

(Revised)

Minutes of the 1st Meeting in 2021 of Tai Po District Council

Date: 2 March 2021 (Tuesday)

Time: 9:34 a.m. – 5:51 p.m.

Venue: Conference Room, Tai Po District Council

<u>Present</u>	<u>Time of Arrival</u>	<u>Time of Withdrawal</u>
<u>Chairman</u>		
Mr. KWAN Wing-yip	Beginning of the meeting	End of the meeting
<u>Vice-chairman</u>		
Mr. LAU Yung-wai	Beginning of the meeting	End of the meeting
<u>Members</u>		
Mr. AU Chun-ho	9:49 a.m.	End of the meeting
Mr. AU Chun-wah	10:00 a.m.	End of the meeting
Mr. CHAN Chun-chit, Richard	Beginning of the meeting	End of the meeting
Ms. CHAN Wai-ka, Olive	Beginning of the meeting	End of the meeting
Mr. CHOW Yuen-wai	9:45 a.m.	End of the meeting
Mr. HO Wai-lam	9:51 a.m.	End of the meeting
Mr. LAM Ming-yat, Nick	Beginning of the meeting	End of the meeting
Mr. LAM Yick-kuen	Beginning of the meeting	1:58 p.m.
Mr. LI Yiu-ban, BBS, MH, JP	Beginning of the meeting	12:39 p.m.
Mr. LIN Kok-cheung, Dalu	10:10 a.m.	End of the meeting
Mr. MAN Nim-chi	Beginning of the meeting	End of the meeting
Mr. MO Ka-chun, Patrick	Beginning of the meeting	5:05 p.m.
Mr. SO Tat-leung	Beginning of the meeting	End of the meeting
Mr. TAM Yi-pui	Beginning of the meeting	End of the meeting
Mr. WONG Siu-kin	10:15 a.m.	1:26 p.m.
Mr. WU Yiu-cheong	9:45 a.m.	End of the meeting
Mr. YAM Kai-bong	Beginning of the meeting	End of the meeting
Mr. YIU Kwan-ho	Beginning of the meeting	End of the meeting
Mr. YIU Yeuk-sang	9:55 a.m.	End of the meeting

Secretary

	Beginning of the meeting	End of the meeting
Mr. LEE Yu-sau, Terence Senior Executive Officer (District Council), Tai Po District Office, Home Affairs Department		

In Attendance

Ms. CHAN Hau-man, Eunice, JP	District Officer (Tai Po), Home Affairs Department
Mr. HO Ching-yeung, Jonathan	Assistant District Officer (Tai Po), Home Affairs Department
Mr. MA Wai-hing, Adrian	District Commander (Tai Po), Hong Kong Police Force
Ms. WONG Hung-kwan, Frances	Police Community Relations Officer (Tai Po District), Hong Kong Police Force
Mr. TAM Kam-chi	Assistant District Social Welfare Officer (Tai Po/North) 2, Social Welfare Department
Ms. CHU Ha-fan, Jessica	District Planning Officer/Shatin, Tai Po and North, Planning Department
Mr. KWOK Kin-man, Alex	District Lands Officer/Tai Po (District Lands Office, Tai Po), Lands Department
Mr. CHOY Kin-lun	Administrative Assistant/Lands (Acting) (District Lands Office, Tai Po), Lands Department
Ms. MAK Ka-ki, Maggie	Chief Engineer, N3, Civil Engineering and Development Department
Mr. LI Kwok-keung, Vincent	Senior Engineer/11(N), Civil Engineering and Development Department
Mr. KWONG Ka-yin	Chief Transport Officer/New Territories East, Transport Department
Ms. WONG Mei-yin	Chief School Development Officer (Tai Po), Education Bureau
Mr. KWOK Chun-sum	District Environmental Hygiene Superintendent (Tai Po), Food and Environmental Hygiene Department
Ms. TAM Wai-chu	District Leisure Manager (Tai Po), Leisure and Cultural Services Department
Ms. CHEUNG Kwai-yan	Deputy District Leisure Manager (District Support) Tai Po, Leisure and Cultural Services Department
Mr. CHAN Kai-lam, Allan	Chief Manager/Management (Tai Po, North and Shatin), Housing Department
Ms. LEE Ching-ye, Patty	Senior Liaison Officer (1), Tai Po District Office, Home Affairs Department

Ms. WONG Yu-hang, Anita	Senior Liaison Officer (2), Tai Po District Office, Home Affairs Department
Mr. WU Chi-hung, Derek	Senior Executive Officer (District Council) (Designate), Tai Po District Office, Home Affairs Department
Mr. SO Ka-yu, Tel	Executive Officer I (District Council), Tai Po District Office, Home Affairs Department

Announcements

The Chairman welcomed DC Members and departmental representatives to the meeting, and announced the following matters:

- (i) Mr. Adrian MA succeeded Mr. LEE Kwok-chung as District Commander (Tai Po) of the Hong Kong Police Force (“HKPF”) while the latter had retired from service. Mr. MA would attend meetings from now on.
- (ii) Ms. TAM Wai-chu succeeded Ms. Stella LIU as District Leisure Manager (Tai Po) of the Leisure and Cultural Services Department (“LCSD”) while the latter had retired from service. Ms. TAM would attend meetings from now on.
- (iii) Mr. CHOY Kin-lun took up the post of Administrative Assistant vice Mr. Frankie SUEN on transfer out of the Lands Department (“LandsD”). Mr. CHOY would attend meetings from now on.
- (iv) Mr. Jonathan HO took up the post of Assistant District Officer (Tai Po) vice Miss Tiffany LEUNG on transfer out of the Home Affairs Department (“HAD”). Mr. HO would attend meetings from now on.
- (v) Mr. Vincent LEE, Senior Engineer of the Civil Engineering and Development Department (“CEDD”), attended this meeting on behalf of Ms. Maggie MAK, Chief Engineer, for the time being because the latter would only be available at a later time owing to other commitments.
- (vi) Mr. TAM Kam-chi, Assistant District Social Welfare Officer (Tai Po/North)² of the Social Welfare Department (“SWD”), attended this meeting on behalf of Mr. YAM Mun-ho.
- (vii) Ms. Frances WONG, Police Community Relations Officer (“PCRO”) (Tai Po District) of HKPF; Ms. CHEUNG Kwai-yan, Deputy District Leisure Manager (District Support) Tai Po of LCSD; and Mr. Derek WU, Senior Executive Officer (District Council) (Designate) of the Tai Po District Office (“TPDO”) for appointment as Secretary of the Tai Po District Council Secretariat attended this meeting.

I. Confirmation of the Minutes of the 6th Meeting of the TPDC in 2020 on 3 November 2020
(TPDC Paper No. 3/2021)

2. The Chairman advised that the Secretariat had received proposed amendments to the minutes of the last meeting before the meeting, with details set out in Paper No. 3/2021. There being no further amendments proposed at this meeting, the minutes of the last meeting were confirmed after incorporating the proposed amendments as set out Paper No. 3/2021.

II. Tai Po District enforcement action reports submitted to TPDC by Hong Kong Police Force, Fire Services Department, Customs & Excise Department, Immigration Department and Independent Commission Against Corruption
(TPDC Paper Nos. 4/2021, 5/2021, 6a/2021, 6b/2021 and 7/2021)

3. The Chairman welcomed Mr. LAU Kwok-fu, Division Commander ‘East’ (New Territories North), and Mr. LAI Chiu-leung, Station Commander Tai Po Fire Station, of the Fire Services Department (“FSD”), to join discussion of this agenda item at the meeting. The Secretariat had earlier invited representatives of HKPF, FSD, the Customs and Excise Department (“C&ED”), the Immigration Department (“ImmD”) and the Independent Commission Against Corruption (“ICAC”) to join discussion of this agenda item at the meeting. Among them, C&ED, ImmD and ICAC had indicated that they were unable to send representatives to this meeting. Except for the district report pending from ICAC, the written replies from various departments had been set out in the aforesaid papers for DC Members’ perusal.

4. Mr. Adrian MA went through Paper No. 4/2021 and provided the following supplementary information:

- (i) The number of crimes reported in the period between October and November 2020 was 285 cases, representing a decrease of 32 cases or 10.1% when compared with 317 cases in the period between August and September in the same year, and a decrease of 80 cases or 21.9% when compared to 365 cases in the period between October and November 2019. The total number of crimes reported in the period between December 2020 and January 2021 was 291 cases, representing an increase of six cases or 2.1% when compared with 285 cases in the period between October and November in 2020, but a decrease of 26 cases or 8.2% when compared with 317 cases in the period between December 2019 and January 2020.
- (ii) When compared with 2019, deception cases had registered a significant increase in 2020 because quite many online mask scams emerged as a new form of e-

shopping fraud at the onset of the epidemic. Besides, amid the epidemic, there had been shifts in consumption patterns as people staying home to fight the virus switched to online shopping. Quite a number of e-shoppers had been fallen victim to fraudulent shopping scams on Facebook and auction websites. In addition, conventional crimes, such as investment scams, romance scams, “Guess Who” and “Pretend Officials”, were still the prevalent modi operandi. In most cases, scammers had spent a lot of time to build trust with victims before accessing their bank accounts undetected, therefore, by the time the victims found out the truth, their money had already been transferred to overseas accounts for some time. As it was relatively difficult to detect such deception cases, public awareness should be raised through education constantly. The Police would sustain public education efforts through various platforms, including alerting members of the public of a variety of modi operandi used by scammers through the dissemination of different anti-crime messages on videos, and looked forward to disseminating such messages to local residents through TPDC in the future.

- (iii) A total of 47 cases of violent crimes had been reported in the period between October and November 2020, dropped by seven cases when compared with 54 cases in the period between August and September in the same year, and representing a decrease of 13 cases or 21.7% when compared with 60 cases in the same period in 2019. 56 cases of violent crimes had been reported in the period between December 2020 and January 2021, increased by nine cases as compared with 47 cases in the period between October and November in the same year, but dropped by seven cases when compared with 63 cases in the period between December 2019 and January 2020. Violent crimes fell into three main categories: wounding and aggravated assault (quite many of such cases had been caused by altercation), family or kinship violence (e.g. a husband slapped his wife in the face, or vice versa, during a quarrel) and criminal intimidation. However, criminal intimidation cases might also involve debt collection, quarrel between husband and wife, as well as family/kinship violence.
- (iv) Naked chat scams showed an increasing trend amid the epidemic. Quite many online daters had been enticed to engage in naked chats when making new friends and looking for partners through social networking platforms. Scammers had extorted money from their victims by threatening to release the indecent video footage. As some victims might be reluctant to file a police report, the Police would sustain publicity efforts in this regard.
- (v) A total of 22 burglary cases had been reported in the period between October and November 2020, representing an increase of five cases or 29.4% when compared with 17 cases in the period between August and September in the same year, and an increase of one case or 4.8% when compared with 21 cases in the same period

in 2019. 14 burglary cases had been reported in the period between December 2020 and January 2021, representing a decrease of eight cases or 36.4% when compared with 22 cases in the period between October and November 2020, and a decrease of 20 cases or 58.8% when compared with 34 cases in the period between December 2019 and January 2020. Despite a drop in the annual number of burglary cases, the Police noted that the relatively low figures registered in the first two quarters of 2020 might be attributable to the fact that quite many members of the public had stayed home to fight the virus during that period, preventing culprits from taking advantage of loopholes. Nevertheless, the figures had gone up in the third and fourth quarter. As a case in point, a burglar had broken into a flat on 3/F while the victim was having a meal on 1/F. The Police would continue to conduct intelligence-led operations in the hope of catching culprits, sustain its efforts to carry out high-profile patrols and set up roadblocks when necessary through efficient deployment of manpower.

- (vi) Regarding the trend of criminal damage, a total of 47 cases had been reported in the period between October and November 2020, representing an increase of six cases or 14.6% when compared with 41 cases in the period between August and September in the same year. 38 cases had been reported in the period between December 2020 and January 2021, representing a decrease of nine cases or 19.1% when compared with 47 cases in the period between October and November 2020. A majority of such cases were related to debt collection. A rise in unemployment rate had aggravated the overdue debt problem. Culprits would splash red paint on debtors or guarantors, or even jam door keyholes. The Police had carried out a number of operations and arrested suspects on different occasions, and would continue to conduct intelligence analysis. Meanwhile, officers from the Task Force Sub-Unit (“TFSU”) were making preparation for ambush operations, and appealed to owners’ corporations of buildings with security guards to record the particulars of visitors. Since economic recovery would take time, the number of criminal damage cases would remain high. Hence, the Police would make persistent efforts in this regard.

