

**Minutes of the 7th Special Meeting of
the Tuen Mun District Council**

Date: 16 March, 2021 (Tuesday)

Time: 2:34 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)	2:30 p.m.	End of meeting
Mr WONG Tan-ching (Vice Chairman)	2:30 p.m.	End of meeting
Ms KONG Fung-yi	2:30 p.m.	End of meeting
Ms WONG Lai-sheung, Catherine	2:52 p.m.	End of meeting
Ms HO Hang-mui	2:30 p.m.	End of meeting
Mr LAM Chung-hoi	2:30 p.m.	5:36 p.m.
Ms CHU Shun-nga, Beatrice	2:30 p.m.	End of meeting
Ms SO Ka-man	2:30 p.m.	End of meeting
Mr YEUNG Chi-hang	2:30 p.m.	End of meeting
Mr YAN Siu-nam	2:30 p.m.	End of meeting
Mr WONG Tak-yuen	2:32 p.m.	End of meeting
Mr MO Kwan-tai, Michael	2:30 p.m.	End of meeting
Mr HO Kwok-ho	2:30 p.m.	End of meeting
Mr LAM Ming-yan	2:30 p.m.	End of meeting
Mr LAM Kin-cheung	2:30 p.m.	End of meeting
Mr CHOW Kai-lim	2:30 p.m.	End of meeting
Mr MA Kee	2:51 p.m.	End of meeting
Mr CHEUNG Kam-hung, Kenneth	2:30 p.m.	End of meeting
Mr LEUNG Ho-man	2:45 p.m.	End of meeting
Mr WONG Hung-ming	2:30 p.m.	End of meeting
Mr TSANG Chun-hing	2:30 p.m.	End of meeting
Mr TSANG Kam-wing	2:30 p.m.	End of meeting
Mr YAN Pui-lam	2:30 p.m.	End of meeting
Mr POON Chi-kin	2:30 p.m.	End of meeting
Mr LAI Chun-wing, Alfred	2:31 p.m.	4:43 p.m.
Mr LO Chun-yu	2:30 p.m.	6:51 p.m.
Ms LAI Ka-man	3:36 p.m.	End of meeting
Ms LAW Pei-lee	2:30 p.m.	End of meeting
Mr LAU Chun-fai, Lawrence (Secretary)	Senior Executive Officer (District Council), Tuen Mun District Office, Home Affairs Department	

Absent with Apologies:

Mr CHAN Yau-hoi, BBS, MH, JP	TMDC Member
The Hon LAU Ip-keung, Kenneth, BBS, MH, JP	TMDC Member
Mr LEE Ka-wai	TMDC Member
Mr CHEUNG Ho-sum	TMDC Member

By Invitation:

Ms IP Chor-ki	District Intelligence Section (Tuen Mun), Hong Kong Police Force
Mr CHAN Kwok-hung	Chief Health Inspector (Tuen Mun)2, Food and Environmental Hygiene Department
Mr TAI Siu-chung	Senior Health Inspector (Cleansing & Pest Control)Tuen Mun, Food and Environmental Hygiene Department
Ms CHAU King-mui	Senior Health Inspector (Environmental Hygiene)Tuen Mun 1, Food and Environmental Hygiene Department

In Attendance:

Ms FUNG Ngar-wai, Aubrey	District Officer (Tuen Mun), Home Affairs Department
Ms LEUNG Chue-kay, Koronis	Assistant District Officer (Tuen Mun)1, Home Affairs Department
Ms Wing CHENG	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 Melinder YU	Senior Liaison Officer (2), Tuen Mun District Office, Home Affairs Department
Mr KWONG Ka-kuen	Senior Liaison Officer (3)(Acting), Tuen Mun District Office, Home Affairs Department
Mr CHEUNG Chi-keung, Endy	Senior Executive Officer (District Management), Home Affairs Department
Mr CHUNG Lok-chin	Chief Engineer/West 3, Civil Engineering and Development Department
Ms HON Hin-yan	Chief School Development Officer (Tuen Mun), Education Bureau
Mr YU Wai-yip, Ricky	District Social Welfare Officer (Tuen Mun), Social Welfare Department
Mr WONG Pui-chun	Chief Manager/Management (Tuen Mun & Yuen Long), Housing Department
Ms Pat TAM	District Leisure Manager (Tuen Mun), Leisure and Cultural Services Department
Mr KONG Man-keung	District Commander (Tuen Mun), Hong Kong Police Force
Ms Angela LEE	Police Community Relations Officer (Tuen Mun District), Hong Kong Police Force
Ms Joyce NG	District Lands Officer (Tuen Mun), Lands Department

Mr Clement WONG	Administrative Assistant, Lands (District Lands Office, Tuen Mun)(Acting), Lands Department
Ms CHEUNG Ka-kei	Senior Town Planner/Tuen Mun1, Planning Department
Ms Christine YUEN	Chief Transport Officer/New Territories North West, Transport Department
Ms CHAN Mei-ting, Emily (Assistant Secretary)	Executive Officer I (District Council)1, Tuen Mun District Office, Home Affairs Department

I. Opening Remarks

The Chairman welcomed all present to the 7th special meeting of the TMDC. She also extended welcome to government department representatives in attendance at the meeting.

2. The Chairman said that as the audio recording of the meeting would be uploaded to the TMDC website, Members who wished to speak should raise their hands first and speak only after she signalled them to do so. The meeting would mainly cover the outstanding items on the agenda of the combined 8th and 9th meeting of the TMDC held on 2 March 2021. The meeting would follow the order of business set out in the agenda. If things went smoothly, the meeting was expected to finish at around 6:00 p.m. She would strive to control the time and she asked all present to keep their speeches concise and avoid repetition.

3. The Chairman added that to minimise the risk of community transmission of the virus, the Tuen Mun District Office (“TMDO”) would implement the following measures at the meetings of TMDC and its committees/working groups: (i) before entering the conference room, participants, media representatives and members of the public (ten at most) must put on their own surgical masks and have their body temperature checked by the Secretariat staff. Places for members of the public to observe the meeting were available on a first come first served basis; (ii) before entering the conference room, participants, media representatives and members of the public (ten at most) must fill in health declaration forms; (iii) participants, media representatives and the ten members of the public would have their personal particulars (e.g. name, respective media organisation and staff number) recorded properly so that health authorities could trace all media representatives admitted to the conference room when necessary; and (iv) tea service was suspended and participants could bring water and drinking utensils of their own. However, the Chairman said that she had prepared refreshments in the common room for the Members.

4. The Chairman also reminded Members that those who were aware of their personal interests in any matters discussed at the meeting should declare the interests before the discussion. She would, in accordance with Order 38(11) of the Tuen Mun District Council 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

5. The Secretary said that the Secretariat had received an application for absence from Mr CHEUNG Ho-sum and his reason for absence was “I cannot attend the meeting due to legal proceedings”. Under Order 41 of the Standing Orders, the TMDC would only give consent to applications for absence on four specified grounds in general and the reason stated by Mr CHEUNG was not one of them. Nevertheless, Order 41 of the Standing Orders also stipulated that “if a member who applies for absence states special grounds on the notification form and requests the Council to give consent to his/her absence, the Council shall, with the agreement of more than half of the members present, discuss and consider if consent should be given to the application for absence.” The Secretary asked whether the TMDC agreed to discuss Mr CHEUNG’s application for absence. If they agreed, they might consider whether to give consent to his absence.

6. The Chairman said that similar applications for absence had been dealt with at the TMDC meeting held on 2 March. At that time, more than half of the Members present had given consent to the applications for absence filed by the Members who could not attend the meeting due to legal proceedings, including Mr CHEUNG Ho-sum, on the grounds that the National Security Law also adopted the principle of presumed innocence. The matter would be dealt with in the same way at the current meeting – meaning that Mr CHEUNG Ho-sum’s application for absence would be approved with the consent of more than half of the Members present.

7. The Chairman asked Members to vote on the application for absence filed by Mr CHEUNG Ho-sum. After voting, his application for absence was accepted by 21 votes to 1 with no abstentions.

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

8. Mr TSANG Chun-hing said that Members needed to consult Mr CHEUNG Ho-sum on some DC affairs and district affairs, but their applications for official visits had been rejected by the Correctional Services Department. Therefore, he asked the District Officer (Tuen Mun) (“DO(TM)”) whether she could visit Mr CHEUNG in official capacity to help deal with DC affairs, especially those related to San Hui. That was the only solution since there were many things to be dealt with.

9. DO(TM) said that she would contact the relevant department to learn more about the matter concerned before giving a reply.

[Post-meeting note: Before Mr CHEUNG Ho-sum resigned as a TMDC Member on 11 May 2021, the Secretariat had emailed him DC meeting notifications and relevant papers and there was no need to get in touch with him through official visits.]

III. Discussion Items

(A) Request Government Departments such as the Department of Health, Housing Department and Home Affairs Department to Announce the Exact Block Number of Confirmed Cases in Public Housing Estates (TMDC Paper No. 5/2021)

10. The Chairman said that regarding the above paper, the Secretariat had written to invite the Department of Health (“DH”) to send representatives to the TMDC meeting. Later, the Secretariat had received a written response from the DH and sent it to Members for perusal. The Chairman asked Mr LAM Kin-cheung, the proposer of the paper, whether he had anything to add.

11. Mr LAM Kin-cheung said that the problem had existed since the beginning of the epidemic. Apart from Yau Oi Estate, the condition where a building was made up of separate blocks with different block numbers was also observed in older housing estates like On Ting Estate. For instance, Oi Fai House comprised three blocks but the DH did not specify which block of Oi Fai House in their announcement of confirmed cases. As a result, residents of the other two blocks could not go to work or had to undergo testing as well. On the other hand, the block number was specified for cases in private estates or newer public rental housing (“PRH”) estates. Therefore, he reckoned that the administrative flaw could be fixed. He had written to different departments to

raise this issue on several occasions, but the authorities still had not formulated a systematic practice. The record would only be updated three to four days after the DH had received a notification from him or the Housing Department (“HD”). For example, Block 1 was specified when Oi Chi House was included on the compulsory testing notice, but it was not specified in the addresses of the confirmed cases. Therefore, he opined that the DH, the TMDO or the HD could do better in updating information to make things easier for residents.

12. The Chairman said the Centre for Health Protection (“CHP”) of the DH had mentioned in its written response that it had noted people’s request for block numbers. If the published information was erroneous, or if more than one block was involved, the DH was willing to follow up expeditiously as appropriate. Regarding the Member’s criticism about the DH’s reporting mechanism, the Chairman said the TMDO had mentioned that the HD manager was the contact point of PRH estates. Therefore, she would ask the HD representative to respond first.

13. Mr WONG Pui-chun of the HD said that the Hong Kong Housing Authority (“HA”) would notify residents based on the information of confirmed cases provided by the DH. Notices would be put up on notice boards, entrances/exits, lifts and other locations at the building with confirmed cases to inform residents about the occurrence of cases in the estate as soon as possible and remind them to maintain good personal hygiene, thereby reducing the risk of community transmission. Meanwhile, estate offices would step up cleaning efforts at buildings with confirmed cases according to relevant guidelines issued by the DH. They would also inspect units which shared the same vertical pipes, waste pipes and ventilating pipes with the flat with confirmed cases and carry out repairs for any deteriorated parts immediately, so as to reduce the risk of spreading the virus through pipelines. He said that the HD would take appropriate action after receiving reports from the DH, which provided information about flats with confirmed cases and would.

14. The Chairman said that the crux of the problem was that people could not pinpoint the block with confirmed cases since some PRH buildings comprised of Block A/Block B, high block/low block, or blocks with different parts. Therefore, she asked the HD whether it could immediately locate the unit with confirmed cases and announce information more accurately after receiving reports from the DH.

15. Mr WONG Pui-chun of the HD said he believed that the Chairman was referring to older HA buildings made up of connected blocks (such as single-H type and triple-H type, or even older linear ones consisted of several connected blocks). After receiving notification from the DH about the building with confirmed cases, the HD would be able to pinpoint at which block or wing of the connected buildings the unit with confirmed cases was located. Based on risk factors such as whether residents of the connected blocks would share building facilities like entrances/exits, lifts and drainage pipes, the HD would decide with the DH which blocks required cleaning, disinfection and compulsory testing. For instance, if each block of two connected H type buildings was equipped with separate entrances/exits and lifts, the DH would only announce the block with confirmed cases.

