman said the above two matters would be taken forward at the next meeting, as they had been brought to the TMDC's attention and were expected to evolve rather than come to an end soon. Moreover, the TMDC had not set up a working group on planning as it had done in previous terms. Therefore, she would take forward the above two matters at the next meeting, and might refer them to a relevant working group.

148. After that, a Member submitted an impromptu motion on Siu Lam San Tsuen to the Chairman. The Chairman sought views on the impromptu motion, with more than half of the Members agreeing to deal with it immediately. Accordingly, the Chairman said the impromptu motion was to be dealt with. The motion read as follows:

“The Tuen Mun District Council Strongly Opposes the Lands Department’s Resumption of Land in Siu Lam San Tsuen

In recent days, the LandsD in Tuen Mun suddenly came to Siu Lam San Tsuen, Tuen Mun, and requested that a “freezing survey” be conducted. We have sought confirmation from the LandsD that the department plans to include land in Siu Lam San Tsuen in the 2022 Land Sale Programme, which implies that after the survey, the villagers will be evicted from their homes, where they have lived for half a century.

We strongly oppose the SAR Government breaching its promise not to resume land in Siu Lam San Tsuen and destroying the villagers' homes. In view of this, we move that the TMDC should pass the following motion:

‘The Tuen Mun District Council strongly opposes the Lands Department’s resumption of land in Siu Lam San Tsuen for housing development.’”

The motion was moved by Ms Beatrice CHU and seconded by Mr WONG Tan-ching. The Chairman agreed to put the motion to a vote.

149. Mr MA Kee said he wished to speak. The Chairman said discussion was not necessary to deal with a motion; however, Mr MA Kee was the Member of the constituency concerned and thus was allowed to speak.

150. Mr MA Kee said that despite him being in support of the villagers’ opposition, he was afraid that if Members knew little about the details of the matter but raised objections hastily, the matter could not be discussed again in the short future. Therefore, he hoped Members could get a full picture of the matter.

151. The Chairman said this was why she had requested Members to ask their peers to sign the impromptu motion first, as disputes might arise if an impromptu motion was moved without prior discussion. As far as this motion was concerned, she had just visually observed that more than half of the Members had agreed to deal with it immediately, and she believed the motion would get passed at any time. But since the discussion on the matter was deferred to the next TMDC meeting, Members needed not rush to pass the motion, which was different in terms of urgency from the motion Mr YAN Pui-lam had moved earlier in a bid to get a matter dealt with before it was raised with the LegCo. She said that in any case, she did not want the discussion on the matter to take place amid disagreement. She said she had been indecisive in handling this matter, adding that she should have refused to deal with the impromptu motion and she finally decided not to deal with it.

152. Some Members expressed disagreement about this. The Chairman said she had already decided not to deal with the impromptu motion. She said she would rather leave the impromptu motion aside for the time being if dealing with it would spoil the atmosphere at the meeting.

**VII. In-house Matters****(A) Reports by Working Groups****(TMDC Paper No. A12/2020)**

153. Mr CHEUNG Ho-sum, who was the Convenor of the Working Group on Community Crisis Response, elaborated on the report, saying that the TMDC's approval was being sought as the working group had decided in principle at its meeting the day before to select the Tuen Mun Sports Association as the partner organisation for the procurement of alcohol-based handrubs, disinfectant wipes and bleach tablets. He said that according to the established procedure, the above three projects should have been examined by the Finance, Administration and Publicity Committee ("FAPC") before being submitted to the TMDC for approval as they cost more than \$100,000. But in view of the emergency situation, he hoped the TMDC Chairman and the FAPC Chairman would agree to get the above funding applications approved directly by circulation of papers at the TMDC level.

154. The Chairman said that after necessary procedures, the TMDC's approval of the above funding applications could be sought by circulation of papers without prior examination at the FAPC level.

[Post-meeting note: After the meeting, the TMDC approved the above funding applications by circulation of papers.]