5. Mr. LAU Kwok-fu briefed DC Members on Paper No. 5/2021.

6. Mr. YAM Kai-bong raised the following views and questions:

- (i) Maybe it had something to do with the economic situation. He had often received assistance-seeking cases about debt collection activities and related crimes, (including extortion, criminal damage and violent incidents) taken place at public housing estates. As a case in point, when a victim had come to the police station for filing a report because debt collectors had turned to him and other partners of

his company to recover outstanding debts incurred by another partner, the Police had refused to deal with the case on the ground of a financial and commercial dispute. The debt collectors had come to the victim's flat to knock on the door and put up posters. They had even allegedly waited for the victim downstairs. Although the victim and his family had nothing to do with the outstanding debts, the debt collection activities had caused a great disturbance to them. Since this was by no means an isolated case, it was hoped that duty officers of the report room would pay closer attention to similar incidents in the future. In addition, some debtors had attempted suicide due to financial problems, but fortunately been prevented from doing so in time. He suggested that frontline police officers should consider how to provide assistance when handling such cases, especially when a victim had nothing to do with the outstanding debts. Maybe officers could be assigned to give an account of the situation to the debt collection agency.

- (ii) Previously, he had come to the police station to file a report on vandalism of banners put up by him as a district councillor. He had also reflected to the Police Public Relations Branch ("PPRB") that somebody had cut his banners with a sharp tool on the following day after they had been put up, showing that the vandal had apparently come prepared. A resident had suggested lying in ambush nearby in the evening to catch the culprit. However, as he was worried that residents would be injured in case a conflict broke out with the vandal, he had prevented them from doing so and reported to the Police. Since the incident had happened on a street without closed-circuit television ("CCTV") cameras, the Police had indicated that nothing could be done. Vandalism did not solely take place at Fu Shin Estate. Even the banners along On Po Lane and On Po Road, the access roads for police vehicles in and out the police station, had also been vandalised. Therefore, he called on the Police to step up patrol efforts.
- (iii) A member of the public had sought assistance from the report room regarding an online mask scam involving several thousand dollars. However, duty officers of the report room had indicated that they had been unable to provide any assistance. This case had been eventually referred to the Commercial Crime Bureau ("CCB") of the Police Headquarters for following up. He enquired of the Police about the existing handling approach, and suggested that the Police should make internal referrals to relevant units for following up upon receipt of such cases.
- (iv) He wished to know the overall number of service calls and the number of service calls for carrying COVID-19 patients or their close contacts attended by ambulances in the period between 20 October 2020 and 15 February 2021. He learnt that in view of the overwhelmed ambulance services during the fourth wave of the epidemic, FSD had deployed fire service vehicles to take up some ambulance services, whereby fire fighters who were certified first responders would perform

first aid before ambulances arrived at the scene to take patients to hospital. He asked whether a similar situation had happened in Tai Po District before.

7. Mr. Nick LAM raised the following views and questions:

- (i) Previously, he had received assistance-seeking cases from members of the public concerning scams involving tens of thousands of dollars. The victims had come to Tai Po Police Station to file reports, but duty officer of the report room had been reluctant to initiate new cases. Based on legal advice, the victims were supposed to seek assistance from CCB of the Police Headquarters, nevertheless, they might not be able to spare time to go there. Such an arrangement had caused inconvenience to the public. He hoped that the Police would make case referrals for the public, e.g. transferring the victims' statements recorded at Tai Po Police Station to the Police Headquarters for following up.
- (ii) "Number of One-woman Brothels" was one of the items under Part 3 headed "Other Crimes of Concern in the District" as shown in the table of TPDC Paper No. 4/2021. Given that one-woman brothel itself was not illegal, he enquired of the Police why "Number of One-woman Brothels" had been included in "Other Crimes of Concern in the District" and whether the figures concerned pertained to offences relating to one-woman brothels.
- (iii) He had recently received an assistance-seeking case from a member of the public complaining that some clients visiting vice establishments at the building in which he resided had failed to wear face masks, and even caused noise nuisance, as well as urinated and defecated in public places, causing a great disturbance to other residents. Moreover, even the gate installed at the entrance of the building had been vandalised, making the victim feel really helpless. As illegal immigrants from the Mainland working as prostitutes in Hong Kong might become a source of pneumonia infection, he had written to the Commissioner of Police urging the Police to provide assistance to residents by stepping up enforcement and patrol efforts.
- (iv) Figures on illegal gambling in the district had not been separately shown in the paper submitted by the Police. In his constituency, illegal gambling was most rampant at Kwong Fuk Bridge Garden. For instance, a member of the public had called the Police on the spot upon detection of illegal gambling activities, but police officers had failed to show up. Therefore, he called on the Police to make an all-out effort to follow up on the matter.

8. Ms. Olive CHAN raised the following views:

- (i) Very often, a debt collection agency had mistakenly sent tons of debt collection letters to a debtor's next-door neighbour in an attempt to recover outstanding debts, creating significant mental stress among the residents. The victim had called the Police, but the Police had refused to provide any assistance. She called on the Police to set up a dedicated hotline or task force to handle similar cases, so that residents would no longer suffer from such a nuisance.
- (ii) Earlier on, media reports had revealed that some people had failed to wear face masks when playing chess or gambling behind Tai Wo Neighbourhood Community Centre, and even attacked security guards giving advice on the scene. The illegal gambling problem was rampant at the site concerned, and some people even waited there to act as lookouts, reflecting that people gathering there were not just for fun. Therefore, he called on the Police to step up patrol efforts, lest the site concerned would become a black spot for illegal gambling.

9. Mr. AU Chun-wah raised the following views and questions:

- (i) Normally, people in need of assistance would only call the Police when they had nowhere to turn. However, in practice, police officers often failed to show up after a police report had been made. As social movements had come to a halt for nearly a year, the Police's manpower deployment had returned to normal, but not for routine patrols and public services. Previously, police officers had conducted street patrols in a small team of five to six members on account of personal safety. However, no police officers were seen patrolling streets at present, making it difficult for members of the public to seek assistance from the Police. As a case in point, a member of the public had repeatedly filed police reports on noise nuisance. However, regardless of the time of the day when the reports had been made, police officers had seldom arrived at the scene because the case was neither urgent nor criminal in nature. Even though a case involved criminal elements but was not a most urgent matter, the Police would not spare time to deal with it.
- (ii) Under normal circumstances, patrol officers worked in three shifts a day, and supposedly, would issue three penalty tickets against vehicles illegally parked at the same location every day. With the support of officers from the Traffic Wing and designated ticket-issuing personnel, the Police were supposed to have sufficient capability to address traffic issues. However, despite that the traffic congestion problem in Tai Po District had intensified over the past half year, DC Members were unaware of any actions proactively taken by the Police to address the traffic black spots they mentioned before. Even though PCRO provided a daily update of penalty tickets issued against illegal parking, traffic congestion was a daily phenomenon at Wan Tau Street and Heung Sze Wui Street. Worse still, a

traffic tailback even extended all the way from Tai Po Market to Tai Po Centre along On Chee Road and On Cheung Road at weekends. If the Police were unable to solve the illegal parking problem, it would hardly be convincing to the public that the Police would actively deal with other community affairs. DC Members had repeatedly brought up the issue concerned at the meetings of the Traffic and Transport Committee (“TTC”), but some black spots had remained unaddressed despite repeated mentions. He hoped that the newly appointed District Commander would introduce a new work style, enhance communication with DC Members and instruct frontline police officers to deal with district affairs in a pragmatic manner.

- (iii) The paper submitted by C&ED contained detailed figures, but very often, its replies were only available two months later owing to sole reliance on correspondence. As a result, the cases could not be dealt with in a timely manner. He asked the Secretariat to contact those departments which had failed to send representatives to this meeting and invite their representatives to join discussion at future meetings for more effective communication. In this way, departmental representatives could exchange views and communicate with DC Members on any issues raised at the meeting in person, which was conducive to identifying the right solution for local issues.
- (iv) The epidemic had caused service interruption at the Smart Identity Card Replacement Centres recently. As such, he wished to know whether the progress of the Territory-wide Identity Card Replacement Exercise would be hindered.
- (v) ImmD had indicated that the issue of cross-boundary illegal fishing activities of Mainland fishing vessels was mainly under the purview of the Marine Police and the Agriculture, Fisheries and Conservation Department (“AFCD”). Located in close proximity to the eastern part of Hong Kong, the vast waters off Tai Po District adjoined the Mainland’s coastline. Quite many local fishermen had reflected that fishing vessels entering Hong Kong waters illegally had indirectly affected their livelihood, but those in need of assistance had nowhere else to turn. Therefore, he called on the departments concerned to take follow-up actions.
- (vi) As mentioned at the last meeting, his observations had revealed that ambulance services had been interrupted by traffic congestion at Heung Sze Wui Square, but FSD had expressed a contrary opinion. Yet, he had repeatedly witnessed the traffic impact on firefighting and ambulance services in the vicinity. As it had been almost four months since the last meeting, he wished to know whether the acute problems of illegal parking and traffic congestion in the district had affected FSD’s services in the interim.

10. Mr. Adrian MA responded as follows:

- (i) The majority of cases would be initiated upon receipt of police reports; if not, it might possibly due to the fact that informants were either unable to give a precise description of the situation or provide sufficient information. He would remind frontline police officers (including duty officers of the report room) of the need to be inquisitive and ask informants to provide further information even though the latter were unable to give a precise description of the situation under certain circumstances, so as to refer the cases to crime officers in a timely manner.
- (ii) A DC Member had asked whether an excessive number of one-woman brothels in the district would cause nuisance to nearby residents. In fact, the Police would conduct door-to-door visits from time to time in a continuous effort to monitor the number of one-woman brothels. In some cases, sex workers were also victims, e.g. they might be robbed by culprits disguised themselves as clients. The Police would conduct a quarterly joint operation with ImmD to look into whether illegal workers from the Mainland working as prostitutes in Hong Kong were involved. Due to the epidemic, the number of sex workers from the Mainland had dropped significantly. The number of one-woman brothels as stated in the paper was for reference only, which might not tally with the number of active ones because some sex workers might have moved out. He would review the existing reporting format to enhance the usefulness of future data. The public or DC Members might call the Police in the face of nuisance arising from the operation of one-woman brothels or on suspicion of illegal workers from the Mainland working as prostitutes. The Police would dispatch the Special Duty Squad or conduct joint operations with ImmD to address the situation.
- (iii) In the period between October and November, the Police had conducted 36 patrol-cum-drive away operations against illegal gambling, and arrested eight people during two operations respectively. In the period between January and February, the Police had conducted 30 patrol-cum-drive away operations at Kwong Fuk Bridge Garden, during which no arrest had been made for gambling-related offences but prosecutions been instituted against 11 people for violating the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (commonly known as “No-gathering Order”). As for some relatively secluded locations, the Police would face certain difficulties during evidence collection. However, as he was aware of the fact that group gatherings of more than two or four persons gambling or playing chess on the street would somehow influence the epidemic situation and residents, the Police would continue to follow up on the matter.
- (iv) Regarding cases in which debt collection agencies had attempted to collect money due from unrelated persons because debtors had provided personal particulars of

their relatives or guarantors to finance companies, if the Police could identify the debt collection agencies from debt collection messages or letters, officers from the District Intelligence Section (“DIS”) would approach them in the hope of reducing nuisance. However, under certain circumstances, the Police might not be able to contact the debt collection agencies. The Police’s DIS would analyse the debt collection situation in the district and assign TFSU officers to conduct risk assessment. Thereafter, follow-up actions would be taken depending on the severity of the nuisance. The Police had arrested five suspects who had allegedly splashed red paint in the third and fourth quarter respectively, and were tracking down other suspects still at large, whose identity had previously been verified from screenshots of CCTV footage.