16. Ms KONG Fung-yi found the HD's response unclear. In PRH estates where confirmed cases had been found (such as Oi Fai House, Yau Oi Estate and Ting Lung House, On Ting Estate), residents had enquired about the block number of confirmed cases. However, the department refused to disclose the block number when she asked about it. She said that she had made a similar enquiry at a DC meeting. At that time, the HD had promised to provide information about PRH estates whereas the TMDO would provide information about private estates. She hoped that the HD would announce the block number of confirmed cases clearly and notify the Member of the constituency concerned. Since such information would directly affect residents who had to attend work, it was necessary to improve transparency to avoid the situation where people were unable to attend work due to unnecessary quarantine. She thanked Mr LAM Kin-cheung for submitting the paper as the issue was worth discussing. She also pointed out that despite its promise of announcing the exact block number of confirmed cases, the department still had not taken action accordingly. She hoped that government departments could assist Members with district work and specify the block number to put everyone at ease.

17. Mr LAM Ming-yan wanted to know more about the communication process and enquired whether it was possible for the HD to ask the DH about the exact unit with confirmed cases immediately. He hoped that the DH could announce the exact unit upon releasing information, instead of including it as an update two to three days later. He also asked the DH to announce the exact block number of the unit concerned as soon as a confirmed case was identified.

18. Ms HO Hang-mui said that since the DH was not familiar with the layout of every single housing estate, the HD should immediately inform the DH about the actual setting, that some blocks were not connected, for example, so that the DH could update information expeditiously and avoid quarantining all residents for 14 days before they could resume work. To avoid arousing panic among residents, she reckoned that the HD should inform the DH about the actual setting to minimise the impact.

19. Mr TSANG Kam-wing said that apart from PRH buildings with high block and low block, there were trident blocks consisted of three wings. Since the DH had previously announced the exact wing where confirmed cases had been found, it should be able to announce whether the confirmed cases were found in high block, main block or low block. He urged the HD and the DH to announce relevant information as soon as possible.

20. The Chairman hoped that Mr WONG Pui-chun of the HD could clearly explain the communication process among the DH, the CHP, the HD and property management companies. She also asked the HD not to confuse the announcement of confirmed cases and the arrangement for compulsory testing. Rather, it should disseminate information clearly in both aspects. Since people living in buildings with confirmed cases might need to notify their employers, it was necessary to state the exact block or wing at which the unit with confirmed cases was located. Whether building facilities were connected or shared was a factor to be considered in arranging for compulsory testing.

21. Mr WONG Pui-chun of the HD said he understood that Members were concerned over the announcement of patients' addresses as they wanted to know the exact block number of the unit with confirmed cases as soon as possible, so that residents who were unrelated to the cases would not be affected. He added that first-hand information was provided by the DH which obtained information from the patients. After knowing the exact block number announced by the DH, the HD would check whether the blocks were connected or shared facilities and report the actual setting to the DH. The two departments would then jointly determine whether those blocks were considered connected. Such was the HD's usual workflow. If there were many buildings with confirmed cases, communication with the DH might take longer. During the fourth wave of the epidemic, for instance, since there were too many confirmed cases, relevant

information could only be announced as late as at 12:00 a.m. or even 1:00 a.m. but the delay was never longer than one day. He asked for Members' understanding.

22. Mr LAM Kin-cheung said that as far as he knew, the HD could locate the unit with confirmed cases on the next day. He hoped that the DH would announce official information in a precise manner while the HD or the TMDO would assist the DH by providing the block number. For example, Block 1, Oi Chi House had been included on the compulsory testing notice, but the block number had not been specified in the announcement of confirmed cases. As a result, people living in other blocks of Oi Chi House could not go to work even though they needed not undergo compulsory testing. He hoped that the HD would provide the DH with relevant information spontaneously and maintain communication. He added that the block number was not announced when the information was gazetted on the next day. Rather, the information was only updated after he had emailed the HD. Therefore, it was not true that the block number was announced half a day after gazetting. He also hoped that the HD would promise to report relevant information to the DH as soon as a confirmed case was found. Moreover, he demanded that the DH ask patients for their addresses in a precise manner and update information on the next day.

23. Mr WONG Pui-chun of the HD said that the DH announced the addresses of confirmed cases according to information provided by the patients. Regarding Mr LAM's suggestion, he pointed out that the HD had always contacted the DH immediately after receiving the addresses and promised to strengthen communication with the DH in that regard.

24. The Chairman said that the most important thing was to announce relevant information as soon as possible.

25. Mr Kenneth CHEUNG said the HD kept repeating that the department only announced addresses according to information provided by the DH. However, the problem was that information obtained by the DH was not precise in the first place since patients were not used to specifying the block number in their addresses. He said that apart from preventing the spread of the epidemic, precise addresses would be useful in other scenarios too. In the long run, residents should be required to specify the block number in their addresses so that the DH could pass the HD precise addresses and make timely announcements.

He recapped the Members' earlier suggestion: upon receiving the addresses, the HD should immediately inform the DH whether the building was made up of different blocks. For instance, the HD should tell the DH immediately that Oi Chi House comprised high block and low block so that the DH could announce official information more precisely. He pointed out that it often took the HD three days or longer to update relevant information and the department would only do so when Members raised the issue. Therefore, he asked the HD to compile a list of buildings which consisted high block/low block or several blocks. Then, the DH could refer to the list when asking patients for their addresses and provide the HD with precise addresses without further ado. He suggested adopting this as a long-term or short-term measure.

26. Ms KONG Fung-yi thanked Mr Kenneth CHEUNG for his comment, but she believed that Mr WONG Pui-chun of the HD might not have information about the actual setting of PRH estates in different districts. Only estate managers in the area would have such information and could tell immediately if buildings were made up of high block and low block. She reckoned that PRH residents across the territory would be affected if relevant information could not be announced. She did not understand why the problem remained unresolved even in the fourth wave of the epidemic. Cleaners were overstretched as they had to cleanse all blocks of the buildings concerned. She asked the HD headquarters to provide clear guidelines and regulations as a reference for residents and managers of PRH estates in different districts.

27. Mr YAN Pui-lam said that Mr WONG Pui-chun of the HD only repeated himself again and again. He pointed out that nowadays, employers checked the list of locations with confirmed cases on a daily basis. Employees living in the relevant buildings had to self-isolate and undergo self-paid tests. He added that Members only asked the HD to immediately report on buildings which were made up of separate blocks and announce addresses with high block, main block and low block specified. He doubted why the HD still could not perfect its basic internal system. He opined that the HD had the responsibility to work with the DH to update the list of addresses with confirmed cases across the territory by specifying buildings with high/main/low block, block numbers and whether the blocks were connected.

28. Mr WONG Pui-chun of the HD thanked Members for their comments and said that building information would be passed to the DH. However, he stressed

that even if relevant information was passed to the DH, there was no simple way of pinpointing which block was affected since other units might still be affected because of factors such as the connection of drainage pipes. Therefore, he asked for Members' understanding. He said that there were different modes of transmission. For example, the virus had been detected in common drainage pipes or manholes of a building. Even if the specific address of a confirmed case was known, the authorities still had to announce the address based on the actual situation and risk assessment.

29. The Chairman concluded by saying that there was room for improvement in the HD's way of handling the issue and the department should listen to Members' views in making improvement.

30. The Chairman also said that item I(B) "Strongly Request the Police to Step Up Foot Patrols in View of the Significant Crime Rise in Tuen Mun" and item I(E) "Request Relevant Departments to Report on Surveillance in Tuen Mun" were both related to law and order and would make reference to the Report by the Tuen Mun District, HKPF. Therefore, she suggested dealing with the two items later together with item II(A) "Report by the Tuen Mun District, HKPF" to keep the discussion smooth and avoid repetition. Instead, she proposed to deal with item I(C) "Request for Information about Village Cleaning" and item I(D) "Request to Allocate More Resources to Increase Wages of Cleaners under Old Public Housing Management Contracts" first.

(B) Request for Information about Village Cleaning
(TMDC Paper No. 7/2021)

31. The Chairman said that the Secretariat had received a written response to the above paper from the Food and Environmental Hygiene Department ("FEHD") and sent it to Members. She asked Mr HO Kwok-ho, the first proposer of the paper, whether he had anything to add.

32. Mr HO Kwok-ho demanded that the FEHD specify the frequency of street sweeping (monthly, yearly or daily) in the report. He asked how often the FEHD swept the streets. Since poor hygiene was observed at some village paths, he also asked whether paths at village entrances were considered main public roads. As far as he knew, paths at village entrances might not be managed by the FEHD and he asked why the TMDO did not respond in that regard.

33. Mr CHAN Kwok-hung of the FEHD said that the frequency of street sweeping mentioned in the response was once a day. He added that the department would make sure to provide precise information in the next report.

34. Mr TSANG Kam-wing said that apart from the frequency of street sweeping, there was also a serious problem of fly-tipping in rural areas. Many residents in his constituency had complained to him that construction waste and household waste had accumulated on the roadside and caused severe nuisance. He asked for the FEHD's assistance.

35. Ms Catherine WONG said that although the FEHD swept main streets once a day, rubbish might merely be swept aside. For instance, no one had swept the bushes next to the emergency vehicle access at Tuen Mun Tang Shiu Kin Sports Ground and Ching Chung Koon for over one year. She asked whether the FEHD could clear rubbish at roadside bushes.

36. Mr Kenneth CHEUNG said that residents had recently seen and taken photos of two FEHD cleaners sweeping rubbish into drains at Fuk Hang Tsuen Road. He pointed out that drains might be under the purview of the TMDO instead of the FEHD. This example indicated the inadequacy of street sweeping by the Government – oftentimes one department would sweep rubbish aside and leave it to another department. Under the bridge at Mak Yuen Wai Road, for instance, TMDO cleaners had swept rubbish aside and left it to the FEHD. Despite the arrangement of sweeping the streets once a day, how the cleaners swept rubbish into drains showed that working attitude was poor or supervision was inadequate. The other department would be left in a tight corner and it was necessary to find solutions to this issue. He opined that inspections should not be conducted by uniform-clad staff, or else the checks would not be effective. Having talked to staff members from the department concerned, he found that frontline staff would submit false photo evidence by, for example, reusing photos taken at the previous time. Therefore, the photos could not show whether the cleaning work was really completed. He stressed that it was necessary to strengthen the regulation mechanism. To regulate contractors, the department could create deterrence effect by not renewing contracts and imposing penalties.

37. Mr HO Kwok-ho asked again why the TMDO did not submit a written response.

38. The Chairman asked the FEHD to give a second round of responses before inviting the TMDO to respond.

39. Mr TAI Siu-chung of the FEHD gave a consolidated response as follows:

- (i) The FEHD had assigned plainclothes staff to take enforcement action against illegal refuse deposit and implemented the Internet Protocol (“IP”) Camera Scheme at 16 locations in Tuen Mun. If illegal refuse deposit by vehicles was recorded, the department would conduct investigation and instigate prosecution. After the meeting, he would ask Mr TSANG about the blackspots and discuss ways to increase the effectiveness of monitoring and combat illegal refuse deposit;
- (ii) He said that he would talk to Ms WONG to see whether the locations she had mentioned were under the purview of the FEHD and follow up after the meeting. Regarding Mr CHEUNG’s remark, it was not acceptable if FEHD cleaners had indeed swept rubbish into drains. The department would ask Mr CHEUNG about the incident in detail and follow up after the meeting; and
- (iii) On supervision, the FEHD would deploy staff to conduct surprise inspections concerning the service quality of frontline workers. In addition, if members of the public or councillors found any irregularities, they might contact the FEHD and the department would follow up as soon as possible.

40. The Chairman asked whether the TMDO would submit a written response afterwards.

41. The Secretary said that under the Secretariat’s usual practice, unless the submitted paper specifically demanded response from a certain department, the Secretariat would, depending on the content of the paper, invite relevant departments to give a response. Since the captioned paper was about village cleaning which obviously fell under the FEHD’s purview, the Secretariat did not invite the TMDO to give a written response. As far as he knew, the FEHD was responsible for cleaning both village paths and main public roads.

42. DO(TM) said that the cleaning of village paths and main public roads fell

under the purview of the FEHD, whereas the cleaning of sitting-out areas built by the TMDO was under the purview of the TMDO. However, the roads mentioned in the captioned paper were mainly under the purview of the FEHD.

43. Mr HO Kwok-ho said DO(TM) had mentioned that village paths were under the purview of the FEHD while Mr TAI Siu-chung of the FEHD had mentioned that the department was responsible for cleaning main roads. He found the two remarks contradictory. He also asked whether the FEHD would issue warning letters to contractors for negligence in supervising frontline workers. He understood that many outsourced cleaners were prone to making mistakes since they were relatively old, but he still wanted to know how the FEHD would follow up on the problem. Also, he asked the TMDO again which department was responsible for cleaning the paths and reckoned that the Office should engage contractors to sweep village paths.