**VIII. Any Other Business****(A) Case on DC Funded Project**

155. As regards the Tuen Mun District Dragon Boat Race Committee's application for funding for Tuen Mun Dragon Boat Race 2020, the Chairman said the TMDC had recommended the committee make several amendments to its application. A revised funding application had been received later after negotiations with the Tuen Mun District Dragon Boat Race Committee. She referred Members to a paper distributed at the meeting, saying that the Tuen Mun District Dragon Boat Race Committee had reduced the amount of the funding applied for the "Erection of temporary stands" to \$150,000 and cancelled the funding application for "Roast pig cutting". The committee had also provided the draft tender documents on the maintenance fee and maintenance allowance for dragon boats and on the management of race lane delivery, in order for Members to understand the use of funding. After the revision of the funding application, the Tuen Mun District Dragon Boat Race Committee applied for funding of \$751,240 in

total from the TMDC. She asked Members to consider whether to approve the revised funding application.

156. Regarding the item of “Maintenance allowance for dragon boats invited”, Ms HO Hang-mui said the TMDC did not have the ownership of the dragon boats and, therefore, was not supposed to pay the dragon boat maintenance allowance.

157. The Chairman asked Ms HO Hang-mui if she suggested that the funding be moved to another item.

158. Ms HO Hang-mui suggested that the \$75,000 funding for the item concerned be deleted, and said she had no particular view on which item the funding should be moved to.

159. The Chairman invited the Secretariat to further negotiate with the Tuen Mun District Dragon Boat Race Committee. As this involved the TMDC’s annual allocation to the Tuen Mun District Dragon Boat Race Committee, the committee should consider how to use the remaining \$75,000. She asked the Tuen Mun District Dragon Boat Race Committee to listen to the TMDC’s opinions and make appropriate adjustments, including moving \$75,000 to another item.

160. The Chairman said that if there were no further comments, she would announce the TMDC’s approval of the funding application. At this point of time, Mr POON Chi-kin expressed his opposition to the funding application and wanted to have this put on record. There being objections from Members, the Chairman put the motion to a vote. After voting, the funding application was rejected with 3 votes in favour, 11 votes against and 12 abstentions.

[Members in favour: Mr CHAN Yau-hoi, Ms SO Ka-man and Ms LAI Ka-man. Members against: Mr WONG Tan-ching, Ms KONG Fung-yi, Ms Beatrice CHU, Mr WONG Tak-yuen, Mr CHEUNG Ho-sum, Mr Kenneth CHEUNG, Mr WONG Hung-ming, Mr TSANG Chun-hing, Mr YAN Pui-lam, Mr POON Chi-kin and Ms LAW Pei-lee. Members abstaining: Ms Catherine WONG, Ms HO Hang-mui, Mr YEUNG Chi-hang, Mr YAN Siu-nam, 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 and Mr LEUNG Ho-man.]

161. The Secretary said the Secretariat had not found the original application submitted for the above activity violating relevant funding rules, and therefore had recommended it to the TMDC at the FAPC meeting. He added that the FAPC had rejected the application earlier for reasons other than the requirements set out in the Tuen Mun District Council Funding Guidelines on Implementation of Community Involvement Projects. Moreover, the Secretariat had reviewed the new funding application submitted by the Tuen Mun District Dragon Boat Race Committee and, again, had not found the items therein violating the relevant funding rules. While the TMDC had already rejected the funding application, he would like to remind Members that according to the Manual on the Use of DC Funds issued by the HAD, projects and activities with local features should be given priority.

162. Mr MA Kee wondered whether the TMDC was unable to vote down funding applications under the HAD, and questioned the purpose of voting.

163. The Chairman said the Secretary had merely explained the position of the Secretariat and the TMDO.

[Post-meeting note: After the meeting, the Chairman sent a letter informing the Tuen Mun District Dragon Boat Race Committee about the rejection of above funding application.]

**IX. Date of Next Meeting**

164. The Chairman said that the TMDC could hold a special meeting in the week of 18 or 25 May to deal with the remaining agenda items. According to the information provided by the Secretariat, the TMDC conference room would be available on 26 or 27 May. As Members had no comments on the meeting date, the Chairman said the TMDC special meeting would be held at 2:30 p.m. on 26 May. The meeting was closed at 7:29 p.m.

Tuen Mun District Council Secretariat

Date: June 2020

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