- (v) For assistance-seekers turning up at the report room, he would remind duty officers of the need to uphold professionalism, take a service-oriented approach and be inquisitive.
- (vi) Regarding vandalism of banners put up by DC Members across the political spectrum, if DC Members found that the banners put up earlier had been vandalised within several days, in the future, they could notify PPRB officers after putting up banners, so that police officers would be dispatched to lay an ambush nearby during the high-risk period.
- (vii) Regarding the refusal of duty officers of the report room to handle a police report on an online shopping scam filed by a victim, it might have something to do with the way information was presented by the informant. Therefore, he considered that duty officers should have asked for more information from the informant. The Police would deal with every single case, instead of refusing to handle police reports. As far as the above case was concerned, maybe individual duty officers had different interpretations of the situation during communication with the informant. If multiple victims filed police reports against the same scammer, the Police could gather more evidence before seeking an arrest warrant.
- (viii) The Police had constantly invoked the “No-gathering Order” to deal with the illegal gambling problem. However, increasing the fixed penalty for violating the “No-gathering Order” from \$2,000 to \$5,000 would impose a greater impact on members of the public. Therefore, the Police would first issue warnings to gamblers, and institute prosecutions without hesitation if they gathered together again.
- (ix) The Police had put in place a tier system to handle police reports, whereby priority would be given to police reports filed via the 999 emergency hotline. Other non-urgent cases would be handled if there were no police reports filed via the 999 emergency hotline. According to the performance pledge, the Police

endeavoured to respond to 999 emergency calls within an average response time of 15 minutes in the New Territories and nine minutes in urban areas respectively. As noise nuisance complaints were classified as non-urgent cases, the Police would only attend the scene after handling urgent cases.

- (x) There were two types of police officers, i.e. in plain-clothes and in uniform. From time to time, uniformed patrol officers would be summoned to other places to attend calls, but they would stay inside police vehicles during the remaining time. The installation of global positioning system trackers in existing police vehicles could enable the Police to assess whether some areas had been allocated a fewer number of patrol officers or needed more policing services. The Police would conduct high profile patrol operations in a continuous effort to monitor the situation.
- (xi) Illegal parking was a relatively complicated problem involving such issues as shortage of parking spaces and indiscriminate parking near restaurants or markets. The Police adopted a zero tolerance approach in issuing penalty tickets against illegal parking. The number of prosecutions had increased since the implementation of the e-Ticketing Pilot Scheme. The number of fixed penalty tickets issued in Tai Po District last year had increased from 2 883 in January to over 5 600 in April, some 7 800 in July and 9 496 in December. However, the illegal parking problem could not be solved by issuing penalty tickets alone. Illegally parked vehicles would disappear when police officers arrived at the scene, but the situation would simply recur upon police officers' departure. This had something to do with the lack of authorised parking spaces in the district and the imbalance between demand and supply, etc. To tackle this problem, a three-pronged approach should be adopted. On the one hand, the Police should strictly enforce the law. On the other hand, public education activities should be carried out. Moreover, relevant government departments should be tasked to assess the need to increase the number of parking spaces and provide more car parks. Also, the Police would carry out three types of law enforcement actions with an aim to ensure an efficient road network. Due to the undesirable traffic obstruction caused by the pulling over of a police vehicle for issuing penalty tickets, police officers would order drivers staying in the car compartment to drive away. For those vehicles without drivers, police officers would issue penalty tickets. Some vehicles causing road obstruction would be towed away and impounded. The Police would continue to take law enforcement actions as described above. It was believed that the number of penalty tickets issued against illegally parked vehicles would continue to rise as more and more police officers switched to use portable printers to print fixed penalty tickets through a mobile application in the future.

11. Mr. LAU Kwok-fu responded as follows:

- (i) Given the dynamic deployment of fire appliances and ambulances for the provision of services, a breakdown of the number of service calls attended by ambulances by district was not available. Fire appliances and ambulances were equipped with the Automatic Vehicle Location System, through which the Fire Services Communications Centre (“FSCC”) could track the dispatch status and locations of all fire appliances and ambulances, ensuring that the most suitable vehicles would be deployed to perform the assigned task at the scene of an incident. In case a number of emergencies happened in Tai Po District at the same time, vehicles from other districts might also be deployed to attend to the scene or provide assistance. FSD would consolidate data on emergency service calls attended by ambulances in Tai Po District during the recent period after the meeting.

(Post-meeting note: During the period between January and March 2021, a total of 5 275 emergency service calls attended by ambulances were recorded in Tai Po District, including 92 emergency medical service calls attended by first responders.)

- (ii) Generally speaking, in the event of an emergency, FSCC of FSD would inform frontline officers prior to dispatch whether the incident involved persons who had been classified by the Centre for Health Protection (“CHP”) as close contacts. But in many cases, asymptomatic close contacts of confirmed cases could not be identified until they were triaged at hospital or confirmed by CHP. In view of this, frontline officers would also ask patients about their medical history and make verification at the scene. When in doubt or performing high-risk medical procedure, frontline officers would put on personal protective equipment with better protective performance.
- (iii) As mentioned in FSD’s work report, the provision of emergency medical services was under the purview of FSD. 18 years had lapsed since the launch of the First Responder Programme in 2003. As far as some specific emergency medical services were concerned, when FSD considered that first responders could arrive at the scene earlier than ambulances, the computerised mobilising system of FSCC would identify deployable fire appliances that could provide first responder services. Before the arrival of ambulances, first responders of fire appliances would provide basic life support to patients at the scene. The related arrangement was an on-going service rather than a temporary measure in response to the epidemic.
- (iv) According to FSD’s report, there was no interruption of FSD’s services as a result of illegal parking or traffic congestion. Indeed, illegal parking or traffic congestion would increase the response times of fire appliances and ambulances.

When frontline officers attending service calls encountered severe traffic congestion, they would seek assistance from the Police via FSCC. In a worst-case scenario, frontline officers would travel on foot if the fire appliance or ambulance could not pass through narrow village roads. As far as he knew, there was no interruption of ambulance services as a result of illegal parking or traffic congestion, but in some cases, it might be necessary to re-deploy resources in order to maintain existing services.

12. Mr. AU Chun-ho raised the following views:

- (i) A resident had called the Police at 8:03 p.m. on 7 February, and it was not until 9:02 p.m. that a police officer returned his call saying that police officers had not been available for the time being owing to other engagements. Eventually, police officers arrived at the scene at 9:27 p.m. Police officers took 1.5 hours to attend the scene upon receipt of the police report. As anything might happen in the interim, he called on the Police to pay attention to this.
- (ii) The years-long problem of illegal gambling at the sitting-out area in Tai Po Central Town Square remained unsolved so far, thus, he hoped that the newly appointed District Commander of the Police could address the problem.
- (iii) Given the acute problem of group gatherings in Tai Yuen Estate, he requested the Police to give advice before instituting prosecutions against offenders for violating the “No-gathering Order”. Prosecutions should only be instituted in case of non-compliance.
- (iv) Foul-mouthed duty officers of the report room had tarnished the image of the Police. As several of the District Commander’s predecessors had failed to address this problem in the past, he called on the Police to pay attention to this.

13. Mr. LAU Yung-wai, the Vice-chairman raised the following views:

- (i) There might not be a direct correlation between illegal parking and availability of car parks. For instance, despite the availability of vacant parking spaces in Car Park-Evergreen Court in the vicinity of Tai Po Centre and his constituency (i.e. Old Market and Serenity), there were still many illegally parked vehicles at Mei Sun Lane, Kau Hui Chik Street and Chui Lok Street. In fact, this was directly related to whether the Police had taken stringent law enforcement actions and stepped up such efforts. If offenders had the conviction that the Police would not take law enforcement actions, they would gradually think that they could park their vehicles at the locations concerned indiscriminately. He pointed out that upon detection, illegally parked vehicles in Taikoo Shing and City One Shatin would be promptly

clamped, thus preventing the occurrence of illegal parking. This reflected that stringent law enforcement actions and enhanced law enforcement efforts were directly related to illegal parking. He urged the Police to step up law enforcement efforts at black spots, such as Tai Po Centre and Tai Po Old Market, with a view to addressing the illegal parking problem.

- (ii) 15 out of the 22 burglary cases reported in the period between October and November had taken place in village houses, accounting for about two-thirds of the total number of such cases, which included five cases in Tai Po Tau (including Serenity Villa (3 cases)), Tai Po Tau Village and The Wonderland. Given that about one-third of the rural burglary cases had taken place in Tai Po Tau, he called on the Police to adopt specific measures such as stepping up patrols for crime prevention in the area concerned.

14. Mr. TAM Yi-pui raised the following views:

- (i) Recently, a resident in Cheung Muk Tau Village had been splashed with red paint possibly due to debt disputes, and glass panels of a restaurant in Sai O Village had even been smashed. He requested the Police to step up patrol efforts, with a view to maintaining peace in rural areas.
- (ii) He was aware that the Police had taken actions against illegal road racing. Yet, noise nuisance arising from illegal road racing after midnight remained unaddressed so far. As such, he called on the Police to step up efforts to stop and search suspicious vehicles, with a view to stamping out such a misbehaviour.
- (iii) In relation to cases recently received from Tap Mun and Three Fathoms Cove, some fishermen had complained that they had suffered a great loss because fishing vessels from the Mainland often entered Tolo Harbour illegally for fishing. Such fishing vessels would catch marine species before their maturity and deprive marine life of the opportunity to grow older, which had a devastating impact on the ecological environment. Some culprits had even stolen catch and electronic devices from mariculture rafts at Three Fathoms Cove in the vicinity of Yung Shue O. In view of the rampant situation, he called on the Marine Police to step up patrol efforts in the above two marine habitats, with a view to curbing illegal fishing.

15. Mr. YIU Kwan-ho raised the following views and questions:

- (i) He enquired of the Police about the number of prosecutions instituted against persons for violating the “No-gathering Order” in Tai Po District and how many of them had their charges dropped after investigation. He also wished to know the

Police's prosecution standards and whether all police officers clearly understood such standards. Earlier on, a group of anonymous persons had assembled outside the Secretariat office. In this connection, he enquired of the Police whether prosecutions would be instituted against people gathering for a common purpose, or alternatively, whether police supporters would not be prosecuted for violating the "No-gathering Order". Seemingly, the "No-gathering Order" had been imposed in response to the epidemic, but in practice, it was a penalty tool used by the Police for prosecuting dissidents.

- (ii) Police officers had been dispatched to lay an ambush and arrested a woman in possession of a rollerball pen for allegedly writing the words "721". The Police had preferred wasting resources on the above ambush operation to deploying resources to track down vandals who had damaged the banners. He enquired of the Police whether standards had been put in place in this regard, or else, whether the Police would turn a blind eye to the situation as long as the banners and publicity items belonged to DC Members.

16. Mr. MAN Nim-chi raised the following views and questions:

- (i) Some residents in Fu Heng Estate had reflected that TFSU officers in an attempt to gain entry into their premises had been reluctant to identify themselves. As strangers were seen outside their flats, the residents had called the management office, but its staff had no knowledge of the matter. As the management office was duty-bound to guard the exits/entrances of the building, he asked why TFSU officers had been reluctant to identify themselves when going upstairs for discharging their duties, and whether they had been prohibited from identifying themselves or deliberately concealed their identity. He requested the Police to improve the situation.
- (ii) DC Members had filed police reports on vandalised banners by phone. Upon arrival at the scene, police officers would judge by themselves whether the banners were vandalised or not. If a banner was simply covered by stickers or had cigarette burn marks on it, police officers would refuse to initiate a case. Only when a banner was badly damaged, would it be classified as a criminal damage. Police officers would initiate a case but did not take any follow-up action thereafter. The Police had just stated that DC Members could proactively inform PPRB after putting up banners. However, banners put up by different political parties across the district had been vandalised, reflecting that vandals would act regardless of political parties or when banners were put up. Given that 21 DC Members would put up banners at different times, he questioned whether the Police had sufficient manpower to conduct ambush operations. He was of the view that if sufficient

manpower was available, the Police had better re-deploying the manpower to deal with the illegal parking problem.

- (iii) The Police had just indicated that issuance of penalty tickets was by no means a key approach to address the illegal parking problem. However, it was indeed difficult to provide additional metered parking spaces and parking facilities in housing estates in Tai Po town centre (e.g. in the vicinity of On Chee Road, On Cheung Road and Chung Nga Road). Issuance of penalty tickets was the most effective way to ensure that offenders would have to pay the price instantly. The Police had done nothing, but wished to tackle the problem through long-term planning for provision of metered parking spaces and parking facilities. A police officer from the Traffic Wing had once said that as illegally parked vehicles would not vanish into thin air because police officers were no magician, thus, it was necessary to increase the cost of illegal parking wherever possible. Traffic congestions at On Chee Road, On Cheung Road and Chung Nga Road would have a devastating impact on the entire road network. As such, he called on the Police to step up law enforcement efforts and increase the frequency of law enforcement operations subject to availability of sufficient manpower. As a case in point, car horn sound would be heard near Jade Plaza between 2:00 p.m. and 3:00 p.m. as illegally parked vehicles on the bus lane had prevented buses from making a turn, giving rise to traffic congestion. The situation was far from satisfactory. Normally, police officers would patrol the area once daily at 4:00 p.m. for issuing penalty tickets, but the situation of illegal parking recurred upon their departure. As offenders could foresee when police officers would show up, they would avoid parking their vehicles illegally at the specified time slot. He was delighted to see that the Police would accord priority to the busiest streets in the district for stepping up law enforcement efforts and conducting blitz operations, in that only in this way would the illegal parking problem be genuinely solved.