44. The Chairman said that the paper raised two issues – the first one was sweeping and the second one was cleansing. The FEHD had only responded to the sweeping part, but not the cleansing part. She asked the FEHD to elaborate before inviting the TMDO to respond.

45. Mr TAI Siu-chung of the FEHD said that there was a mechanism in place to regulate contractors who were responsible for street cleaning or pest control. If contractors were found to have violated the contract (such as cases of workers smoking during their shift and service quality not meeting the contract requirement), the FEHD would issue verbal warnings, written warnings and default notices to the contractors concerned and penalise them by deducting their gratuity. Over the past few months, the FEHD had conducted surprise inspections, issued notices and imposed penalties from time to time. In view of the need for continuous regulation, the FEHD would continue to deploy uniformed and plainclothes staff to conduct frontline inspections. As for the problem of sweeping and cleansing village paths, he said that it was difficult to put it simply which path was under the purview of the FEHD as it depended on whether the path was public or private. He added that streets were not cleansed once a day. Public streets near where COVID-19 patients lived would be cleansed and disinfected thoroughly. As for individual streets, the department would check whether they fell under its service area.

46. The Chairman asked whether streets were cleansed on a regular basis or

not.

47. Mr TAI Siu-chung of the FEHD said that streets near San Hui Market were cleansed on a regular basis of once a day, whereas remote village paths might not be cleansed once a day. It depended on whether the village path was within the FEHD's cleansing area.

48. The Chairman asked the TMDO to respond in respect of the responsibilities of village cleaning.

49. DO(TM) said that the TMDO was responsible for cleaning sitting-out areas built by the Office in the rural areas. Such work included clearing rubbish, sweeping twice a week and washing floors twice a month.

50. Ms Koronis LEUNG of the TMDO added that the FEHD would check whether the village path was public or private and arrange for cleaning as appropriate. If the TMDO received complaints about issues such as blocked drains, it would ask term contractors to clean and deal with it. In view of the epidemic, the TMDO had arranged street cleansing for villages on a one-off basis in August 2020 and January 2021.

51. The Chairman asked whether all village cleaning matters (streets or drains alike) could be reported to the TMDO. As many councillors would consult the TMDO on village affairs, the Office could refer issues which were outside its purview to relevant departments.

52. Ms Koronis LEUNG of the TMDO said that if the Office received relevant reports, it would contact the FEHD to clarify the purview and follow up.

53. The Chairman said that Members could raise issues with the TMDO. If the Office deemed them outside its purview, it would negotiate with the FEHD.

(C) Request to Allocate More Resources to Increase Wages of Cleaners under Old Public Housing Management Contracts
(TMDC Paper No. 8/2021)

54. Mr HO Kwok-ho, the proposer of the paper, said that he had submitted the captioned paper as early as in the previous year in the hope of discussing it in January 2021. In Tuen Mun, there were two types of contracts for cleaners.

Cleaners under the new contract and cleaners under old contracts received different pay for the same work, which was unfair to the latter. The Government had also abolished hardship allowances. Therefore, he hoped to speak up for the cleaners concerned and asked the HD representative to respond.

55. Mr WONG Pui-chun of the HD said that it was mentioned in the Policy Address delivered in October 2018 that the Government wanted to improve benefits and increase wages for non-skilled workers and would implement relevant measures in April 2019. From the said date onwards, new contracts should be adopted in renewing contracts and procuring new services. Contractors were also required to give non-skilled workers better benefits, including the provision of contractual gratuity equivalent to 15% of the annual wages earned, the provision of 150% of the original wages for working under inclement weather, and the entitlement to monthly statutory holiday. Moreover, the department had amended the marking schemes of government contracts, under which employers were required to increase the wages of their workers. In Tuen Mun, many old contracts had been re-tendered or revised from 1 April 2019 onwards and thus some security guards and cleaners enjoyed more benefits. He admitted that some old contracts were still effective since the HD had to uphold the contract spirit. Nevertheless, the department would encourage contractors to provide employees with better remuneration on the basis of the old contracts as far as possible.

56. The Chairman asked when the old contracts would all expire.

57. The HD representative said that the existing old contracts in Tuen Mun were expected to expire in mid-2022.

58. Mr YEUNG Chi-hang expressed understanding towards the co-existence of old contracts and new contracts as described by the department. However, since some workers only received the minimum wage after signing new contracts, he doubted whether the new contracts could ensure the employment conditions of non-skilled workers. The marking scheme adopted for tender exercises included not only staff wages, but also the contractor's reputation and past performance. Therefore, he hoped that the weighting of employment conditions could be increased in the assessment. Moreover, he enquired about the wage level of cleaners at PRH estates in Tuen Mun and the difference in wages after the renewal of contracts. He added that as people had higher expectations for public

hygiene nowadays, the HD should not only hire more staff and improve employment conditions to meet the demand, but also keep matters concerning the improvement of employment conditions in view.

59. The Chairman said that Siu Hong Shopping Centre was under the management of the HA. She had received complaints about employment conditions – although cleaners faced heavier workloads during the epidemic, their wages remained unchanged and they were not even entitled to special allowances. The situation was not ideal. Moreover, she opined that work such as pest control and rodent control should not be undertaken solely by cleaners. Rather, the HA should hire contractors or directly fund management companies for those tasks. Cleaners alone could hardly complete such work as they were not professionals. Therefore, she urged the HD to boost resource allocation and professionalise estate management work.

60. Mr HO Kwok-ho said that the HD representative had not replied whether allowances would be provided to mitigate the problem where workers received different pay for the same job. He questioned whether the HD's refusal to provide allowances until the old contracts expired in mid-2021 indicated its support for the practice of paying workers differently for the same job. Since the Government no longer provided cleaners with hardship allowances after the previous year, he asked whether the department would allocate more resources to compensate workers for their efforts.

61. Mr LAM Ming-yan said that the department should find a solution to that long-standing problem before all old contracts were replaced by new contracts. Despite their similar job duties, cleaners at housing estates such as Fu Tai Estate and Yan Tin Estate were paid around \$10,000 on average while cleaners at Lung Yat Estate and Siu Hong Court received a higher wage of about \$13,800. Moreover, workers might still be paid differently for the same job under new contracts, so he asked whether the HD would require contractors to pay cleaners on the basis of living wages. Separately, he suggested increasing the weighting of employment conditions in the marking scheme to better protect employment conditions. He also strongly objected to the outsourcing mechanism since it deprived frontline workers of their benefits. In addition, the department did not give allowances to cleaners despite their heavier workloads during the epidemic. Therefore, he suggested giving out the relevant allowances again until cleaners switched to the new contracts.

62. Mr LEUNG Ho-man commented on the outsourcing mechanism and the way employees were treated by contractors under the existing mechanism. First, he said that the captioned matter was not caused by the epidemic. Rather, the outsourcing mechanism was inherently flawed. He was dissatisfied with the outsourcing mechanism – while it helped the Government cut costs, employees became more susceptible to exploitation. Second, there were many news reports about the exploitation of frontline workers at housing estates. For instance, workers from Hoi Lai Estate had gone on strike a few years earlier. He asked whether the above incident would affect the score of the contractor concerned and what measures were in place to follow up on the incident or penalise the contractor under the existing mechanism.

63. Mr CHOW Kai-lim said that the Anti-epidemic Hardship Allowance helped protect cleaners. Some of them did not have enough protective gears and contractors might not provide such items. With the above allowance, cleaners could purchase anti-epidemic supplies on their own to protect themselves. He pointed out that while private housing estates might engage contractors specifically to carry out disinfection from time to time, cleaners at public housing estates might be deployed for disinfection work any time. With the ongoing epidemic, he hoped that the department could provide hardship allowances again until the epidemic ended. Afterwards, it could determine whether to continue the measure depending on the situation.

64. Mr WONG Pui-chun of the HD said that nowadays, most contracts offered wages higher than the minimum wage and the actual wages depended on the tender results. He added that marking schemes for new contracts gave contractors an incentive to improve employment conditions and employees under new contracts generally enjoyed higher wages. He said that the bidder's past performance would remain a factor for consideration and the department would actively explore the possibility of increasing the weighting of this factor. Moreover, although the problem of workers being paid differently for the same job had been foreseen before introducing the new contract mechanism, the department could not unilaterally change the conditions of a signed contract. The HD had hired companies to carry out indoor pest control work specifically while rodent control work was undertaken by the technicians and cleaners of PRH estates. The hardship allowance mentioned by the Member earlier was given out under the Government's Anti-epidemic Fund to frontline workers such

as security and cleaning staff across the territory, including cleaners under the HA. The hardship allowance was no longer available.

65. The Chairman concluded by saying that Members asked the HD to give allowances to frontline cleaners, especially those receiving lower wages under the old contracts. She urged the department to consider Members' views. If Members wished to keep following up on the matter, they could choose to continue the discussion at meetings of the TMDC or the Commerce, Industry and Housing Committee ("CIHC").

66. Mr HO Kwok-ho suggested requesting information from the HD about the wage level of cleaners at PRH estates in Tuen Mun and passing the response to the CIHC for discussion.

67. The Chairman said that the matter would be passed to the CIHC for follow-up action and asked the HD to provide the above information.

IV. Discussion Items and Reports from the Government

(A) Strongly Request the Police to Step Up Foot Patrols in View of the Significant Crime Rise in Tuen Mun

(TMDC Paper No. 6/2021)

(B) Report by the Tuen Mun District, HKPF

(TMDC Paper No. 11/2021)

68. The Chairman said that the Secretariat had received a written response to Paper No. 6 from the Hong Kong Police Force ("HKPF") and emailed it to Members for perusal before the meeting.

69. Mr MA Kee, the first proposer of the paper, hoped that the Police could resume foot patrols as soon as possible. While the Police seemed to have become busy since the beginning of the movement of opposition to the proposed legislative amendments in 2019, the social atmosphere had calmed down from June 2020 onwards. Therefore, he asked whether the Police would resume regular patrols.

70. The Chairman added that the recent rise in certain crimes such as theft from vehicles and from housing estates mentioned in the paper might be related to the lack of foot patrols. She asked Members who had raised their hand to speak first and the HKPF representative would respond altogether afterwards.

71. Mr POON Chi-kin objected to the captioned matter, saying that law enforcement by the Police had been discussed at past meetings. For instance, Members had said at a meeting of the Traffic and Transport Committee (“TTC”) that the Police were too strict in handling illegal parking. Regarding the paper’s request for more foot patrols by the Police, he said that the Police kept expanding and asked whether the proposers of the paper welcomed heavy police presence on the streets under the expansion of police establishment. Moreover, he opined that the rise in street crime mentioned in the paper was caused by economic decline. Therefore, the best solution to the above problem was not stepping up police patrol, but improving people’s livelihoods and strengthening anti-epidemic efforts to stop people from taking risks. He also said that he had been surprised to receive such a paper. He reminded Members about what they wanted to achieve back when they were elected and asked them to think about whether stepping up police patrol was compatible with voters’ expectations.

72. Mr TSANG Kam-wing said that the captioned paper reminded him of a remark made by Mr MA Kee at an earlier TTC meeting. Mr MA had mentioned that it was justifiable for motorists to park illegally since parking fees were expensive and people would hate the Police if they took enforcement action. Whereas motorists at least had a vehicle, some people lost their livelihood and had no choice but to steal. Now that Mr MA asked the Police to step up enforcement against the latter, people would hate Mr MA too. He added that although car patrols were adopted in place of foot patrols, one could not tell if the time spent on patrolling was shortened since police officers might need to drive around the patrol area several times for one round of patrol. Therefore, he asked Mr MA whether he had any data to support his accusation that the Police were spending much less time in the district. He described the matter as a false proposition and said that law enforcement agencies were able to conduct investigations by such means as checking CCTV footage. Lastly, he did not support Members’ idea of requesting additional police officers in the name of the TMDC.

73. The Chairman said that improving police gears and stepping up patrols were different matters which should not be confused.

74. Ms KONG Fung-yi said that since one of the DC’s duties was to speak for the public, she would relay public views to police representatives present at the

meeting with the aim of improving people's daily lives. While the younger generation might have ideas which were more innovative, she had focused on speaking for the residents throughout her years as a DC Member. As far as the matter was concerned, residents had expressed the hope to draw the Police's attention to on-street solicitation by sex workers near Heung Sze Wui Road at dusk. She said that vice establishments had rarely been found in Tuen Mun over the past few decades and asked whether on-street solicitation was lawful. She asked the Police to step up enforcement to improve the environment. She was worried that on-street solicitation in that area might attract triad members and jeopardise law and order. She also expressed concern over residents' safety. She asked Members not to pick on any fellow councillors in their remarks and reiterated that the first duty of the DC was to help residents express their views and improve their daily lives.

75. The Chairman asked the Police to respond and reminded all present that the focus of the current discussion was stepping up foot patrols to reduce theft and sexual crime.

76. Mr KONG Man-keung, District Commander (Tuen Mun) of the HKPF, gave a consolidated response to Members' comments and enquiries as follows:

- (i) He thanked Members for their concern and comments about the crime situation in Tuen Mun and said that the Police had given a written response to the matter earlier. The Police did not entirely agree with the points made. High-profile patrols (including foot patrol and car patrol) had always been one of the strategies to prevent and detect crime;
- (ii) In view of the wide area and limited manpower, the Police would conduct risk assessments, gather intelligence and deploy manpower for anti-crime patrols as appropriate. The Police would listen to the Members and consider their views about manpower deployment. He also reiterated that high-profile patrols had always been one of the crime prevention strategies adopted by the Police;
- (iii) He said that since the matter had been raised a few months earlier, Members might not know the latest situation. He would take this opportunity to brief the meeting on the Report by the Tuen Mun District, HKPF. The increase in crime figures for 2020 had dropped to 11.7% compared to the crime figures for the period between January and

September 2020 as mentioned in the paper. The overall crime rate had risen significantly by 23.3% compared to the first half of 2019, but the increase was only 2.5% compared to the second half of 2019. He added that it was not ideal to see even a slight increase in crime figures, especially when the crime figures in Tuen Mun had been dropping over the past few years. Crime figures had dropped 8.4% in 2018. In 2019, Tuen Mun had observed a 2.2% drop in crime figures despite the increase in average crime figures across the territory. Therefore, the Police were highly concerned about the increase in crime figures in 2020;

- (iv) The Police were concerned about the increase in theft from vehicles and missing motor vehicles. However, the rise in theft-related offences, including miscellaneous thefts and shop thefts, was slight (+46 reports/+4.6%). He added that the Police would consider different crime types in a holistic manner and the increase in a certain type of offences should not be too much of a worry;
- (v) Robbery recorded a rather significant year-on-year increase. Out of the 15 cases, 14 cases had occurred in the first half of 2020 while only one case had occurred in the second half of 2020. This reflected how police manpower and anti-crime work were affected by the incident of opposition to the proposed legislative amendments. He said that the number of robbery cases in Tuen Mun had always been low. As of February, no robbery cases had been recorded in 2021 and he hoped to keep it that way. He asked for Members' understanding towards the underlying reasons for the figures;
- (vi) Burglary also recorded a decrease from 66 in 2019 to 58. He said that the idea of stepping up foot patrols to prevent burglary was worth discussing. He pointed out that the Police could hardly carry out foot patrols throughout the entire district at the same time, so both strategies – foot patrols and car patrols – were adopted. He added that burglary could not be prevented by relying solely on the Police as estate security guards played an important role too. Therefore, the Police had carried out publicity programmes to alert security guards to crime and conducted surprise inspections from time to time to test their vigilance;
- (vii) He said that compared to the first half of 2020, the crime figures had

dropped significantly in the second half of 2020 with almost no serious offences recorded. The reason for such change was that in the second half of the year, the Police had resumed normal patrol and returned to the work mode adopted in 2018 or earlier;

- (viii) He disagreed with the paper's accusation that the Police had arrested young people deliberately and said that young people needed protection. The Police had arrested 1 262 people in the previous year. Over 200 of them were aged between 10 and 20. The proportion of young people would be even higher if those aged between 20 and 30 were taken into account. He added that the Police would not pick on a specific group of people or slack off in the investigation of a certain group; and
- (ix) He reiterated that the crime rate of Tuen Mun had risen by 11.7%, or 338 cases, in the previous year. Deception recorded the largest increase of 465 cases, among which 323 were online shopping scams. This explained the increase in crime figures in the first half of 2020. Excluding the increase in deception cases, the crime rate of Tuen Mun dropped by over 4% compared to 2019. He urged Members to spread crime-related information on their social platforms to prevent deception cases and approach the Police for such information if needed.

77. Mr WONG Hung-ming said that in an earlier TMDC meeting, he had mentioned that the recent high-profile patrols by the Police might arouse panic among residents and most Members present at that meeting had concurred with him. He was thus confused by the opposite stance expressed by the paper. In addition, he said he had recently received numerous complaints about flats being splashed with red paint and keyholes being blocked with glue. He asked how the Police would assist the harassed residents. He added that most residents concerned had not taken out loans, but they were harassed due to fraudulent use of their addresses and other information.

78. Ms HO Hang-mui said that deploying more police officers was different from expanding police establishment or providing additional gears and she was definitely against the last two propositions. She added that police officers used to patrol alone or in pairs, but nowadays they worked in groups of six to seven. She said that seeing police officers patrol in large groups would certainly arouse panic among residents. On the other hand, some residents had been worried

about potential crime since they did not see police officers on the beat at all. In her request for a stronger police presence, she only meant to ask the Police to deploy manpower wisely to prevent crime such as theft and robbery. Also, she said that it was a waste of manpower to have police officers patrol in large groups and residents were dissatisfied with the lack of foot patrols by the Police.

79. Mr YAN Pui-lam said that recently, uniformed officers were often seen patrolling Yau Oi Estate and On Ting Estate in groups of six to seven and they would even stop and search young people wearing black clothes during night patrols. He asked why the officers did not work in two groups of three or four. Earlier, the HKPF representative had set out numerous figures and said that it was impossible to have officers out on the beat across the district all the time. In 2020-2021, there were around 197 000 civil servants, upsized by about 6 000. Among the new recruits, 2 543 people, or around 40%, belonged to the Police. According to the latest financial budget, the expenditure of the Police reached \$25.06 billion, which was 7.7% higher than the estimated amount. Police allowances also quadrupled from the estimated amount of \$280 million to \$1.39 billion. This indicated that the Police received the most resources among government departments. On 2 February 2021, the HKPF had held a press conference to recap on Hong Kong's law and order situation and police work in 2020. At that time, the Commissioner of Police had said that police officers attached great importance to human rights and conduct. However, 45 officers had been arrested in 2020, representing an 88% increase compared to 2019. Over 80% of them had been arrested by the Police after investigation. He hoped that the Police would step up internal education to stop police officers from breaking the law knowingly and set a good role model to reduce the crime rate among police officers in the next year.

80. Mr HO Kwok-ho expressed concern over deception cases, especially those involving the purchase of surgical masks. Regarding mask scams which had occurred in the previous year, he asked the HKPF representative about the progress of investigation and whether the Police could arrest the scammers. He pointed out that for families which were facing financial difficulties because of the economic downturn in recent years, being duped out of a large amount of money was a big problem. Apart from expressing concern over financial frauds, he also said that online romance scams were found in his constituency. After building romantic relationships with victims online, scammers would claim they needed help with investment to swindle victims out of their money. He asked

the HKPF representative whether the Police were following up on such cases.

81. Mr KONG Man-keung, District Commander (Tuen Mun), gave a consolidated response to Members' comments and enquiries as follows:

- (i) He thanked Members for their concern and comments. He expressed concern over on-street solicitation by women in sexy outfits. He added that the Police had conducted operations to combat relevant activities. For instance, officers had cracked down on unlicensed massage parlours near San Hui and made arrests after investigation. He said that the problem showed no signs of worsening at the moment. He urged Members to contact the Police for follow-up action if they found similar cases;
- (ii) On police officers patrolling in large groups, he hoped that Members would understand that there were different modes of patrol. For car patrol, several police officers would be on standby on the car; for foot patrol, officers would usually work in pairs. He added that when Members saw multiple police officers in action at the same time, they might not be on patrol. Rather, they might be deployed after risk assessment to handle reports from the public;
- (iii) The Police would allocate a large amount of resources on their integrity management work to tackle related problems;
- (iv) Mask scams were more serious in the first half of the year and constituted the majority of online shopping scams. Since mask scams were relatively hard to crack, the Police mainly adopted the strategy of crime prevention. The Police had carried out operations in the previous year, having cracked numerous mask scams and arrested 22 suspects. Moreover, online scams remained rampant. During the epidemic, more people chose to shop on social media platforms but they failed to check seller information, and this led to an increase in scams. He urged Members to work with the Police to remind the public to stay vigilant about online shopping; and
- (v) Tuen Mun Police District was very concerned about illegal debt collection. The Police had conducted an operation codenamed "Solomon" to combat this type of offences. Apart from making arrests,

the Police also urged and educated the public not to take out loans indiscriminately, and worked with estate security guards to combat illegal debt collection. When handling a case related to collecting debts and splashing red paint, the Police found that security guards had not recorded information of strangers entering/exiting the building. To increase vigilance, surprise inspections would be conducted to check whether such information was duly recorded. He added that members of the public should contact the Police if they were threatened, or knew that debt collectors might visit their flat. The Police would assess the risks and follow up. Moreover, if residents believed that someone might splash their flat with red paint, he suggested installing CCTV at the door to help crack the case.

82. Mr MA Kee opined that currently, there were not enough police officers on the beat. The aim of submitting the captioned paper was to ask for a stronger police presence, not expansion of the police establishment. He said that stepping up police patrols could create a deterrent effect and reduce crime. Moreover, he supported the suggestion of increasing regular patrols and replacing large-group patrols. He urged the Police to redistribute manpower as appropriate and criticised that some police officers slacked off during car patrols. While a Member had accused him of victimising poor people, he said that what really should be seen as victimising was labelling poor people as thieves. He also criticised that Member for making things personal and setting a bad example.

83. Ms LAW Pei-lee drew the Police's attention to financial frauds. In a recent request for assistance, a woman had been added to a chat group randomly where false stock trading information was allegedly disseminated. Afterwards, she had purchased the stocks of a company called State Energy Group International Assets Holdings Ltd as advised and lost a lot of money. Such a deception method did not involve direct transfer of money. Rather, someone posing as a stock commentator would give people investment advice and profit from manipulating stock prices. A few women had requested her assistance. They had lost several hundred thousand to over a million dollars, but they dared not call the Police and were afraid of letting their families know. Therefore, she hoped that the Police were aware of the seriousness of the cases. Since some people were misled by false information, she suggested stepping up public education so that people would not get duped out of their savings and suffer psychologically. On harassment by splashing red paint, she noted that some

reports filed by residents had not been addressed seriously and the problem persisted as a result. Therefore, she asked the Police to elaborate on the follow-up procedures.

84. Mr TSANG Chun-hing said that the problem raised in the paper rooted in the distribution of crime. For instance, the outskirts of Tuen Mun Southeast, as mentioned in the paper, were a new development area with a lot of newly completed properties. Perhaps the Police had not deployed enough manpower to that police district yet. He suggested deploying more officers to patrol constituencies where Members found police presence inadequate. As it was quite energy-consuming to patrol large constituencies on foot, both foot patrol and car patrol would be acceptable for him.

85. Ms Catherine WONG said that the situation varied by constituencies and it was a Member's duty to raise concerns over problems in their respective constituency. She had told the Police early on about some potential crime blackspots. For instance, some people engaged in illegal gambling without wearing masks at Shan King Estate while some women in sexy outfits performed songs at the football court of Leung King Estate. Therefore, she asked the Police to increase patrols in that area. Since those activities were conducted rather regularly, they could be dealt with by stepping up police patrols. The paper was submitted to request police assistance as Members found some illegal activities. Moreover, she pointed out that neighbours of the harassed flat were affected by illegal debt collection too, but she could only advise the residents to call the Police.

86. The Chairman agreed that it was necessary to consider the situation of different constituencies. For instance, a recent CIHC paper had raised the issue of fireworks being set off in rural areas. Some Members had requested more patrols in the rural areas and expressed discontent over the Police's manpower distribution between urban and rural areas. She asked the HKPF representative to respond to the above enquiries and comments.

87. Mr KONG Man-keung, District Commander (Tuen Mun), gave a consolidated response to Members' comments and enquiries as follows:

- (i) He objected to the accusation that police officers had slacked off when they were on standby in police stations or out on the beat. He reiterated that there were two modes of patrol, namely foot patrol and car patrol.