17. Mr. Adrian MA responded as follows:

- (i) The incident on 7 February was related to a non-urgent noise nuisance complaint. The Police had subsequently found out that a mentally disordered person might be involved, thus posing potential risk. The Police would review the situation and treat similar cases as urgent if they were likely to give rise to a dangerous situation upon assessment.
- (ii) For some reason, some locations had become gambling hotspots over the years. Apart from making a habit of going to these gambling dens, gamblers had visited the sites concerned probably because they were located in relatively secluded areas free from disturbances, making it difficult for the Police to collect evidence. He

would contact the housing estates concerned in an attempt to modify existing facilities, with a view to forcing gamblers to move to another location or dispersing the crowd. In addition, the Police would serve a warning before instituting prosecution under the “No-gathering Order”.

- (iii) When in uniform, police officers represented the Police. By no means should they use abusive language. It was even more undesirable for them to do so when facing the public. He would remind relevant officers and conduct a random check of telephone call recordings to determine whether the allegations were true or not.
- (iv) The Police understood that some motorists would park their vehicles illegally for the sake of convenience. Thus, not all cases bore relevance to the demand and supply of parking spaces. The Police would, from time to time, analyse complaints about illegal parking and road obstruction, as well as deploy additional manpower to patrol congestion black spots to ensure that roads would be free from obstruction.
- (v) He was aware of the five burglary cases taken place in Tai Po Tau Village and had deployed additional manpower during the specified period. He believed that burglars would take the easy way out and change their mind. Apart from deploying additional manpower and patrol officers, PPRB officers would, from time to time, affix “CCTV Recording in Progress” luminous stickers in public housing estates, give tips on burglary prevention and distribute giveaways (such as anti-burglary door stoppers for balcony, window alarms and solar powered lights) to tenants, with a view to enhancing security in estates. All in all, the Police would protect public safety wherever possible having regard to the circumstances.
- (vi) In view of a high unemployment rate in a stagnant economy, many debtors were unable to repay their debts, giving rise to violent crimes, such as splashing red paint and breaking glass panels. The Police would step up patrols, assess the seriousness of debt collection cases and maintain liaison with informants to remind them of the need to call the Police when coming across suspicious persons.
- (vii) The Police would make persistent efforts to combat illegal racing, and the Traffic Wing would carry out operations (such as setting up roadblocks) from time to time, in particular during the Lunar New Year.
- (viii) Previously, the Marine Police and AFCD had conducted joint operations against illegal fishing activities. He would reflect the situation to the departments concerned for increasing the frequency of operations at black spots.
- (ix) The “No-gathering Order” aimed at reminding the public to refrain from gathering amid the epidemic. All in all, the Police would give even-handed treatment to those people gathered together regardless of their political backgrounds.

- (x) In response to incidents in which banners belonging to different political parties had been vandalised, the Police had carried out different operations, including the dispatch of plain-clothes police officers to lay an ambush. In response to DC Members' concerns, and coupled with the forthcoming election, the Police would step up patrols and arrest operations.
- (xi) Police officers should inform building attendants before gaining access to a building, while forcible entry without consent was not allowed. On that day, the officers concerned had probably nodded their heads as a way of informing the attendant about their entry into the building without identifying themselves. He asked DC Members to provide him with details of the case in which TFSU officers had refused to identify themselves after the meeting.
- (xii) Regarding crime officers' failure to initiate a new case for the vandalised banners, there might be a miscommunication between both parties. He would remind duty officers of the report room to be more empathic and ask for more information from informants. In case members of the public reflected to DC Members again about improper handling of similar cases by duty officers, DC Members could provide such information to PPRB for following up.
- (xiii) As he had just said, issuing penalty tickets against illegal parking was not a long-term solution to the problem. However, it did not mean that the Police would no longer issue penalty tickets against illegal parking. There were an increasing number of penalty tickets issued in tandem with technological advances. However, given a large number of illegal parking hotspots in the district, police officers were unable to station at the same location for the whole day as they had to handle complaints about illegal parking at other locations. While understanding that parking facilities could not be made available at all locations, he opined that the public should be educated about the increased costs of illegal parking through such means as issuance of warnings and penalty tickets, or even towing of illegally parked vehicles, thereby deterring them from committing such an offence. Increasing the provision of ancillary parking facilities aimed at improving the situation in the long run, enabling the public to make choices. He agreed that as traffic congestion at trunk roads would give rise to serious problems, officers from the Traffic Wing and the designated ticket-issuing unit would analyse the trends of complaint cases on a regular basis to identify black spots to which additional manpower would be deployed during peak hours to combat illegal parking.

18. Mr. AU Chun-wah raised the following views:

- (i) He understood that it was not possible to have everything handled by the Police or

that police officers would come to the scene under any circumstances when a report was made. Nonetheless, he doubted if manpower of HKPF dropped sharply. When members of the public in the past reported to the Police in connection with noise nuisances, police officers would arrive on the scene within an hour, whereas no police officer would come to the scene now to handle similar cases. Perhaps it had so happened that the Police had failed to come to the scene due to other commitments. However, the same situation had not occurred only once, rather it had lasted for as long as six months, which did not make sense at all.

- (ii) Officers of the Police Tactical Unit (“PTU”) were seen from time to time patrol the streets in Tai Po District, whereas patrolling of uniformed police constables was less often seen. He wished to know if patrolling of police constables in Tai Po Police District was back to normal again, i.e., the three-shift patrol arrangement which had been in place before the social movements had resumed, and when patrol cars, police vehicles or Emergency Unit police vehicles would be deployed and so on. When members of the public saw policemen patrol the streets, they might become nervous because they worried that there might be crimes. However, members of the public would gradually get used to routine patrolling which the Police was supposed to conduct. The Police should take the first step to build mutual trust. Before Chinese New Year, some 60 banners outside his ward office had been stolen. One day, he had hidden and waited in a car nearby from 2:00 a.m. to 8:00 a.m., and seen neither police vehicles nor policemen entre Tai Yuen Estate. Hence, he queried the Police’s saying that officers had been deployed to patrol. It had exactly been the lack of patrolling which led to the increase in the number of crimes and illegal parking cases.
- (iii) Penalty tickets were an immediate and effective way to tackle the problem of illegal parking. Many red taxis parked on Kwong Fuk Road at night. The traffic flow on the road would be enhanced immediately as soon as the drivers of such red taxis were asked to leave. However, it would cost those taxi drivers nothing to park illegally which made them think that there was no reason for them not to park at the said site. Hence, they kept parking there and even on sites with double yellow lines, at turnings or sites with yellow box marking. Given the lack of deterrence of the Police’s law enforcement, persons who parked illegally saw penalty tickets as parking fees. While DC Members of various districts strongly demanded that the Government increase parking facilities, distant water could not quench a nearby fire and it was difficult to increase parking spaces in the town centres of communities which were developed. While parking spaces were limited, the number of vehicles kept growing. It was necessary to make motorists understand that they would be issued penalty tickets if they park illegally, so as to make them park their vehicles at parking spaces. Penalty tickets were not the only solution

to deal with illegal parking whereas policemen could not station there round the clock. Traffic congestions often occurred at Tai Po Market and Tai Po Centre as a result of illegal parking. A police officer, who lived in the neighbourhood complained about the noises caused by sounding of horns, had also indicated that no policemen would come to the scene to handle the situation even if he reported to the Police, so he asked them to call the report rooms themselves, which was ridiculous. The carriageway off Treasure Garden was marked with double yellow lines where no vehicles had in the past parked illegally, however, illegal parking was rampant at the said location now. He hoped that the District Commander would inspect the illegal parking black spots in the district during peak hours to see the actual situation.

- (iv) He had reported to the Police over 30 times within a year in connection with banners' being vandalised. The police officers had been reluctant to open a case in the beginning, but subsequently opened a case each time. However, upon arrival at the scene, the police officers would always look for excuses for the damages done to the banners, for instances, the cable ties were broken as a result of disrepair over time, or the banners had been torn by bicycles by accident rather than vandalised deliberately. There had always been much hubbub before a case could be opened. Tai Po Government Offices, Tai Wo Estate, Kwong Fuk Road, Kwong Fuk Estate and Fu Shin Estate were all black spots of banner vandalism. The vandals, who had blatantly spoiled on the carriageway banners put up next to the pavement with spray paint, had not been arrested despite their conspicuous acts. He understood that HKPF resources were not focused on arresting criminals who vandalised banners of DC Members, however, such persons were in possession of sharp objects and were constantly destroying banners and possibly other objects as well. While banners of several DC Members had been destroyed, the Police failed to tackle the problem actively and vandalism continued. He hoped that the Police would note the issue.

19. Mr. Nick LAM raised the following views and questions:

- (i) He hoped that HKPF would list illegal gambling-related statistics in the report each time.
- (ii) HKPF had recently erected a sign at the junction of Po Heung Street and Nam Shing Street such that illegal parking had not yet occurred for the time being. Such practice was worth implementing further. There had also been buses being blocked by illegally parked vehicles from entering the corner between Nam Shing Street and On Fu Road. Hence, he hoped that HKPF would erect a sign at the said location. Placing a sign served to a certain extent as a reminder, if a motorist

knowingly park there illegally, would heavier penalties be imposed (such as towing away the vehicle)? Besides, he hoped that HKPF would furnish relevant details of vehicles being towed away, such as the number of vehicles, date and location.

- (iii) FSD's report contained the number of and causes for false alarms occurred at Tai Po Complex. Environmental factors were among the causes and he would like to learn about the details. In addition, there were many old buildings in the district and he hoped that FSD would provide the number of elevator damages in the district. Many residents were not aware that they could request that Electrical and Mechanical Services Department ("EMSD") inspect the elevators of their buildings, hence, he would like to invite EMSD representatives to attend meetings and elaborate, and to learn about the publicity work EMSD conducted in connection with the inspection programme.
- (iv) He commended FSD for acting swiftly and for arriving at the scene within 10-odd minutes upon receiving reports. The work of disciplined services often had something to do with life and death and there might be serious consequences for arriving late. He therefore hoped that various departments would take warning from this.

20. Mr. Richard CHAN raised the following views and questions:

- (i) There were many waters in Tai Po District. Members were therefore very concerned about illegal fishing. He enquired if the Marine Police was under the establishment of Tai Po Police District. If yes, he hoped that the Marine Police would send representatives to attend meetings of the Environmental Protection, Fisheries, Agriculture, Industries, Commerce, Food and Health Committee ("EFAC") to answer questions.
- (ii) He wished to know the number of fixed penalty notices issued under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) in Tai Po Police District.
- (iii) A member of the public had reported to the Police in Lam Tsuen in early February. The informant was holding an original copy of an agreement purporting to be signed by another person, while the said person had told the police officers who arrived at the scene that he had never signed the document concerned. He was present at the scene and indicated to the police officers that someone might use or possess a false instrument, and the police officers had taken away the said document. Such incidents had happened twice but the Criminal Investigation Department had subsequently asked relevant persons to go away only without taking any statement, while the document which had already been taken away was even returned to the informant. It was not true that HKPF would "deal with every

single case” as it had described just now.

21. Ms. Olive CHAN raised the following views:

- (i) HKPF had not responded to her questions yet. Residents of some 20 households living on the same floor as the debtor had been harassed in various ways by debt collection agencies. She had sought assistance from PPRB in this connection, but PPRB staff had indicated that no assistance could be provided and investigation would need to be carried out. However, the case had not been handled. Residents being harassed were not debtors themselves, but innocent victims. She therefore hoped that HKPF would furnish solutions (such as setting up a hotline) to provide assistance to the victims.
- (ii) HKPF had not responded as to whether or not patrolling would be stepped up at the back of Tai Wo Neighbourhood Community Centre to gain better understanding of the situation of the said location. Illegal gambling frequently occurred at the pavilions of Hang Wo House and Hei Wo House, Tai Wo Estate. Those who participated in illegal gambling were rather aggressive and had in the past attacked security personnel while police patrolling was infrequent. Hence, members of the public dared not walk near the said location. After she had at the meeting notified HKPF of the situation, there had been police vehicles patrolling the vicinity and policemen asking those who took part in illegal gambling to leave. However, they gathered to gamble illegally again as soon as the policemen had left. It was thus evident that actions taken by HKPF lacked deterrent effect. Not only had those gathered to gamble illegally defecated everywhere, they had not worn any face masks either. The poor hygiene conditions kept residents away. During the epidemic, people who participated in illegal gambling gathered at the back of Tai Wo Neighbourhood Community Centre instead. Hence, she hoped that HKPF would step up patrolling in the vicinity.