In the New Territories, the Police's service pledge was to arrive at the scene within 15 minutes after receiving a report;

- (ii) On investment frauds, he said that there were many types of frauds recently and the amounts involved were growing. Two weeks earlier, the Narcotics Bureau of the HKPF and the Securities and Futures Commission had jointly conducted "Operation Jadejoint", in which a total of 12 people had been arrested and the amount involved had reached \$900 million. The aim of reporting the case in a high-profile manner was to alert the public to the wide range of deception methods which were used nowadays in areas such as stocks and virtual currencies. As Members received crime trend information from the Police Public Relations Branch on a regular basis, he suggested relaying such information to the public. Deception methods were ever-changing and phone call frauds had become less prevalent. Recent frauds were usually related to investment or moneylending since people might be more susceptible to deception amid economic downturn, being persuaded to take out low-interest loans and got duped out of the deposits;
- (iii) After receiving reports on illegal debt collection, the Police would conduct comprehensive assessments and follow up as appropriate. If the risk of a debt collection case was high, the Police would conduct ambushes and ask building security guards to stay alert to strangers. He encouraged the public to call the Police in face of debt collection;
- (iv) On the manpower distribution in different areas, the Police noted the situation of So Kwun Wat. He reiterated that Tuen Mun recorded a year-on-year decrease in burglary cases. The Police would continue to allocate resources based on the crime trend and the seriousness of the cases to combat crime; and
- (v) On group gathering in certain areas, the Police had received numerous complaints related to the Prevention and Control of Disease Ordinance (Cap. 599). After receiving reports, police officers would go to the scene as soon as possible and they could fulfil the service pledge of arriving within 15 minutes in over 90% of the cases. In deploying manpower, the Police would assess the risks and consider the actual circumstances before deciding the number of officers to be sent and whether to deploy the

Emergency Unit or the Police Tactical Unit.

88. The Vice Chairman agreed that the situation of different constituencies had to be considered in tackling the matter. Many elderly people gathered at Shan King Estate since there was a systematic gambling site. While it had been cracked down through the combined efforts of citizens and the departments, those gamblers sought to gamble elsewhere. Therefore, he asked the Police to address the issue. He added that some people often sang with loudspeakers near Yeung King Playground at Yeung Siu Hang Village, causing nuisance to nearby residents, and there were also people gathering for gambling activities. Therefore, he hoped the Police would patrol that area.

89. Mr CHOW Kai-lim said that there was a long-standing problem of illegal gambling at Wu King Estate. The Police had told him that they would deal with illegal gambling at Tai Hing Estate first and they had made arrests on the grounds of the gathering ban subsequently. In response to his recent enquiry, the Division Commander of Castle Peak Police Station had said that police officers could not issue penalty notices to those gamblers since they had maintained social distance and worn masks. He said that those individuals would not be deterred unless they were fined. He cited a case where eight people had staged a petition in groups of four. The judge ruled that they had violated the gathering ban since they had gathered for a common purpose, regardless of whether they had maintained social distance. Therefore, he opined that the Police's approach might not be compatible with the law or public expectation. Moreover, he hoped that the HD could allocate more resources to provide other facilities such as elderly fitness facilities and children playgrounds after demolishing the chess tables.

90. Mr TSANG Kam-wing said that increasing police presence was equivalent to increasing police manpower and asked the proposers of the paper how to increase police presence without increasing police manpower. He explained by quoting a news report titled "2 500 police officers to patrol at CHRF's demonstration on October 1" from September 2020 as an example. He said that he had never requested more officers to patrol in rural areas. Rather, he only asked the Police to take enforcement action against unlawful activities.

91. The Chairman asked the HKPF to respond and elaborate on the crime report for the period from 2020 to 2021.

92. Mr KONG Man-keung, District Commander (Tuen Mun), gave a consolidated response to Members' comments and enquiries as follows:

- (i) Tai Hing and Wu King fell into the purview of Tuen Mun Division and Castle Peak Division respectively, but illegal gambling in the two areas could be dealt with in tandem. The Police were willing to keep in touch with Members and would take enforcement action spontaneously from time to time;
- (ii) Two to three months earlier, the Police had combated illegal gambling at Yeung Siu Hang Village and cracked down on an illegal gambling establishment. The Police thanked Members for providing information and would step up action against relevant crimes;
- (iii) On crime information and crime trend, theft from vehicles had reduced from January 2021 onwards while the trend of other types of crime varied. Depending on the situation, the Police would take action against a particular crime when the number of cases increased and carry out prevention work when the number of cases dropped. In 2020, deception recorded the largest increase of over 100% while robbery cases had mostly occurred in the first half of the year, so Members needed not worry too much. A decline was recorded in different types of crimes such as criminal damage, wounding, serious assault, indecent assault and miscellaneous theft; and
- (iv) Regarding the lack of interview rooms in police stations mentioned by the Members at an earlier meeting, the New Generation Report Room had been completed on 30 January 2021. Facilities such as soundproof reporting counters and safer holding facilities had been added to strengthen protection of victims' privacy and provide the public with better service.

[The Chairman asked the Vice Chairman to chair the meeting on her behalf.]

V. Discussion Items (Cont'd)

- (D) Request Relevant Departments to Report on Surveillance in Tuen Mun**
(TMDC Paper No. 9/2021)

93. The Vice Chairman said that the Secretariat had received written responses from the Environmental Protection Department, the Leisure and Cultural Services Department (“LCSD”), the FEHD and the HKPF, and emailed them to Members for perusal. The District Lands Office (Tuen Mun) (“DLO”) had said that the captioned matter was outside their purview. The Vice Chairman welcomed Mr Endy CHEUNG, Senior Executive Officer (District Management) of the TMDO, to the discussion. The Vice Chairman asked Mr WONG Tak-yuen, one of the proposers of the paper, whether he had anything to add.

94. Mr WONG Tak-yuen thanked the departments for their detailed responses. According to the FEHD’s reply, the department had provided the Police with video footage for crime prevention and investigation on one occasion between June 2019 and June 2020. He enquired about the locations where the footage had been recorded. Also, he asked the FEHD to report on the plan of installing CCTV in Tuen Mun in future TMDC meetings. The report should include the location and the purpose of each CCTV camera, the number of clips which had been provided to the Police for prosecution or investigation, and the location captured by the footage.

95. The Vice Chairman asked the LCSD and the FEHD whether they could name the brands of their recording devices and whether those devices were equipped with facial recognition function. He pointed out that the FEHD still had not answered the questions raised in the paper and asked whether the HD had provided any CCTV footage to the Police for investigation.

96. Ms Pat TAM of the LCSD said that brand information could not be provided since CCTV cameras which were under the purview of the LCSD had been installed in Tuen Mun at different times and they came from many brands. She said that the current CCTV systems were not equipped with facial recognition function.

97. Mr CHAN Kwok-hung of the FEHD said that to combat illegal refuse deposits, IP cameras had been installed at 16 locations. Between June 2019 and June 2020, the department had provided video footage to the Police for investigation on one occasion and the footage concerned had been recorded near Prime View Garden.

98. Mr WONG Pui-chun of the HD said that cameras installed by the department fell into three categories. The first category was CCTV cameras installed in buildings, residential areas and shopping centres at locations such as lobbies, lifts, stairs and rooftop exits. Notices were put up near every camera to inform people that CCTV were in operation for estate management. The HD would usually retain the footage for 7 to 14 days. If there was a crime, relevant footage would be retained for a longer period. If the HKPF or other law enforcement agencies requested footage, the department would strictly follow the Personal Data (Privacy) Ordinance and data protection principles in handling the request. The second category was surveillance systems installed at the surrounding areas of housing estates, including mobile video recording devices which were used to deter people from throwing objects from height. The third category was recording systems used for monitoring activities such as hawking and illegal gambling and additional cameras would be installed to create a greater deterrent effect if necessary. All cameras were common cameras which stored information on hard disks or DVDs and had no facial recognition function. Since there were many housing estates under the HD, the Police would request their information for investigation from time to time. The HD did not compile statistics in that regard.

99. Mr WONG Tak-yuen again asked the departments which had submitted papers at the current meeting whether they could report on any new CCTV cameras installed, their location, number and purpose in future TMDC meetings. He also asked the departments to report in future meetings as to how many video clips had been passed to the Police or any other individuals for prosecution or investigation in the relevant period and where the footage had been recorded.

100. Mr YEUNG Chi-hang said he had noted from other papers that the Government would install around 400 Smart Lampposts and data collection seemed to be involved. As far as he knew, the Highways Department was responsible for the maintenance of Smart Lampposts, but its representatives were not present at the current meeting. He asked the Vice Chairman whether it was possible to follow up on data collected by the Smart Lampposts.

101. The Vice Chairman noted Mr YEUNG Chi-hang's view and said that he would consult the Chairman. Through the Secretariat, the TMDC would request the Highways Department and other departments concerned to submit relevant information (including the location, purpose and number of additional CCTV

cameras as well as the number of clips submitted to the Police for crime investigation) at the next TMDC meeting.

102. Mr WONG Tak-yuen hoped that the above information would be included as a government report.

103. The Vice Chairman asked the Secretariat to remind government departments to submit the relevant information in the form of a government report at the next meeting.

104. Mr TSANG Kam-wing asked about technical issues again as they were not addressed by any departments so far. The Government adopted the “lowest bid wins” principle in tender exercises for procuring CCTV cameras and low-cost cameras were mostly from Hikivision and Dahua. As far as those brands were concerned, CCTV footage would be forwarded automatically to specific Chinese servers when they were uploaded to the internet. He asked the departments whether the CCTV cameras in use were connected to the internet. He also wanted to know how the footage would be extracted if a crime occurred and whether the internet would be used in the process. He asked the departments to respond.

105. The Vice Chairman said that while the HD had mentioned the use of DVD recorders, other departments had not answered that question. He also asked the LCSD whether their CCTV cameras were connected to the internet.

106. Ms Pat TAM of the LCSD said that the department used DVD recorders too. Their CCTV systems were relatively traditional and would not be connected to the internet.

107. Mr CHAN Kwok-hung of the FEHD said that their CCTV cameras were connected to servers through the 4G network. In the meantime, the department had no plan to install additional cameras. Under the current practice, CCTV cameras would be moved to another location when environmental hygiene improved at the original spot and Members would be consulted before the relocation.

108. Mr WONG Pui-chun of the HD said that as mentioned earlier, their recording devices fell into different categories. Most cameras which were

installed in estate buildings would not connect to the internet and data were transmitted to control centres in estate offices through main cables in the estates. Some cameras which were used for monitoring cases of objects being thrown from height would connect to the 4G network if a cable network was not immediately available. However, no fixed devices would connect to the 4G network. If law enforcement agencies requested footage, the department would consider whether the request was compatible with relevant ordinances and copy the footage manually.

109. The Vice Chairman asked the government departments to provide the requested information in the form of a government report at the next meeting.

(E) Kar Wo Lei Tsuen Residents Told to Move Out Suddenly: Right to Live in Squatters Unprotected
(TMDC Paper No. 10/2021)

110. The Vice Chairman said that the Secretariat had received a written response to the captioned paper from the DLO and emailed it to Members for perusal before the meeting. The Vice Chairman asked Mr MA Kee, the first proposer of the paper, whether he had anything to add.

111. Mr MA Kee was worried that Members might not be familiar with the situation of that area, so he would briefly explain the background to the incident where Kar Wo Lei Tsuen residents had been told to move out suddenly. Kar Wo Lei Tsuen was located in a low-lying area. The DLO not only ignored the flooding problem there, but also kept exploiting squatter residents. While Kar Wo Lei Tsuen currently stood on private land, some villagers had squatter licences. Even so, they remained unprotected. He had asked the DLO how the issue would be dealt with. Since six squatter households were prosecuted, other squatter households were anxious and worried that the village might be demolished or they might be forced to move out any time.

112. The District Lands Officer (Tuen Mun) said that Kar Wo Lei Tsuen was partly built on government land and partly built on private land. In 2020, the DLO had received five reports about non-compliant squatters in Kar Wo Lei Tsuen. After investigation, the Office had confirmed that all squatters involved in the five cases were located on government land and their information such as dimensions was inconsistent with the Squatter Control Survey Records (“SCSR”). As far as non-compliant cases were concerned, the DLO would

follow the mechanism and take enforcement action such as issuing warning letters to the non-compliant squatter households. She added that squatters were unlawful even if they were given a squatter control number. As for squatters built on private land, land owners could exercise his/her right to resume his/her piece of land for other uses.

113. Mr TSANG Kam-wing said that there were still a lot of squatters in Tuen Mun. Most squatters were inconsistent with the SCSR since they had to be repaired or rebuilt due to typhoons and quite a number of squatters had been extended without authorisation. In Lung Mun, many squatter occupants were said to have used building materials which were inconsistent with the SCSR. However, such inconsistencies involved materials from the 60s and the 70s or even outdated materials like asbestos which were already banned. Occupants might not be able to revert the squatters even if they wanted to. Therefore, he suggested that the Lands Department conduct a new round of squatter registration across the territory.

114. Ms Beatrice CHU said that she had assisted Kar Wo Lei Tsuen villagers and some villagers had sought her help. Villagers had been under the impression that the paper related to Kar Wo Lei Tsuen would be dealt with at the TMDC meeting on 2 March and they had asked her to help amend paragraph two of Paper No. 10/2021. Contrary to what the paper had suggested, villagers did not want to be rehoused by the Government or other organisations. They only wanted to continue living in Kar Wo Lei Tsuen. Separately, she said that Kar Wo Lei Tsuen villagers were affected by the long-standing problem of flooding and had to repair the squatters after typhoons. Even so, many of them kept receiving letters of rectification from the DLO. As Mr TSANG Kam-wing had said, the DLO's request was rather unreasonable since it was not quite possible for villagers to revert to old squatter materials. Kar Wo Lei Tsuen was partly built on government land and partly built on private land. Some villagers suspected that they kept receiving letters of rectification from the DLO in recent days because private land owners wanted to resume that piece of land. On behalf of the villagers, she asked the DLO to show consideration to their difficulties and not stress them out by issuing letters of rectification indiscriminately.

115. The Chairman strongly demanded that the District Planning Officer/Tuen Mun & Yuen Long West stick to the planned use of the government land, which

was agricultural use, and objected to the change of land use by any individuals. With many private residential buildings completed in Tuen Mun East and near Castle Peak Road in recent years, she was dissatisfied that the Government kept helping private developers to obtain land and cited the example of land exchange in Koon Lam, Tuen Mun.

116. Mr MA Kee asked the DLO why licences had been issued to squatters built on private land. It appeared to him that the Government was helping private developers to resume land. He was also worried that squatter residents would lose the government subsidies provided to squatter occupants after they were forced to move out. He also opined that the DLO only took enforcement action against squatter residents, but did not step up enforcement against unauthorised building works carried out by indigenous villagers in the New Territories. Lastly, he hoped that the Government would rehouse squatter residents properly and that the DLO would exercise discretion in handling squatter problems so that residents could lead a happy life.

117. Mr POON Chi-kin said that the crux of the problem was poor land planning by the Government. As a result, property developers were allowed to scramble for land. Moreover, he reckoned that under Hong Kong's mode of development, constructing buildings was overemphasised while the use of agricultural or rural land was overlooked. That way, Hong Kong traditions and culture would be destroyed. He questioned whether Hong Kong could grow under that mode of development in the long run. He also hoped that the TMDC would pass the above view to the Government.

118. The Vice Chairman enquired of the DLO about:

- (i) The difference in the arrangements for villagers who wished to continue living in squatters and villagers who wished to be rehoused;
- (ii) How discretion was exercised on squatter occupants; and
- (iii) The reason why the Office was set on taking enforcement action against squatter residents on the grounds of using building materials which were inconsistent with the SCSR, even though the original materials had become obsolete.

119. The District Lands Officer (Tuen Mun) gave a consolidated response to

Members' comments and enquiries as follows:

- (i) On the enforcement action concerning Kar Wo Lei Tsuen, the DLO had checked the SCSR after receiving complaints and found that the squatters concerned were inconsistent with the record. Only then did the Office issue warning letters. The practice was compliant with the existing squatter control policy;
- (ii) The DLO had only issued warning letters to Kar Wo Lei Tsuen squatters which were built on government land and inconsistent with the SCSR. No warning letters were issued to those on private land;
- (iii) If there was a dispute between the owner and the tenant, or if private land ownership was concerned, the two parties should seek resolutions on their own;
- (iv) The DLO had no operation or timetable for demolishing Kar Wo Lei Tsuen in the meantime. Rehousing issues were irrelevant to the enforcement action taken earlier;
- (v) The DLO had not received any applications for developing the part of Kar Wo Lei Tsuen which was built on private land;
- (vi) Squatter occupants could repair their homes as necessary, but the materials and dimensions must comply with relevant requirements. In case of non-compliance, the DLO would take enforcement action. If squatter occupants had any difficulties about repairs, they could approach the Squatter Control Team for enquiry.

120. The Vice Chairman asked the District Lands Officer (Tuen Mun) to elaborate on how discretion was exercised.

121. The District Lands Officer (Tuen Mun) replied that squatter occupants who wanted to carry out repairs could refer to the Squatter Control Policy on Surveyed Squatter Structures on the website of the Lands Department. Occupants should apply to the Squatter Control Team before carrying out repairs on the squatter and the squatter must be consistent with the SCSR. She reiterated that if squatter occupants had any difficulties about repairs, they could approach the Squatter Control Team for enquiry and consultation.

122. Mr TSANG Kam-wing said that Tuen Mun Squatter Control Team was quite willing to offer assistance to squatter occupants. He reckoned that the so-called “discretion” exercised by the DLO only delayed the demolition of squatters, but it could not really help squatter occupants. Lastly, he asked the Government not to serve as an “accomplice” of property developers by assisting in land resumption.

123. The Vice Chairman asked the DLO:

- (i) Whether Kar Wo Lei Tsuen was only planned for agricultural use; and
- (ii) About the procedures of taking enforcement action against non-compliance of squatters located on private land and government land.

124. The District Lands Officer (Tuen Mun) responded to the Chairman’s enquiries. She pointed out that Kar Wo Lei Tsuen was designated for village type development while the private part was designated for agricultural use. Meanwhile, the enforcement action taken at Kar Wo Lei Tsuen only involved squatters standing on government land. Regarding the procedures of taking enforcement action against non-compliant squatters, she reiterated that squatters on government land and on private land were basically treated the same way. The only difference was that if squatter occupants on private land refused to rectify the problem, the DLO would consider further action including resuming that piece of private land.

125. Ms CHEUNG Ka-kei of the Planning Department said that that piece of land was designated as a village type development zone. The planning intention of such zone was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. So far, the Town Planning Board had not received any planning applications or applications for change of land use regarding Kar Wo Lei Tsuen.

126. As Members had no objections, the Vice Chairman announced that the matter was settled.

[The Chairman resumed the chairmanship of the meeting.]

VI. Any Other Business**(A) Impromptu Motion on the “Land and Hygiene Problems at Leung King Hillside and Tsing Dai Rocky Stream”**

127. The Chairman said that the meeting would then deal with papers which had been submitted after the deadline for paper submission, including an impromptu motion on “Land and Hygiene Problems at Leung King Hillside and Tsing Dai Rocky Stream” and four other discussion papers submitted by Mr TSANG Kam-wing. The Chairman suggested allowing only the first proposer to speak on the paper. Afterwards, she would invite government department representatives to respond before asking Members to consider follow-up action, such as passing the paper to relevant committees.

128. The Chairman said that the meeting would deal with the impromptu motion on “Land and Hygiene Problems at Leung King Hillside and Tsing Dai Rocky Stream” first and she asked the proposer to brief the meeting on the content. Also, since the impromptu motion was seconded by less than half of the Members, she asked the Members to vote by a show of hands. The motion would only be dealt with if it was seconded by more than half of the Members.

129. Mr WONG Tak-yuen, the proposer, said that the paper summarised the land and hygiene problems at Leung King hillside and Tsing Dai Rocky Stream and the main cause was that government departments often ignored remote places. He pointed out that some people would wash and hang dry their clothes at Leung King hillside and Tsing Dai Rocky Stream. Some residents even commented that those areas were turned into villages. He had asked relevant departments to follow up and photos also showed that many suitcases were dumped there. However, the Police had replied it seemed that some people were trading suitcases illegally or engaging in suitcase repairs. He had written to the DLO since fire had broken out at that spot twice in 2021, but the Office had only replied briefly that they were following up. As for Tsing Dai Rocky Stream, a hiker who was dissatisfied with the leisure facilities there had conducted unauthorised repair works. He asked government departments to pay more attention to illegal occupation of hillside and village paths since the problem had seriously affected natural scenery. On the hygiene problem, he noted that the FEHD would clean the area regularly, but many people had told him that the area had not been cleaned in the past two to three weeks. Therefore, he asked the FEHD to respond.

130. The Chairman asked the proposer to read out the motion.

131. Mr WONG Tak-yuen, the proposer, read out the motion as follows: “Request relevant departments to follow up on: 1. Illegal occupation of land from Por Lo Shan to Ha Pak Nai and instigate prosecution as soon as possible to prevent repeat offences. 2. Clear rubbish on the hill more frequently and step up monitoring of contractor staff”.

132. The Chairman asked Members to vote on whether they agreed to deal with the impromptu motion first. After voting, more than half of the Members agreed to deal with the impromptu motion.

[Members in favour included Ms KONG Fung-yi, Ms Catherine WONG, Ms HO Hang-mui, Ms SO Ka-man, Mr YEUNG Chi-hang, Mr WONG Tak-yuen, Mr Michael MO, Mr LAM Ming-yan, Mr MA Kee, Mr Kenneth CHEUNG, Mr LEUNG Ho-man, Mr TSANG Chun-hing, Mr TSANG Kam-wing, Mr YAN Pui-lam, Mr POON Chi-kin, Mr LO Chun-yu, Ms LAI Ka-man and Ms LAW Pei-lee.]

133. Ms Catherine WONG said that rubbish had accumulated at the pavilion at the entrance of Por Lo Shan. On illegal excavation, she had conducted an inspection at Por Lo Shan and filed complaints to the FEHD on several occasions. However, the FEHD had responded that her complaint would be referred to the TMDO as the location fell into the Office’s purview. Also, since the entire area behind the gate was a military site, she had asked the TMDO or relevant departments to follow up but few rounds of action had been taken. Regarding the spot where suitcases had accumulated as mentioned by Mr WONG Tak-yuen, the DLO could follow up as that location should be under its management. While she did not know the exact location of Tsing Dai Rocky Stream, acts which would bring destruction to natural scenery were not acceptable. Therefore, she strongly supported the motion.

134. The Chairman asked the DLO to respond to the illegal occupation of government land first.

135. The District Lands Officer (Tuen Mun) said that after receiving complaints about the environmental damage of Tsing Dai Rocky Stream, the DLO had immediately carried out a land control operation and put up notices to

demand the removal of the concrete structure. A recent inspection showed that the concrete structure had been removed. The DLO would continue to follow up on other locations where illegal farming or accumulation of miscellaneous items was found. She stressed that since Tuen Mun was a large district with many complaints about illegal excavation, the DLO had to handle the complaints according to priorities given the limited resources.

136. The Chairman asked the FEHD representatives to respond to environmental hygiene issues.

137. Mr TAI Siu-chung of the FEHD said that while the TMDO was responsible for the management of the pavilion, the FEHD was mainly responsible for the footway in front of the military site and would deploy staff for cleaning. The department would arrange for workers to clean the area after holidays to cope with the increase in visitors. To alleviate the burden of frontline cleaners, he asked Members to encourage hikers to take away their rubbish as far as possible.

138. The Chairman asked DO(TM) to respond to village facilities.

139. DO(TM) said that as far as the Por Lo Shan pavilion was concerned, the TMDO would clean the floor twice a month and clear rubbish twice a week. Due to the epidemic, there was a change in the pattern of visiting the countryside. After receiving the complaints, the TMDO had conducted an inspection and cleared the rubbish. The Office would step up monitoring of the contractor and clean more frequently as appropriate.

140. Mr WONG Tak-yuen reckoned that the location was not cleaned as frequently as described by DO(TM) and urged the relevant department to step up monitoring.

141. The Chairman said that the meeting would deal with the motion, which read "Request relevant departments to follow up on: 1. Illegal occupation of land from Por Lo Shan to Ha Pak Nai and instigate prosecution as soon as possible to prevent repeat offences. 2. Clear rubbish on the hill more frequently and step up monitoring of contractor staff". The motion was proposed by Mr WONG Tak-yuen and seconded by Mr TSANG Chun-hing, Mr WONG Tan-ching, Mr CHEUNG Ho-sum, Mr TSANG Kam-wing and Mr POON Chi-kin. She asked

Members to vote on the motion.