22. Mr. WONG Siu-kin raised the following views and questions:

- (i) He wished to know the number of prosecutions HKPF and Food and Environmental Hygiene Department (“FEHD”) had initiated under the Prevention and Control of Disease Ordinance (Cap. 599) in the district during the past few months.
- (ii) There had recently been media reports about the plan of FEHD and HKPF to spot-check restaurants to verify if the details gathered in the personal details collection boxes matched with those of the customers who were dining at the restaurants, or if they had used the “Leave Home Safe” app to scan the QR code. He asked if

the departments had such plan.

- (iii) During the period between last December and January this year, there had been 92 deception cases in Tai Po District, recording an increase of 32 cases compared with the 60 cases of the same period last year, and close to 30 cases more when compared with the 64 cases in October and November last year. He wished to know the reasons for the said trend and whether or not HKPF had taken any action in this connection.
- (iv) On 3 February, a police officer had fired a shot at a private car in Fu Heng Estate and found drugs in the car subsequently. He enquired if a traffic police officer would jump aside to avoid being hit or shoot the driver should a car run through a roadblock and drive towards him. He understood that police officers were armed with guns to respond to danger and he would like to know the basic procedures which police officers would follow when responding to danger, for instance, how they could judge if a shot should be fired. Such judgements were related to the basic safety of the public and hence very important.

23. Mr. LAU Kwok-fu responded as follows:

- (i) He thanked DC Members for their appreciation of FSD's services and FSD would continue to work hard.
- (ii) It was difficult to generalise about the "environmental factors" which led to false fire alarms. He supplemented that circumstances in which "environmental factors" led to false alarms included smoke detectors' being in an environment with excessive humidity (over 90% humidity) for days, and a large amount of smoke and dust generated by works etc., all these might trigger the smoke detectors and lead to false alarms.
- (iii) FSD did not have relevant information about the causes of lift failures.

24. Mr. Adrian MA responded as follows:

- (i) The manpower of HKPF had been back to normal now and there were all kinds of uniformed police officers on the street, including those of PTU, Emergency Unit ("EU"), Quick Reaction Force ("QRF") and Traffic Division etc. As regards Mr. AU Chun-wah's remarks that neither police vehicles nor police officers had been seen entering Tai Yuen Estate to patrol between 2:00 a.m. and 8:00 a.m., he said that there might have been more cases to deal with on the said day. He had already noted the situation concerned and would keep monitoring.
- (ii) He committed to follow up on the banners being vandalised and the problem of

illegal parking. Should any persons be spotted holding a cutter on the street, he or she would definitely be arrested for possession of offensive weapons in public places.

- (iii) HKPF would furnish at the next meeting the numbers of illegal gambling and vehicles being towed away.
- (iv) He would follow up on the issue as to whether or not illegal parking would be alleviated by erecting a sign. Should any vehicle park where a sign was erected and not be driven away after being issued the first penalty ticket for a while, police officers might issue a penalty ticket again. In serious cases, vehicles concerned would be towed away. Even though towing illegally parked vehicles away would increase the cost of illegal parking, police officers would need to go to Siu Ho Wan Police Vehicle Pound with the vehicles being towed away, which would take at least half a day, whereby reducing the manpower of frontline police officers.
- (v) Marine Police was not under the purview of Tai Po Police District and he would check with Marine Police if they would send any representatives to attend meetings and answer questions put forward by DC Members.
- (vi) HKPF and FEHD mounted joint operations and fixed penalty notices were issued on the pavement primarily by FEHD in accordance with the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance, whereas cases on the carriageway (such as unloading of goods on the carriageway) were dealt with by the Police. He would furnish relevant statistics at the next meeting.
- (vii) He was in no position to comment on the case in Lam Tsuen because he had neither details nor information about the case. Should members of the public consider the case being not properly dealt with, wish to complain or follow up, they might contact PPRB.
- (viii) He understood that debt collection caused severe nuisance to members of the public.
- (ix) He would request that frontline police officers step up patrolling Hang Wo House and Hei Wo House of Tai Wo Estate and the vicinity of Tai Wo Neighbourhood Community Centre.
- (x) He would provide at the next meeting the number of prosecutions HKPF had initiated in the district during the past few months under the Prevention and Control of Disease Ordinance (Cap. 599).
- (xi) Among those 92 deception cases between December and January, 31 were cases of online shopping scams such as purchases of air-dryers, food or seafood etc. on Facebook, Instagram or auction websites; nine cases were “fake compensated dating” where swindlers requested victims to buy virtual point cards to pay for

warranty, and kept demanding increasing amounts of money, the victims finally realised and reported to the Police; and eight cases of online romance scam where swindlers claimed themselves as overseas soldiers or military doctors etc. They built online lover relationship with the victims and subsequently made false claims about having sent presents which were detained by the Customs. The victims were then asked to advance tens to hundreds of thousands of dollars as warranty before the presents could be delivered to them. However, once the victims had paid, they could no longer reach the swindlers. The aforementioned three categories were the major categories of deception cases. By the time of chasing and reporting to the Police, the money defrauded had very likely been transferred away already, while the swindlers were probably not in Hong Kong, rendering investigation difficult. HKPF would nonetheless spare no effort in following up. Should the swindlers be in Hong Kong, arrests would still be possible. Besides, HKPF would continue to publicise through various channels to educate members of the public different modi operandi of swindlers since prevention was better than cure.

- (xii) The shooting incident on 3 February had involved one member of the PTU. Since the case was currently under investigation, he was not in any position to comment. Should the life of any person (including policemen) be threatened, it was lawful for a police officer to shoot. As regards the judgement of the policeman concerned and the location where he had stood at that time, he could not reply until investigation was completed. He would remind policemen that safety of themselves and that of members of the public should be accorded first priority.

25. The Chairman asked the Secretariat to forward questions which Members had raised to departments of which no representatives were present at the meeting to relevant departments for follow up and response. Besides, ICAC had neither sent representatives to this meeting nor furnished any information about crimes and enforcement actions in the district, he enquired if Members would like to remove ICAC from this agenda item, or to request that ICAC provide territory-wide information instead.

26. Mr. Richard CHAN objected the removal of ICAC from this agenda item.

27. The Chairman indicated that he would contact ICAC after the meeting in the hope that it would provide relevant statistics.

28. Mr. AU Chun-wah said that the DC was currently in the phase-in stage which would take some time. Hence, he opposed the removal of ICAC.

29. The Chairman said that as regards matters relating to elevators, he recommended that Mr.

Nick LAM move a motion at relevant committees or full council to invite EMSD representatives to attend meetings.

30. Mr. Nick LAM indicated that he wished to know the number of, rather than the causes for, elevator damages.

31. The Chairman advised that some elevator damages might not necessarily have to be dealt with by FSD, but handled by maintenance contractors of the elevators. As such, statistics furnished by FSD alone might not necessarily be accurate. He asked FSD to provide in subsequent reports the number of elevator failures handled by FSD should Members wish to be informed of relevant statistics.

32. Mr. LAU Kwok-fu advised that emergency cases of members of the public being trapped in elevators were mostly dealt with by relevant contractors responsible for repair/maintenance of the elevators. Therefore, he believed that there would certainly be discrepancies between the number of cases dealt with by FSD and that of incidents actually occurred. FSD would try to include in the next report the number of members of the public being trapped in elevators for reference purpose.

33. Mr. KWOK Chun-sum said that FEHD enforced Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) and Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) primarily in catering premises and FEHD premises (such as public markets and cooked food centres etc.), while inspecting catering premises (mainly restaurants) regularly in the district. Starting from 18 February, pursuant to Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F), persons in charge of catering premises were required to ensure that customers should scan the “Leave Home Safe” QR code with their mobile phones or register their names, contact numbers and date and time of visiting the premises before entering the premises, and retain the written or electronic records for 31 days. The said requirement had been in force since 18 February. Up to now, FEHD would issue warnings should irregularities be spotted during inspections. As regards other relevant requirements which had been implemented in catering premises for some time, FEHD would initiate prosecutions.

III. Request the Government to take corresponding measures to prevent hill fires in connection with frequent incidents of hill fire during Chung Yeung Festival

(TPDC Paper Nos. 88/2020, 8/2021, 9/2021, 10/2021, 11/2021, 12/2021 and 13/2021)

34. The Chairman welcomed Mr. LAU Kwok-fu, Division Commander ‘East’ (New Territories North) and Mr. LAI Chiu-leung, Station Commander Tai Po Fire Station, of FSD, and Dr. LAM

Kin-san, Samuel, Senior Country Parks Officer (Technical Services) of AFCD to the meeting for discussion of this agenda item. The Secretariat had invited earlier in connection with this agenda item representatives of HKPF, FSD, AFCD, TPDLO, Planning Department (“PlanD”) and Development Bureau (“DEVB”) to attend this meeting. DEVB had indicated that it was unable to attend this meeting while written replies of various departments were contained in the captioned papers.

35. Mr. Richard CHAN introduced Paper No. 88/2020.
36. Mr. Adrian MA introduced Paper No. 8/2021. He supplemented that the main duties of HKPF included crime prevention, while crowd management would also be performed at Ching Ming and Chung Yeung festivals where traffic control would be stepped up near major tomb-sweeping sites, and assistance in enhancing knowledge of members of the public about hill fires. In the event of any incident, HKPF would ensure smooth traffic to facilitate speedy arrival of FSD and ambulance personnel at the scene while conducting crowd control to help evacuate members of the public.
37. Mr. LAU Kwok-fu indicated that “zero hill fire” was the goal of FSD. In addition to putting out hill fires, FSD would also carry out publicity campaigns during the seasons when hill fires were more frequent (such as Chung Yeung and Ching Ming festivals). In summary, around hill fire seasons, Fire Safety Ambassadors would carry out education and publicity work in the district and put up banners promoting hill fire prevention at entrances of villages to promote hill fire prevention to villagers. FSD had carried out relevant publicity work in 15 villages in the district over the past period of time. On the day of Ching Ming Festival and Chung Yeung Festival, FSD would arrange for additional manpower to be on duty. Moreover, FSD also carried out fire drills and exercises from time to time at hill fire hotspots or villages.
38. Dr. Samuel LAM introduced Paper No. 10/2021.
39. Mr. KWOK Kin-man, Alex introduced Paper No. 11/2021.
40. Ms. CHU Ha-fan, Jessica introduced Paper No. 12/2021.
41. Ms. CHAN Hau-man, Eunice introduced Paper No. 13/2021.
42. Mr. TAM Yi-pui raised the following views and questions:
 - (i) Residents of Sai O Village had reflected to him recently that they needed to access the tomb-sweeping site via small paths where there were no facilities such as pavilions etc. nearby so that no room was available for rituals during worship.

DC Members had recommended sponsoring the villages in their purchase of weeding machines which would be stored in village offices. He recommended that consideration be also given to placing weeding machines at pavilions to facilitate villagers' clearing the paths for accessing the tomb-sweeping sites.

- (ii) It had been reported that some people living abroad or in the Mainland would use fire to clear the weeds near the cemeteries for the sake of convenience when paying respects, thus posing the risk of hill fires. The Government should start with education to teach them that even if they did not live in Hong Kong, they should still pay attention to civil-mindedness.
- (iii) At present, most Permitted Burial Ground Sites ("PBGs") were located within country parks. He recognised the need to alleviate the problem of illegal burials with a view to protecting the natural environment of country parks and preventing hill fires. However, as far as implementation was concerned, villagers had difficulties finding relevant guidelines when constructing tombs. Despite Home Affairs Department's ("HAD") provision of online guidelines and maps of PBGs as well as mobile applications which villagers did not know how to use, they found it hard to confirm the boundaries of PBGs. As a result, they constructed tombs beyond the boundaries and constituted an offence. There had once been an indigenous inhabitant of Tap Mun who had spent several hundred thousand dollars to construct a "kam tap" shelter, which was subsequently demolished by HAD. As the villager concerned had been busy with *da jiu* and the works were delayed, the offence was not deliberate. HAD had not exercised any discretion and upset the indigenous inhabitant's burial arrangement of the deceased. Such approach lacked human kindness. To prevent hill fires, it was imperative to tell the villagers clearly where the PBGs were so that they would not construct tombs unknowingly which might lead to hill fires or the tombs being demolished. To minimise such situations in the future, HAD should educate and inform villagers through Rural Committees ("RCs"), DC Members or other channels of relevant regulations, while he himself would also mention relevant matters in the work report.
- (iv) There were often helicopters flying over his constituency (i.e. Sai Kung North Constituency) recently and he wished to know which department was responsible for the said matter.