142. After voting, the motion was carried by 19 votes to 0 with no abstentions.

[Members in favour included Ms Josephine CHAN, Ms KONG Fung-yi, Ms Catherine WONG, Ms HO Hang-mui, Ms SO Ka-man, Mr YEUNG Chi-hang, Mr WONG Tak-yuen, Mr Michael MO, Mr LAM Ming-yan, Mr MA Kee, Mr Kenneth CHEUNG, Mr LEUNG Ho-man, Mr TSANG Chun-hing, Mr TSANG Kam-wing, Mr YAN Pui-lam, Mr POON Chi-kin, Mr LO Chun-yu, Ms LAI Ka-man and Ms LAW Pei-lee.]

(B) Other Discussion Papers Submitted by Members

143. The Chairman said that the meeting would deal with four discussion papers next. She would ask the first proposer to speak on the paper first. Afterwards, she would invite government department representatives to give preliminary responses before asking Members to consider follow-up action.

144. Mr YEUNG Chi-hang asked why they were dealing with the four overdue discussion papers.

145. The Chairman said that in principle, she was reluctant to deal with papers which were submitted on an impromptu basis since the government departments concerned were usually not ready to respond. She had discussed with the proposer of the paper. He hoped that standing department representatives who were in attendance could give a response first, but he agreed to skip the discussion.

146. Mr TSANG Kam-wing, the first proposer of the paper, apologised for submitting the discussion papers after the deadline and explained that the lateness was due to failure of the email system. However, since the discussion papers were time-limited to a certain extent, especially the one titled "Follow Up on an On-street Body Search Requiring the Removal of Clothing Conducted by the Police", he hoped that those papers could be discussed. The man mentioned in the paper had been searched completely naked. The Police Public Relations Branch had replied that the man suffered from mental illness and stripped himself bare spontaneously, so the Police had nothing to do with that. He asked the HKPF representative to elaborate on the incident and relevant guidelines.

147. Ms Angela LEE of the HKPF said that the Police would not comment on individual incidents. If members of the public were dissatisfied or doubtful about the Police's approach, they might lodge a complaint to the Complaints Against Police Office and the Police would deal with it in a fair and just manner.

148. The Chairman asked Mr TSANG Kam-wing how he would suggest to follow the matter up.

149. Mr TSANG Kam-wing said that if the Police refused to respond to the incident in writing, he had no choice but to accept. Due to the time limit, it was useless to pass the issue to the Social Services Committee for follow-up action.

150. The Chairman said that the meeting would deal with the next paper "Request the Authorities to Reassess the Set-up of Cycling Tracks in Tuen Mun".

151. Ms SO Ka-man raised doubts as to why the previous paper had been dealt with without the consent of more than half of the Members, and asked whether the next three papers would be handled in the same way. She reckoned that the arrangement was neither clear nor ideal.

152. The Chairman said that her original plan was to allow one round of comments before passing the papers to relevant committees for follow-up action.

153. Ms SO Ka-man opined that it was appropriate to pass the papers to relevant committees for follow-up action, but the problem was why the papers were discussed and departments were asked to respond at the current meeting. She asked whether the papers should only be dealt with that way with the consent of more than half of the Members, or else it would be unfair to the councillors.

154. Mr YEUNG Chi-hang said that as far as he knew, the Chairman would only deal with impromptu motions or papers if more than half of the Members signed and gave consent. As Mr TSANG Kam-wing had explained earlier that the delay had been caused by failure of the email system, he asked whether the Chairman only exercised discretion to deal with the papers because the papers had actually been sent in time. On passing the papers to relevant committees, he asked whether those papers could be discussed at upcoming committee meetings for which submission had closed. In that case, the operation of the entire TMDC would be affected.

155. The Chairman said that the papers would not be included as additional items if the submission deadlines for the upcoming meetings were past. Rather, they would be dealt with at the meeting after the next one. If Members opined that one round of comments was unnecessary, she suggested passing the papers to relevant committees directly for follow-up action.

156. Mr TSANG Kam-wing said that as mentioned in his earlier phone conversation with the Chairman, he only insisted on dealing with the discussion paper “Follow Up on an On-street Body Search Requiring the Removal of Clothing Conducted by the Police” since it was time-limited to a certain extent. He insisted that the remaining three discussion papers be handled at the level of the TMDC. They could be dealt with at the next meeting instead of the current one.

157. The Chairman said that the remaining three papers would be dealt with at the next meeting.

VII. Reports from Government

(A) Reports by Tuen Mun Area Committees

(TMDC Paper No. 12/2021)

158. The Chairman asked Members to peruse the paper.

159. Mr POON Chi-kin found the report unclear. As Tuen Mun Area Committees (“AC”) reported regularly at TMDC meetings, he reckoned that the TMDC had the responsibility to learn more about the operation of the ACs. Therefore, he suggested inviting the chairmen and vice chairmen of the ACs to report on their work at the next meeting.

160. Mr LO Chun-yu said that the reports did not even include attendance lists and criticised that AC meetings lacked transparency as they were not open to the public.

161. DO(TM) said that under the usual practice, reports submitted by the ACs were meeting summaries, not minutes. In response to the Member’s suggestion, she said that it was not usual practice to invite the chairmen and vice chairmen of the ACs to the TMDC meeting. That said, the Chairman was entitled to invite any individuals to TMDC meetings and it was up to the invitees to decide

whether to accept the invitation.

162. On DO(TM)'s mention of usual practice, Mr POON Chi-kin said that it was usual practice for DC Members to serve as AC members too. He asked for an explanation in that regard.

163. Mr LO Chun-yu said that DO(TM) did not give a direct response as to why ACs needed not operate in an open and transparent manner. He emphasised that public finances and resources were also involved in AC affairs.

164. Mr TSANG Kam-wing asked whether the TMDC and the ACs had a subordinate relationship or they were independent from each other. At previous meetings, he had tried in vain to request from the Police the number of fixed penalty notices issued to illegally parked vehicles in Tuen Mun. Yet, the above reports included the number of fixed penalty notices issued to illegally parked vehicles at the roundabout near Lung Mun Oasis. He suspected that the DC had been treated unfairly and urged the Police to take the issue seriously.

165. The Chairman asked DO(TM) to respond to Members' enquiries.

166. DO(TM) said that a DC was a consultative organisation established under the District Councils Ordinance (Cap. 61) and the Ordinance had clearly explained its functions. On the other hand, AC members were appointed by the Director of Home Affairs. They were responsible for promoting public participation in district affairs; advising and assisting in the organisation of community involvement activities and the implementation of government-sponsored initiatives; offering advice on issues of a localised nature affecting the area; promoting a sense of community spirit among residents and local organisations in the area; acting as a forum for the discussion of matters of public interest and providing feedback on them. The DC and the ACs worked in parallel. Under the usual practice, the ACs would submit reports to the DC. AC members were members of the local community including representatives from resident organisations, voluntary organisations, owners' corporations, Rural Committees and villages as well as school principals. The Government had reviewed the formation and operation of the ACs in the previous year and had not appointed DC members as AC members since 1 April 2020. The Government had also noted that the 18 DCs of the current term had formed numerous committees or working groups to tackle main issues in the districts – making a

total of 313, or an average of at least 17 in each district. With the establishment of those platforms, there were plenty of platforms for government departments to listen to the DCs. As for the transparency of the ACs, the public could access the minutes on request. The AC meetings were open to the public in principle, but the actual arrangements might vary by ACs.

167. Ms Catherine WONG supported the suggestion of inviting all ACs to send representatives to the TMDC meeting so that Members could make enquiries about the AC reports.

168. Ms LAW Pei-lee said that current AC members were all DC Members who had lost the latest DC election. She asked whether such practice would be followed in the next term to appoint DC Members who were not re-elected as AC members. She added that she was very willing to join the ACs and give advice to the Government.

169. Mr Kenneth CHEUNG said that the ACs comprised different members of the local community, so he hoped to strengthen communication with them. He cited the example of Fuk Hang Tsuen Road Widening Works from the report of the Tuen Mun North East Area Committee, saying that the DC could invite AC members to its meetings or DC Members could attend AC meetings as appropriate. This could promote communication and help to solve daily life issues.

170. Ms HO Hang-mui said different AC reports showed that the Police had provided the number of fixed penalty notices issued to illegally parked vehicles. Therefore, she asked whether the Police could also provide the DC with relevant statistics in different areas on a regular basis.

171. The Chairman asked DO(TM) to respond first before inviting the Police to reply.

172. DO(TM) said that the AC members were appointed by the Director of Home Affairs in their personal capacity. In appointing AC members, the Director adopted the principle of meritocracy and considered numerous factors such as talent, specialty, experience, integrity and commitment to serve. AC members were members of the local community including representatives from resident organisations, voluntary organisations, owners' corporations, Rural

Committees and villages as well as school principals. They would advise the Government on district affairs. To strengthen the communication between the DC and the ACs, the ACs would submit reports to the DC in the form of meeting summaries. If necessary, the ACs could provide minutes for the DC's perusal or arrange for DC Members or the public to observe meetings. On the provision of information by the Police, she said that the Police would send representatives to both DC meetings and AC meetings and asked the Police to elaborate.

173. Ms Angela LEE of the HKPF said that the Police would give a written response before an AC meeting if enquiries about certain matters were received and they would respond to the enquiries in person at the meeting as far as possible. If information could not be provided right away, Members were welcome to make an enquiry again after the meeting.

174. The Chairman said that according to DO(TM)'s earlier remark, ACs could provide minutes and arrange interested councillors to attend their meetings. She asked DO(TM) to provide (i) minutes of all AC meetings held in October 2020; and (ii) the timetable for forthcoming AC meetings, after the meeting. Moreover, the TMDC would write to invite chairmen of all ACs to exchange views about AC affairs with the councillors at the next DC meeting. The Chairman asked whether Members had further comments.

175. Mr TSANG Kam-wing said that the Legislative Council would send an activity forecast to legislators on a weekly basis. The TMDO could learn from that practice and notify DC Members when sending meeting notifications and minutes to AC members. It would not take a lot of effort.

176. The Chairman asked DO(TM) to listen to Members' views and improve administrative arrangements.

(B) Report by Tuen Mun District Management Committee
(TMDC Paper No. 13/2021)

177. The Chairman asked Members to peruse the paper and asked DO(TM) whether she had anything to add.

178. DO(TM) said that she had nothing to add.

179. The Chairman said the above paper showed that the District Management

Committee (“DMC”) had convened the second meeting without notifying the TMDC, which was not ideal. She hoped that the TMDO would follow the usual practice and invite the chairmen and vice chairmen of the DC and its committees to DMC meetings.

180. DO(TM) said that the Government had reviewed the composition of the DMC. It was noted that the 18 DCs of the current term had formed numerous committees or working groups to tackle main issues in the districts, so there were plenty of platforms for government departments to listen to the DCs. Apart from the fact that DC views were adequately reflected through those platforms, matters discussed by the DMC were usually addressed at the aforementioned occasions too, plus the DMC would submit written work reports to give the DC a full picture of its work. Therefore, the Government had streamlined the operation of the DMC after the review. Currently, DMC members only consisted of district representatives from main departments. The DMC would organise, implement and coordinate the Government’s district programmes with a view to exploring and solving local issues. It would also respond to the DC’s suggestions and requests as appropriate and submit written work reports to the DC. Relevant departments would continue to maintain close communication with the DC through different platforms such as meetings of the DC, its committees and working groups.

181. The Chairman said that Members probably had a lot to say about the arrangements described by DO(TM). For instance, the written report submitted by the DMC was vague and failed to give Members a good picture of how matters had been followed up. She pointed out that many issues could only be solved through cross-departmental collaboration. She hoped that the DMC could continue following up on issues such as the problem of abandoned vehicles which could not be readily solved at DC meetings. She also requested the minutes of the 2nd DMC meeting from DO(TM).

182. DO(TM) said that the DMC report was relatively brief because no meetings had been held between late 2020 and early 2021 due to the epidemic. During that period, department reports had been circulated among department representatives. As the Chairman had said earlier, the DMC would follow up on issues such as the problem of abandoned vehicles which required cross-departmental collaboration. She believed that the next DMC report would be in greater detail.

183. Ms HO Hang-mui found the DMC report useless since its content was vague and the reports mentioned were not enclosed for Members' reference.

184. The Chairman said she hoped that the next DMC report would be in greater detail.

(C) Signature Project Scheme in Tuen Mun District

185. The Chairman asked DO(TM) to brief Members on the latest development of the Signature Project Scheme in Tuen Mun District.