43. Mr. Richard CHAN raised the following views and questions:

- (i) He was aware that TPDO had indicated that it would step up weeding work. He hoped that the departments would respond to the suggestion to sponsor the purchase of weeding machines.

- (ii) There were 14 PBGs in Tai Po District which overlapped with Conservation Areas or Sites of Special Scientific Interest. He enquired if PlanD would consider removing the overlapped parts from the PBGs.
- (iii) In addition to rituals to pay respect, some villagers still retained previous living customs to burn twigs and grasses into ashes for making Hakka ash water glutinous rice dumplings, and remove weeds by fire. Serious hill fires had occurred earlier at She Shan which had spread to a huge piece of grassland, and the fires had gone out of control. Removing weeds by fire was a very common practice in rural areas and he received relevant complaints from time to time. Hence, he hoped that FSD and HAD would join RCs to educate villagers to prevent hill fires.
- (iv) There were 111 PBGs in Tai Po District in total. Would the departments consider providing sturdier furnaces of better quality within the PBGs, such that tomb-sweepers could remove weeds and burn joss papers at one place? Some tomb-sweepers would build furnaces themselves but such furnaces often posed danger to wild animals. There had been an incident in the past where a dog had hidden in a furnace and was burnt to death. Should the departments provide furnaces with a better design in PBGs, not only could hill fires be reduced but animals would also be protected.

44. Mr. LI Yiu-ban raised the following views:

- (i) Heung Yee Kuk N. T. had applied for funding from the Board of Management of The Chinese Permanent Cemeteries last year to buy two chainsaws for each village while each RC also kept two chainsaws so that villagers in remote areas could remove trees blown down by typhoons themselves to re-open roads as soon as possible. Even though chainsaws could also be used for weeding, weeding machines were handier to use for this purpose. His village had purchased two weeding machines and volunteers would remove weeds at PBGs prior to Ching Ming and Chung Yeung festivals every year, while villagers would make brick-built furnaces at the same time when building tombs and such furnaces were safer to use. Besides, TPDO provided furnaces to villages every year and in recent years, stainless steel furnaces, which were more durable, were provided.
- (ii) It was a reckless inference for Mr. TAM Yi-pui to say that some people used fire to remove weeds near the graves for convenience. He opined that even when someone burned the weeds, he or she would have paid attention to his or her own safety and would not have done so on the day of paying respect. Under normal circumstances, the weeds would have been burnt a week or so in advance to facilitate access to the site of worship on the day of paying respect.
- (iii) The aforementioned Tap Mun villager had built a total of four “kam tap” shelters

beyond the PBGs, two of which contained remains of the deceased while the other two were vacant. HAD and LandsD opined that it needed to be handled by the PBG management committee of Tap Mun (chaired by himself). “Kam tap” shelters containing remains of the deceased and those vacant ones would need to be dealt with in accordance with different regulations. Those containing remains of the deceased would need to be handled jointly with FEHD, whereas the vacant “kam tap” shelters could be handled by TPDLO in accordance with the Land (Miscellaneous Provisions) Ordinance (Chapter 28). As far as the case mentioned above was concerned, the departments had already given one year to advise on removal while the person concerned had attended the discussion at the management committee, which had asked him to remove the “kam tap” shelters beyond the PBGs and build them anew within the PBGs. The departments would exercise discretion and would not pursue the matter. However, the villager concerned insisted on not removing the “kam tap” shelters and turned to seek assistance from the DC Member of the constituency concerned as well as DC Chairman. He had also contacted the media after the removal of the “kam tap” shelters. Yet, relevant reports had allowed HAD to demonstrate to the Office of the Ombudsman that efforts had been made to tackle the problems with PBGs. In the end, LandsD had demolished the two vacant “kam tap” shelters but initiated no prosecution. It was thus evident that discretion had been exercised. Despite the fact that the person concerned was a villager, should such acts be further tolerated, management would become difficult in the future once the rules were broken. Such an approach was not any smacks of a lack of compassion.

- (iv) Before the policy of PBGs had been implemented in 1983, indigenous inhabitants could identify sites for burial at any locations in the New Territories. Hence, villagers living in Yuen Long might choose to bury the deceased on Lantau Island owing to fung shui reasons. The Government had officially implemented the policy of PBGs in 1983 to manage burial matters systematically. However, areas being shown on the maps of PBGs provided at that time were very small, rendering it difficult to identify the directions which often had to be indicated by the officials at that time. As such, burials outside the PBGs had often occurred given the unclear boundaries. Prior to the setting up of the management committee of PBGs, the authority had instructed the then District Officer of Tai Po (“DO(TP)”) to provide maps of PBGs showing larger areas which also showed locations of the villages, so that villagers could identify the directions. Tap Mun was an isle which was small in area, villagers in earlier years had worried that there would be fights for sites of larger area owing to fung shui, and therefore hoped that the Government would assist in management. Since the said subject had been rather sensitive at that time, the RC had not made a formal request to HAD. As the Government had implemented the hillside burial policy, the RC had once again

considered relevant management approaches and launched a pilot scheme at the PBGs of Tap Mun to divide the PBGs into several zones. The area of each coffin burial space was four feet times eight feet and assigned according to the numbers. The location could not be selected and such a policy had all along been effective. The “kam tap” shelters in the past were one metre long, one metre wide and 1.5 metres high, taking up relatively more land, hence, some parts of the PBGs had been designated as “kam tap” shelter zones in which construction of “kam tap” shelters of eight feet times 12 feet was allowed, each could house more than 10 urns to handle funeral matters of the whole family, whereby saving land. Such approach had been well received by the villagers. Villagers had to take into account their own safety and whether or not their villages would be affected by hill fires, DC Members should not criticise the villagers at the slightest pretext for removing weeds by fire which led to hill fires.

45. Mr. LAU Kwok-fu advised that in the event of a large-scale hill fire, in addition to FSD, resources of other government departments would also be deployed. For instance, the Government Flying Service (“GFS”) would perform water-bombing which was most effective for combating hill fires which were extensive or occurred at steep locations. As regards hill fires within country parks, AFCD would deploy its fire fighters to fight hill fires. Should a hill fire last longer, Civil Aid Service (“CAS”) would join the fire-fighting. Besides, FSD would continue to attach importance to promoting the publicity and education about hill fire prevention.

46. Mr. Alex KWOK said that he concurred with Mr. LI Yiu-ban’s description of the case of Tap Mun just now. TPDLO handled illegal burial matters in accordance with the Land (Miscellaneous Provisions) Ordinance. Under the pilot scheme of PBGs, actions would not be taken until the management committee worked out a solution. At the management committee, HAD was the co-ordinating department while TPDLO would take part and provide assistance with a view to taking actions to handle cases after a consensus was reached.

47. Ms. Eunice CHAN indicated that Mr. LI Yiu-ban had just provided very detailed information in connection with the Tap Mun case above and the pilot scheme of PBGs. As far as arrangements to handle burial matters or PBGs were concerned, relevant departments and RCs would work closely together to carefully and seriously review the overall management arrangements and handling of individual cases. She hoped that TPDC would understand that relevant departments were very careful when handling cases and would continue to listen to Members’ views concerning hill fires and burial matters.

48. Ms. Jessica CHU advised that statutory plans prepared under the provisions of the Town Planning Ordinance were intended for reflecting land uses and planning intentions of zones, rather than indicating the burial ground sites. Had the burial ground sites already existed before the

gazetting of the first statutory plans, they could be regarded as “existing use” under the Ordinance and be tolerated. However, burial ground sites subsequently added or expanded had to comply with requirements of the plans. As far as she was aware, the hillside burial policy had been implemented in 1983, which was supervised by other government departments. Various departments had already responded just now how management of PBGs could be improved, while TPDLO had also mentioned the approach for handling tombs built outside PBGs. #1162 (14/07)

49. Mr. TAM Yi-pui raised the following views:

- (i) That he had mentioned just now about some people’s removing weeds near the graves by fire when paying respect for the sake of convenience was an anecdotal inference. He wished to raise awareness of the causes of hill fires in the hope that tackling of the problem of hill fires could begin with education.
- (ii) As regards the aforementioned Tap Mun case, no ashes had been placed in two of the “kam tap” shelters because it had happened to be the *da jiu* period of the fishing communities when by tradition relevant matters could not be carried out and as a result, ashes of the deceased could not be placed in the two “kam tap” shelters concerned, which had become a precedent for the departments to warn others. He opined that communication should be enhanced. The tombs of the parents of a Tuen Mun DC Member had been vandalised and the departments had expressed concern and empathy towards such tombs which were not located within PBGs. He understood and recognised that the original intent of PBGs was to protect the rural environment, however, it would only cause public anger should there be no proper communication prior to implementation.

50. The Chairman advised that despite the fact that burial policy was to a certain extent related to hill fires, this agenda item was primarily about hill fires rather than discussion of burial policy or individual cases. Hence, he hoped that Members would focus on the discussion of topics related to hill fire prevention.

51. Mr. LI Yiu-ban indicated that even without being affected by the *da jiu* period and ashes of the deceased could be placed in the “kam tap” shelters in a timely manner, it would not have meant that the “kam tap” shelters concerned were lawful. Besides, Mr. Richard CHAN had said that some villagers would set fire to grasses and twigs for making Hakka ash water glutinous rice dumplings. He pointed out that the ashes used for making Hakka ash water glutinous rice dumplings were subject to very strict requirements and only ashes achieved by burning branches and twigs would be used without including any weeds. Villagers had to first clean their stoves at home before burning the twigs and branches. Only ashes obtained this way could be used to make ash water. Hence, villagers would not set fire to the hills for making Hakka ash water glutinous rice dumplings.

52. Mr. Richard CHAN raised the following views and questions:

- (i) He thanked Mr. LI Yiu-ban for giving a clear explanation about Hakka ash water glutinous rice dumplings and the pilot scheme of PBGs.
- (ii) He declared that he had worked in the funeral industry. He had the impression that hill fires were often caused by kindling left behind by burning joss paper and incense while paying respect. Given that respect paying took place within PBGs, PBGs were mentioned when prevention of hill fires was discussed. No department had responded so far to his recommendation that the Government should provide furnaces to replace private facilities so as to prevent hill fires more properly.
- (iii) Chainsaws were dangerous tools and he reminded that users of chainsaws were required to be licensed.
- (iv) As the chairman of the management committee of the PBG pilot scheme, Mr. LI Yiu-ban was very well-informed of relevant matters. There were 111 PBGs in Tai Po District and he enquired at the DC level, how relevant management committees could be invited to attend meetings to report relevant matters.

53. Ms. Eunice CHAN advised that just as what the written reply of TPDO had said and what Mr. LI Yiu-ban had described just now, it was a regular practice of TPDO to distribute together with relevant RCs metal buckets to villages between Ching Ming and Chung Yeung festivals to facilitate grave-sweepers' burning of joss papers at suitable locations so as to alleviate the problem of hill fires.

54. The Chairman enquired if any mechanism was currently in place to allow DCs to participate in matters related to PBGs, for instance, invitation of DC Members of the constituencies concerned to attend meetings of or join the management committee of PBG pilot scheme.

55. The Secretary advised that it could be discussed at EFAC should examination be desired as to whether or not relevant matters would have any impact on the environment. Should only discussion of burial issues be required, it seemed that it was irrelevant to the terms of reference of all committees and might need to be handled by the full council. He would need to get more information from relevant Members after the meeting before he could make any decision.

56. Ms. Eunice CHAN said that Tai Po District was currently running two pilot schemes on PBGs and operation of the pilot schemes was arranged by the management committees concerned. Members of the management committees included relevant departments, relevant RCs and village representatives. The management committees handled numerous operational arrangements

which involved views of relevant village representatives and villagers on PBGs. While there were two pilot schemes in Tai Po District and the arrangements varied, arrangement would be made with reference to the opinions of relevant RCs and village representatives. #1138 (15/07)

57. Mr. LI Yiu-ban raised the following views:

- (i) Management of the pilot scheme on PBGs involved more sensitive issues, solution of which would need to be based on mutual trust. Given that the agenda item involved interests of villagers who would consider it a punishment or warning to them if the item was not handled properly, making it impossible for the management committee to continue operating. The management committee of the pilot scheme on Tap Mun PBGs had initially been chaired by the chairman of one of the village offices in Tap Mun. However, the conflict of roles made it difficult for him to solve problems. After subsequent discussion with TPDO, he took over the chair.
- (ii) The management committee had discussed the aforementioned “kam tap” shelter demolition case. At the meeting, Tap Mun villager members also agreed to remove all “kam tap” shelters. However, to avoid clashes, they would not tell the villagers clearly that the “kam tap” shelters had to be demolished. Instead, a meeting was arranged for between the Chief Land Executive of TPDLO and the villagers at which the latter would be notified of the said arrangement.
- (iii) He wished to further improve PBGs rather than stifling villagers’ burial rights. At the management committee, damage might be done should any villagers mistrust or query the motive of the administration. Should DC Members wish to learn about the situation of PBGs, they could put forward an agenda item at the full council or relevant committees to discuss with TPDO, TPDLO or him to give comments in connection with any inadequacies.
- (iv) As regards the problem of PBG boundaries’ being unclear, poles with a diameter of about 25 centimetres were erected around the PBG of Tap Mun, with directional arrows on the poles to indicate directions for identification. Since villagers might have difficulties understanding direction coordinates, the management committee had invited representatives of the funeral industry to attend meetings to brief them on the practice, while requesting that applicants name the coordinates when taking the contractors to TPDO to submit applications. With advances in technology nowadays, it was not difficult to find out the corresponding locations by mobile phones. Representatives of the funeral industry were more capable of understanding important details and therefore in a better position to explain to the villagers and the management committee. The management committee was progressively perfecting the arrangements of the scheme and he hoped that DC

Members would give well-intentioned and positive comments in this connection.

58. Mr. Richard CHAN said that the terms of reference of the Planning, Housing and Works Committee (“PHWC”) were to advise on housing affairs, including planning, proposed types of housing developments, housing facilities and estate management, hence, matters related to PBGs might be discussed at PHWC. Under the leadership of Mr. LI Yiu-ban, the arrangement of the pilot scheme on PBGs in Tap Mun seemed to be fairly well-developed and could serve as a reference for other PBGs. He spoke only from the perspective of perfecting the scheme as a whole without any intention to hinder burials of the villagers. When striking a balance between the interests of various parties, interests of some persons would inevitably be prejudiced. He nonetheless agreed that regulation was required and looked into various matters at the committee in detail to see from the perspective of overall planning if he could provide assistance. While Members of the management committee of Tap Mun might have conflict of interest, DC Members were independent and could have a fairer handling which enhanced villagers’ confidence. The arrangements of the pilot scheme on PBGs in Tap Mun could be applied to the 111 PBGs in Tai Po District and serve as a good example for other PBGs in other districts territory wide.

59. The Chairman said that he would discuss after the meeting with the Secretariat and the Chairman of PHWC how to follow up on PBGs-related matters. It was relatively dry this year and he worried that hill fires would be likely to happen at Ching Ming Festival. He asked TPDO to follow up on proposals regarding fire prevention equipment and weeding work put forward by Members. Besides, it could also be explored as to whether or not DC resources could be deployed, for instance, the Working Group on Promotion of Tai Po District Council might produce easy-to-use and low-cost fire-beaters which could be placed at PBGs for members of the public to use.

IV. Request to explain criteria for handling complaints about roadside display of non-commercial publicity materials

(TPDC Paper Nos. 14/2021, 15/2021 and 16/2021)

60. Mr. MO Ka-chun, Patrick introduced Paper No. 14/2021.

61. The Chairman indicated that the Secretariat had invited representatives of LandsD, FEHD and HAD earlier to attend the meeting in this connection but the departments sent no representative to the meeting. Written replies of the departments were contained in the captioned papers.

62. Mr. Nick LAM said that many DC Members had been scrutinised by the Government. The codes of the Government were usually very vague, for instance, something would only be

described as “inappropriate” without any explanation and DC Members had to guess what was inappropriate themselves. He gave an example that “Reform Hong Kong” often appeared on DAB publicity materials. According to Baidu Baike, “reform” might be understood as changing of dynasties, abolition of old system and establishment of new system, hence, “reform” would easily make one think of overthrowing of regime and revolution. Therefore, he opined that DAB had violated the National Security Law (“NSL”) and asked if HKPF would arrest Members which belonged to DAB at once. Despite its loss in DC elections, DAB still had offices in various districts while some people had also obstructed Members from attending the meeting outside the Secretariat just now.

63. Mr. AU Chun-wah raised the following views and questions:

- (i) He was dissatisfied that relevant departments failed to send representatives from respective headquarters to attend this meeting to answer questions. Regional staffs of the departments were not responsible for the policy areas concerned and attended the meeting on behalf of respective departments to serve as scapegoat for being targeted. When Members put forward questions, departmental staffs attending the meeting were unable to answer and had to keep responding in writing. DCs had long been a “toothless tiger”, various departments could directly indicate with what mindset and policy they were dealing with the DC: responding perfunctorily, making a lot of excuses, or simply ignoring and without any need to fear?
- (ii) LandsD’s reply had indicated that Mr. Patrick MO’s banners failed to enhance social harmony. He enquired who decided if social harmony could be enhanced and if LandsD was responsible for defining. As long as a banner did not violate any regulation, it should be allowed to be put up as DC Members enjoyed the freedom of speech. Under the constrained circumstances, any situation might violate the NSL. At present, even citing idioms and quoting classics were not allowed. Was the *Quotations from Chairman Mao Tse-tung* the only book one was allowed to quote? Even if that was the case, government officials were in no position to judge either. He hoped that the District Lands Officer would specifically explain what was wrong with the aforementioned banner. Should no concrete response be available, why DC Members could be asked to remove their banners? Did it mean that LandsD could act at will? Moreover, LandsD had also demanded the removal of another banner Mr. Patrick MO had put up, on which patterns of blank post-it notes were printed. While patterns of post-it notes were not allowed to be used as the background of banners, plaid clothes might make one think of post-it notes, would plaid clothes have to be banned too? The Management Scheme for the Display of Roadside Non-commercial Publicity Materials Implementation Guidelines (“Implementation Guidelines”) stipulated

that banners of DC Members needed to be approved by LandsD, on which provisions of the Implementation Guidelines was LandsD's intervention of the contents of the banners based? There had been over a year since the DC election had been held, banners of last-term DC Members had not been removed yet. Was it any dereliction of duty of TPDLO, outsourced contractors or FEHD?

- (iii) Placing of DC Members' publicity materials in the premises of TPDLO or Housing Department ("HD") had been repeatedly hindered. While the departments acted arbitrarily, how the District Officer could help DC Members provide services in the community? This topic had not been raised for the first time but discussed at several meetings. As information was ever-changing, DC Members needed to update members of the public the latest news anytime, it was difficult to submit publicity materials to LandsD for approval in advance, whereas approval of the departments lacked objective guidelines which left DC Members at a loss and did not know what course to follow. The Chief Executive had instructed government departments to ignore DCs and DC Members. Today the pro-democracy camp won a big victory at DCs and the departments acted ruthlessly to the extreme, would they apply the same criteria or relax the requirements should the pro-establishment camp win in the future? He requested that the District Lands Officer categorically respond to his questions at the meeting and audio recording and meeting minutes be kept.

64. Mr. MAN Nim-chi raised the following views and questions:

- (i) On festive occasions in the past, there had always been many celebration banners made in the name of various committees of Tai Po in the district. DC Members had repeatedly complained but such banners kept appearing while the departments handled the cases not as swiftly as they removed the banners of Mr. Patrick MO. It was hard to explain to the public about the double standards of the departments in connection with the enforcement and removal of different banners. The contents of the banners were not in English while the sole quotation of Chinese idioms could not be tolerated, which did not make sense at all. He requested that TPDLO and FEHD respond.
- (ii) The paper indicated that a LandsD official had told Mr. Patrick MO over the phone that it was inappropriate to show the American flag on the banners. He was not sure if the official concerned had been too sensitive and he did not understand why the American flag could not be displayed either. He opined that one should not live in absurd fear. Had the Implementation Guidelines stipulated that no national flags could be displayed, DC Members could follow when putting up banners. However, the departments set standards at will which was confusing. The

departments should not construct things which did not exist to deliberately make things difficult regarding the banners of DC Members. Contents of the banners were subject to approval of the departments, did it mean that only praises of the Hong Kong Government would be approved?

65. Mr. Patrick MO raised the following views and questions:

- (i) Paragraph 3 of Annex 2 to Paper No. 14/2021 contained the response of the Director of Lands which stated that when receiving complaints from members of the public about individual banners, LandsD would hold meetings with directorate grade officers of HAD and FEHD to discuss if contents of the banners violated the Implementation Guidelines. Letters would be sent to DC Members to request rectification or removal should there be problems. As far as he was aware, LandsD, HAD and FEHD had not sent any district staff to attend the aforementioned meetings. Hence, he wished to know which members had participated in the said meetings. Would the departments hold meetings to handle the complaint cases one by one, or deal with all complaint cases at the same meeting. The Director of Lands had already stated that DC Members would be asked to rectify, in other words, time would be given to DC Members to make modifications, while he had also written to the departments to indicate his intention to first find out where the problem lied before dealing with the issue. Nevertheless, the departments had not given him any chance before removing the banners. Had such approach contravened the regulations mentioned by the Director of Lands at the meeting of Yau Tsim Mong DC earlier? Besides, he enquired if any appeal mechanism was available for the matters concerned.
- (ii) The departments engaged surveyor firms to visit the site and take photos which would then be referred to TPDLO for follow up. The said practice was putting the cart before the horse. He opined that matters related to enforcement actions should not be handled by outsourced contractors. Instead, LandsD should send Land Executives or district lands office (“DLO”) personnel to have on-site inspections. However, he would not meddle with the internal administration of LandsD. Since LandsD had no division responsible for removing banners, removal of banners was therefore carried out by FEHD. He asked FEHD if any LandsD staff was present each time banners were removed. If yes, whether the said staff was that of LandsD or outsourced contractors. Some frontline staff of FEHD had indicated to him that LandsD sometimes would only instruct FEHD via memoranda or guidelines to remove banners, instead of deploying staff to be present at the site of banner removal. FEHD would be held accountable should it remove banners by mistake.

66. Mr. WONG Siu-kin raised the following views and questions:

- (i) Under the prevailing criteria and guidelines, was any mechanism available for persons who were asked to remove their banners to lodge appeals? At present, the chance to rectify the banners was given by LandsD. Could an appeal be lodged should the person concerned opine that the banner could promote public awareness?
- (ii) Fines would be levied should DC Members insist on not removing unauthorised banners. Would LandsD in the future take further actions such as recovering or cancelling relevant designated display spots?
- (iii) Four characters in large font size had been printed on the banners of a political party. He did not advocate charging DAB under the NSL, just like he did not support charging anyone of any parties under the social gathering ban. He hoped that the departments would respond in connection with the criteria for handling banners.

67. Mr. TAM Yi-pui raised the following views and questions:

- (i) The Government currently could not even tolerate a banner and he felt sad about what Mr. Patrick MO had experienced. LandsD had removed the banner on the grounds that an American flag had been printed on it, whereby taking the lead to damage US-China relations. Should all American flags in Hong Kong be removed then? He cited Mrs. Regina IP LAU Suk-yee's advice that government personnel should not become red guards, though he also understood that government staff, being in their position, needed to take stock of the situation, while some FEHD staff had been criticised and government personnel did not know when they would be involved. There had been media reports earlier that three Members of Sai Kung DC had been arrested while attending a DC meeting. The Government took the lead in obstructing DC Members from discharging their duties. He hoped that government officials would not become accomplices.
- (ii) As the Revolutionary Army had been chased by Kuomintang decades ago when they had to walk several kilometres from Jinggangshan to Yan'an, "don't forget the days in Ju" meant exactly that the history of being persecuted back in those days should not be forgotten. Would the current persecution lead to revolutions? While loyal advice jarred on the ears, he only meant to remind everyone.