186. DO(TM) said that there were two signature projects under the scheme. The first project was "Revitalisation of Tuen Mun River and Surrounding Areas", which included a public art project called "Viva! River". In early December 2020, the LCSD's Art Promotion Office had finished installing six sets of artworks at Tsing Yin Garden, Choi Yee Bridge Garden, Tuen Mun Riverside Park and Pui To Road (South) Rest Garden (near Tuen Mun Station). The Secretariat had sent Members relevant information earlier. The second project was "Promotion of Youth Development in Tuen Mun". "Young Dreamcrafters - Youth Social Innovation Incubation Scheme", which was run by the TMDC Yan Oi Tong Youth Space, organised activities such as social innovation training sessions and workshops for the youth. Young people were encouraged to be creative and serve the community with innovative ideas and methods. A total of 40 social innovation teams had been formed in the seven rounds of the Incubation Scheme. In the seventh Incubation Scheme, nine teams had been selected in the preliminary stage in January 2021 and given a launch fund of \$10,000 to implement their social innovation plans in Tuen Mun. The adjudication would take place in June. Yan Oi Tong was willing to brief Members on the Incubation Scheme in the next meeting.

187. The Chairman said that she looked forward to Yan Oi Tong's briefing about the latest Incubation Scheme.

VIII. Reports by TMDC Representatives

188. The TMDC representatives had nothing particular to report. The Chairman asked government department representatives to leave first except the HAD representatives.

IX. In-house Matters**(A) Members Joining or Resigning from Committees and Working Groups under TMDC**

189. The Secretary reported that Mr WONG Hung-ming, Mr CHOW Kai-lim and Mr YAN Siu-nam had resigned from the Finance, Administration and Publicity Committee on 5 March 2021, while Mr CHEUNG Ho-sum had resigned from the Finance, Administration and Publicity Committee, the Environmental Hygiene, Climate Change and Sustainable Development Committee, the District Facilities Management Committee, the Social Services Committee and the TTC on 6 March 2021.

**(B) Position of TMDC Funds as at 11 February 2021
(TMDC Paper No. A1/2021)**

190. The Chairman asked Members to peruse the paper.

**(C) Reports by Committees
(TMDC Paper No. A2 to No. A7/2021)**

191. Participants perused the six reports. The Chairman drew Members' attention to item VII "Conversion of Sam Shing Chuen Lau Ng Ying School into Transitional Housing" in the 5th report by the CIHC. During the discussion, the CIHC had passed a motion on that item and suggested passing the matter to the Working Group on Development and Planning of Tuen Mun District under the TMDC for follow-up action. The Chairman asked whether Members had any comments about the arrangement. As Members had no objection, the Chairman announced that the matter would be passed from the CIHC to the above working group for follow-up action and the six committee reports were endorsed.

**(D) Reports by Working Groups
(TMDC Paper No. A8/2021)**

192. Participants perused the above report by the Working Group on Children and Youth Council of Tuen Mun District. As Members had no further comments, the Chairman announced that the above work report was endorsed.

(E) Request to Clarify the Application of Clauses under "Variations to Project" in the Manual on the Use of District Council Funds (Updated by the Home Affairs Department in January 2020) and Its Relationship with the Tuen Mun District Council Funding Guidelines on Implementation of Community Involvement Projects

(TMDC Paper No. A9/2021)

193. The Chairman briefed the meeting on the background of the captioned matter. Previously, three steering groups under the Working Group on Community Involvement of the District Facilities Management Committee would like to increase the total amount of approved project funds to deploy funds remaining from activities which had been cancelled due to the epidemic. However, the Secretariat had rejected the above arrangement, saying that it was against the requirements of the Manual on the Use of District Council Funds (“the Manual”) and the Tuen Mun District Council Funding Guidelines on Implementation of Community Involvement Projects (“the Funding Guidelines”) issued by the HAD. The TMDO had submitted a written response to the above paper, saying that activities held by the TMDC under the community involvement projects must meet the requirements of both the Manual and the Funding Guidelines, or else their funding applications would not be endorsed; where requirements of both the Manual and the Funding Guidelines applied, the stricter one should prevail. The Chairman said that she was not really convinced by the above rhetoric.

194. The Secretary said that the Manual and the Funding Guidelines complemented each other and the stricter one should prevail. In response to the Chairman’s enquiry about paragraph 7.6 of the Manual “Variations to Projects”, he drew Members’ attention to paragraph 7.6.1 “projects should be carried out in accordance with the approved plan and budget” – meaning that no amendments could be made to the approved funds. In its written response, the TMDO had also mentioned that to avoid the situation where the grantee made major amendments to the original proposal and subsequently violated the terms and conditions of receiving DC Funds (i.e. Annex V to the Funding Guidelines and Annex C to the Manual), applications for increasing the total amount of funding would usually be declined. Therefore, no further amendments would be made to the funding amount once it was approved by the DC.

195. The Vice Chairman elaborated on the background of the incident. Previously, the TMDO had been consulted about increasing the total amount of approved project funds. While the Office had originally said that the arrangement was feasible, the Secretariat had eventually rejected the arrangement on the grounds that it did not meet both the requirements of the Funding Guidelines and the Manual. Afterwards, he read the two documents again. He agreed that both the requirements of the Manual and the Funding Guidelines

should be fulfilled and in that order. He opined that the easiest way to avoid similar misunderstandings was to alert staff members of the TMDO and the Secretariat to the discrepancies between the two documents.

196. The Chairman said that according to paragraph 7.6.2 of the Manual, in case of major amendments or variations (i.e. changes in project nature and cashflow requirement; the addition of items of expenditure not covered in the original approval and other additional expenditure exceeding the 5% contingency funds), the grantee should give reasons to the DC and seek its prior written approval. She asked under what circumstances the above clause could be invoked and whether the clause was nullified under the constraint of the Funding Guidelines.

197. The Secretary said that paragraph 7.6.2 of the Manual was about the distribution of funding among different items under the amount of funding allocated and no amendments should be made once the total amount was approved. Generally speaking, paragraph 7.6.2 was rarely invoked and the Secretariat would usually deal with amendments to the date or name of the activity in a flexible manner.

198. To put it simply, the Vice Chairman asked whether amending the Funding Guidelines could solve the above problem.

199. The Secretary said no, because the requirements of the Manual would still apply even if the Funding Guidelines were amended.

200. The Chairman said she hoped that the TMDC would have more time to deal with funding allocation in the future and that similar incidents would not occur again.

(F) **Amendment to the Name and Terms of Reference of the District Civil Rights Development Committee (Discussion Limited to Civil Rights Matters in Tuen Mun as Recommended by Home Affairs Department)**

(TMDC Paper No. A10/2021)

201. The Chairman asked Mr Michael MO, the first proposer of the paper, to elaborate on the paper.

202. Mr Michael MO, the first proposer of the paper, said that while he was reluctant to propose such an amendment, the captioned committee could hardly operate under the existing terms of reference and name because of several legal incidents which had occurred over the past six months and an Ombudsman case. In May 2020, the HAD had written to Ms Josephine CHAN and explained why the department could not provide support to the captioned committee. Moreover, Mr LO Kin-hei, the Chairman of the Southern District Council, had applied for judicial review regarding the incident where staff members of the DC Secretariat had walked out during a meeting, and he had been granted leave to apply for judicial review in March 2021. Nonetheless, the review would only deal with that particular decision of walking out of the discussion about a certain matter during that meeting, but not matters of principles. In amending the name of the committee concerned, he used “affairs” instead of DO(TM)’s original suggestion of “civil participation” since “affairs” had a broader meaning than “participation”. As for the amendment to the terms of reference, he took reference from committees under the Southern, Kwai Tsing and Sai Kung DCs which were provided with secretarial support. He pointed out that even if the captioned motion was carried, how they would follow up on the issue depended on whether the HAD would provide support. If the amended version was still rejected, Members had to consider further action.

203. The Chairman asked Members to vote on the motion, which read “to rename the District Civil Rights Development Committee (Discussion Limited to Civil Rights Matters in Tuen Mun as Recommended by Home Affairs Department) as Civic Affairs Committee and to amend its terms of reference as follows:

- (i) To advise the Government on the implementation and promotion of human rights conventions signed and recognised by Hong Kong, the Basic Law, the Hong Kong Bill of Rights Ordinance and other relevant laws in Tuen Mun;
- (ii) To plan and hold activities to collect Tuen Mun residents’ views on government policies and administration with a view to giving Tuen Mun residents more opportunities to participate in public affairs;
- (iii) To promote civil rights in Tuen Mun with a view to increasing civic awareness;

- (iv) To promote social inclusion in Tuen Mun and help residents from different backgrounds and sectors integrate into the community; and
- (v) To encourage residents to take part in discussions about matters of public concern and promote the use of innovative methods in solving community issues.

The motion was moved by Mr Michael MO and seconded by Ms HO Hang-mui.

204. After voting, the motion was carried by 23 votes to 0 with 2 abstentions.

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

205. DO(TM) said that section 61 of the District Councils Ordinance stipulated the functions of a DC and section 71 of the Ordinance stipulated that a DC might appoint committees for the purpose of carrying out its functions. A DC was tasked with advising the Government on affairs related to district administration. Regarding the amendment to the name and terms of reference of the committee as proposed by the captioned paper, she said that the TMDO had conducted an internal consultation and had the following comments:

- (i) Regarding “human rights conventions signed and recognised by Hong Kong, the Basic Law, the Hong Kong Bill of Rights Ordinance and other relevant laws”, this part involved issues which were not at the district level and did not carry a particular district angle;
- (ii) Regarding “collect views on government policies and administration”, this part was very broad and might involve issues which were not at the district level;
- (iii) The term “public affairs” was rather vague and might not carry a particular district angle; and

- (iv) “Giving Tuen Mun residents more opportunities to participate in public affairs” was outside the ambit of the functions of a DC under section 61 of the District Councils Ordinance.

Based on the above considerations, the TMDO had reservations about whether the amended name and terms of reference of the committee were compatible with the functions of DC under section 61 of the District Councils Ordinance. Therefore, the TMDO and the Secretariat would not provide support or secretarial services to that committee.

206. The Chairman said that the matter would be passed to DO(TM) for further negotiation. She asked the District Officer to discuss with the committee chairman should there be any suggested amendments.

207. Mr Michael MO reckoned that DO(TM) could have expressed the above views before the meeting or provided Members with a written response. The way she replied was not actually communication with the DC. With the interpretation given by DO(TM) and the audio recording of the meeting, he would consider taking legal action.

208. Ms Catherine WONG opined that based on what DO(TM) had said about the terms of reference for the committee, Tuen Mun was like an independent country – if the TMDC was not allowed to advise the Government on the conventions mentioned in the first item of the terms of reference, that meant those conventions were not applicable in Tuen Mun. She asked DO(TM) to pass Members’ views to the HAD.

209. Ms HO Hang-mui said that they had proposed the above amendments only after careful consideration. All items in the terms of reference involved district affairs in Tuen Mun. If what DO(TM) had said was true, she asked whether it meant that government departments would no longer conduct consultations in Tuen Mun about any policies in the future. She said that the Government would usually conduct consultations before implementing policies and one of the best ways was to collect and gauge local views through DC Members. If the DC could not conduct consultations, it would be rendered practically useless. Moreover, the Government had always encouraged public participation, social inclusion and racial harmony, so it seemed contradictory for

it to prevent the DC from discharging its duties. In that case, the Government should stop implementing policies in Tuen Mun in the future.

210. The Chairman suggested that DO(TM) conduct a research since the captioned motion had specified in the annotation that the terms of reference were endorsed and in effect in other DCs. Among them, items 1, 2, 4 and 5 were derived from the terms of reference for Kwai Tsing DC's Youth Affairs Committee, Southern DC's Community Engagement Committee and Sai Kung DC's Community Engagement Committee. Item 3 was about increasing civic awareness, and she reckoned that carrying out civic education in the district could hardly be considered incompatible with DC functions. She suggested that DO(TM) negotiate with the HAD again about the captioned matter and hoped that the issue could be resolved successfully. She pointed out that Mr Michael MO had proposed the amendments only after taking reference from the terms of reference for committees under different DCs. Since the terms of reference were acceptable in other DCs, the same standard should apply to the TMDC. Also, all items of the terms of reference carried a district angle. She suggested that government staff should consider the actual circumstances of the meeting and only walk out if matters which were not on the district level were discussed. She said that she would negotiate and communicate with the HAD about the captioned matter alongside Mr Michael MO.

211. Mr Michael MO said that instead of negotiating, he would take legal action.

212. The Chairman said that she would take a dual-pronged approach and negotiate with the HAD on her own.

X. Date of Next Meeting

213. As there was no other business, the Chairman announced the meeting closed at 7:22 p.m. The next meeting would be held on 4 May 2021.

Tuen Mun District Council Secretariat

Date: July 2021

File Ref: HAD TMDC/13/25/DC/21