68. The Chairman reminded Mr. TAM Yi-pui to use caution when speaking so as to avoid breaking the "red line".

69. Mr. YAM Kai-bong raised the following views:

- (i) He thanked the Chairman for reminding Members to use caution when speaking. Not only DC Members who pursued a political career felt the fear, he believed that government personnel present at this meeting also understood the current situation. Notwithstanding, each department had its procedures and regulations. When making decisions, would the departments take into account procedural justice, attach any importance to whether or not the procedures were in the interests of the Government and the public and if the decisions would meet the public expectations of the Government and established standards, or politics had the priorities?
- (ii) He believed that the core values of Hong Kong had their origin from the colonial era. “Remaining unchanged for 50 years” did not only mean that the way of life would remain unchanged, instead, effective governance of the Government and executive authorities was required. That the governance was currently so afflicted with all ills was the result of the inclusion of politics in every single consideration. The aforementioned banner of Mr. Patrick MO had only mentioned the sentence on Kinmen Island. Should “Hong Kong add oil” also become a taboo, how our children could be taught? Had speaking become a taboo? How should the “red line” be defined? Did the freedom of speech still exist? As someone who pursued a political career, he understood the risk very well since the implementation of the NSL. He hoped that public officers would not be too pre-occupied with political correctness, otherwise, it would not be difficult to understand why many civil servants had resigned and left Hong Kong while there were even more civil servants who would become silent. The staff concerned was one of the 180,000 civil servants and was supposed to know very well how to safeguard Hong Kong. What the picture on the banner recorded was the moment when the American Army planted the American flag on Iwo Jima after a long battle and loss of many soldiers on both sides. The flag had fallen a couple of times and therefore the meaning of “do not give up and hold on to the ideas” was also conveyed, which had nothing to do with the country represented by the flag. However, such interpretation might have already broken a taboo or violated the law. Would it be also any breach of legislation to encourage students to study hard? Such wordings might be interpreted as students becoming Dr. SUN Yat-sen after having studied hard, then carrying out reforms and so on and the meaning could be extended endlessly. Should government officials with executive or policy-making power act in such a way? As parents, how would they face their families and children? As a parent himself, his children had encountered similar issues while having Primary 5 General Studies where the teachers had mentioned the history of corruption of government officials under British Administration when dealing with housing problems, Four Modernisations and so on, and worried

about losing their job as a result. Members of the public would be deeply let down by the mentality of handling all political problems as “pure work”. He hoped that government officials would not bury the conscience, but do something for Hong Kong with their conscience where permitted by the Civil Service Code.

70. Mr. CHOW Yuen-wai indicated that the lyrics “living in the midst of hardship, the heart was never tainted” of a song by the singer Keung To had been printed on the banner he put up and the departments had not asked him to remove the banner. While sayings of Bao Shuya were not allowed to be quoted on banners, lyrics and phrases such as “reform Hong Kong” could be printed. Hence, he wished to understand the criteria. Nevertheless, he opined that there would not be any concrete response and the departments would remove individual banners upon receipt of orders rather than following the Implementation Guidelines when making decisions.

71. Mr. MAN Nim-chi said that some academics had indicated that in Hong Kong, there would only be people who obeyed, rebelled or migrated in the future. LandsD and FEHD might have hoped that DC Members would obey and meant to educate DC Members not to touch the red line such that they might still be able to drag out an ignoble existence. However, that was not something he wanted while he also hoped that the departments would not assist in supporting the regime.

72. Mr. Adrian MA responded as follows:

- (i) NS Department would deal with any persons or banners in violation of the NSL.
- (ii) As regards the activities held by some people outside the Secretariat just now, since the said site was privately managed, it would be handled by the Secretariat. If need be, it would be dealt with by security personnel of the Secretariat, or assistance could also be sought by calling the police. This was the usual practice which HKPF adopted for places where property management was available. Should any subsequent follow up by HKPF be required, one could contact the police.

73. The Chairman said that about 10 DC Members had been managed by the police at a private venue last year where they had been issued penalty tickets for having violated the gathering ban, which was inconsistent with what HKPF had indicated just now.

74. Ms. Eunice CHAN indicated that this agenda item discussed primarily the arrangement for handling roadside publicity materials and representatives of TPDLO would answer Members’ questions shortly. There was nothing to supplement further for the time being.

75. Mr. Alex KWOK responded as follows:

- (i) TPDLO had on 6 January mounted an operation together with FEHD to remove the banners still being displayed on the roadside, which Mr. Patrick MO had mentioned in the paper, of a DC Member who had left office already.
- (ii) LandsD had all along managed banners in accordance with the Implementation Guidelines and the issue of double-standards was non-existent. TPDLO would take actions according to the complaints while outsourced contractors would tail in with TPDLO's work. Outsourced contractors would report to TPDLO should irregularities be spotted and upon confirmation of a banner's violation of regulations, TPDLO would refer the case to FEHD. According to the law, only FEHD had the power to remove banners and carry out subsequent actions to impose fines or initiate prosecutions. Should TPDLO personnel be unable to determine if a banner violated the Implementation Guidelines, the case would be referred to LandsD for advice. As far as he was aware, LandsD would examine relevant cases jointly with FEHD and HAD. Upon receipt of instructions from LandsD, TPDLO would follow up. As described in the paper submitted by LandsD, the case of Mr. Patrick MO had violated Section 7(a)(i) of the Implementation Guidelines.
- (iii) For the first violation of a display spot, TPDLO would issue a warning letter to the person displaying the banner. Should the same situation occur again, a second warning letter would be issued and the designated display spot concerned would be suspended for six months.

(Post-meeting note of TPDLO: Relevant measures applied only to non-profit-making groups and not to LegCo and DC Members. Under the existing mechanism, in the event that banners of LegCo or DC Members violated the regulations, LandsD would issue an advance notice of proposed revocation of the permission to display roadside non-commercial publicity materials at designated display spots to demand rectification within a time limit, or relevant publicity materials would be removed by FEHD in accordance with Section 104C of the Public Health and Municipal Services Ordinance (Cap. 132) without prior notice. FEHD might claim removal expenses against the Members who had violated the regulations.)
- (iv) TPDLO would determine according to the Implementation Guidelines whether the contents of a banner violated the regulations. Under the existing system, there was no appeal mechanism.

76. Mr. Nick LAM said that HKPF had indicated that a case could be dealt with by the NS Department where any persons were suspected to have violated the NSL. There had been reports that some DC Members and members of the public had been charged with alleged breach of the

NSL on the street. How should members of the public deal with the situation when policemen charged them with alleged breach of the NSL on the street? Was the only thing they could do was to file a complaint with the Complaints Against Police Office (“CAPO”)? However, HKPF would in the end either ignore or give no advice, which would be of no help at all, leaving members of the public helpless. HKPF’s enforcement criteria were confusing. DC Members put up banners in the hope that the Government could be improved and public grievance and criticism minimised, which would be advantageous for both Hong Kong and China. However, they were queried as to whether they were unpatriotic. While DAB always promoted seizure of power and revolution, its banners had not been removed and nobody had been arrested, whereby reflecting HKPF’s selective enforcement. Such enforcement criteria were indeed not convincing.

77. Mr. Patrick MO raised the following views and questions:

- (i) TPDLO had indicated that complaint cases about banners would first be reviewed by outsourced contractors who would submit problematic cases to DLOs. Should DLOs be unable to make decisions, such cases would in the end be referred to LandsD for follow up. He wished to know if the decision on his case had been made by LandsD or TPDLO.
- (ii) TPDLO had indicated just now that no appeal mechanism was currently available under the Implementation Guidelines, did it mean that what he had quoted in Annex 2 to Paper No. 14/2021 about the rectification and removal arrangements mentioned by the Director of Lands was untrue?
- (iii) When FEHD carried out banner removal operations, would TPDLO personnel be present each time or only staff of outsourced contractors would be on-site to inspect the removal operation?
- (iv) The outsourced contractor of TPDLO had called him and indicated that not only had there been problems with the wordings on his banner, but a sticker, on which “one country two systems exists in name only” had been printed, was also found on his banner. Despite the fact that the said sticker neither belonged to him nor his original design, the outsourced contractor said that there was nothing he could do and asked him to reflect to TPDLO himself. He felt himself being very wronged. Neither TPDLO nor he himself would inspect the condition of banners every day and in the event someone post something with contents violating the NSL on his banners, he would be unable redress his injustice should there be no appeal mechanism. He hoped that TPDLO would unequivocally indicate if it could not provide DC Members opportunities to make representations or argue.

78. Mr. AU Chun-wah raised the following views and questions:

- (i) No wonder Members used their power at the DC to oppose everything. DC Members' putting up of banners was meant to serve the public rather than doing business or making money. TPDLO was much more stringent when dealing with unauthorised banners than handling unauthorised building works ("UBWs"), while the basic right to appeal was not available. If any words suspected of violating the NSL were posted outside the TPDLO, would the District Lands Officer/Tai Po be accused of leading TPDLO to violate the NSL? While TPDLO might refer the case to HKPF for investigation, why DC Members were imposed the blame when facing the same situation in which objects which did not belong to them appeared on their banners? Should any groups or persons intend to frame DC Members, they could post objects at will on the banners while TPDLO would tie in and remove the banners. If need be, relevant cases would be referred to the NS Department of HKPF for follow up. The District Lands Officer/TP should understand the meaning of the Cantonese saying "a bricklayer cut a door opening in the wall — it had to be passable for himself and also for others", which meant that one should have a clear conscience in all things. He requested that TPDLO point out which part of Mr. Patrick MO's banner had violated the Implementation Guidelines instead of merely citing Section 7(a)(i) of the Implementation Guidelines. When handling cases of UBWs, TPDLO would clearly indicate which parts were problematic. He opined that the District Lands Officer/Tai Po would not be able to furnish an explanation but attended the meeting to serve as a scapegoat to be targeted for his department. He would stop asking further should the District Lands Officer admit that he had been instructed and could only act involuntarily.
- (ii) TPDLO was a lead department to assist DC operation whereas HAD was responsible for examining cases of complaints against banners of DC Members. Under the current circumstances where DC Members were repeatedly oppressed and unable to lodge appeal, how assistance could be provided? He opined that TPDO should reflect Members' views to HAD.
- (iii) DC Members had been accused of violating the gathering ban at Tai Ping Industrial Centre, which was a private place. He requested that the incumbent District Commander (Tai Po) ask the officer-in-charge at that time about the situation.

79. Mr. SO Tat-leung said that the Permanent Secretary for Financial Services and the Treasury had recently been misunderstood because of the face mask worn and had to apologise for the incorrect associations the incident generated. Mr. Patrick MO was already lucky that he could complain openly at the meeting. DC Members were trusted by members of the public and the team would become stronger as long as they believed in what they did was correct.

80. Mr. LAU Yung-wai, the Vice-chairman said that LandsD had removed banners of DC Members merely based on ungrounded reasons and justifications while no appeal mechanism was available, hence, he wished to learn about the criteria. Recently, some real estate companies had posted advertisements of flats on the banners which he had put up at Serenity Park. It would be really absurd should TPDLO hold him accountable for such advertisements and accuse him of using the banners for commercial promotion and receive benefits. He opined that owners of banners should not be accused of being the beneficiaries simply because some labels had been put on the banners since substantiation was difficult. He hoped that TPDLO would categorically explain the criteria and boundaries.

81. Mr. KWOK Chun-sum indicated that FEHD regularly mounted joint operations with LandsD to remove non-commercial publicity materials including banners. During joint operations, LandsD personnel would be present to verify on-site if publicity materials had been approved or failed to comply with the requirements of the Implementation Guidelines. In general, outsourced contractors of LandsD participated in the majority of such joint operations, in which LandsD staff would also take part at times. In some cases, non-commercial publicity materials which had been complained about would be dealt with first.

82. Ms. Eunice CHAN advised that relevant departments were responsible for various policies and items. This meeting allowed Members to directly request relevant departments to follow up on the matters relating to non-commercial publicity materials which Members concerned. The departments had actively responded just now to Members' questions and concerns. TPDLO would help relay Members' views in connection with non-commercial publicity materials to HAD should such views involve HAD.

83. Mr. Alex KWOK responded as follows:

- (i) Just as described in the written reply of TPDLO, LandsD, FEHD and HAD had decided on the case of Mr. Patrick MO at the relevant committee.
- (ii) The Implementation Guidelines operated in accordance with Chapter 132 of the laws of Hong Kong and the Director of Food and Environmental Hygiene conferred some of his authority on LandsD. Sections 9(d) and 9(g) of the Implementation Guidelines stipulated that FEHD had the authority to remove publicity materials which were unauthorised or not in compliance with the Implementation Guidelines without prior notice. Hence, there was no appeal mechanism as far as non-commercial publicity materials were concerned.
- (iii) As regards Members' enquiries about which parts of Section 7(a)(i) of the Implementation Guidelines the case concerned had contravened, apart from

TPDLO's written reply, there was nothing to supplement for the time being.

84. Mr. MAN Nim-chi indicated that he wished to know how the relevant committee, in which the District Lands Officer/Tai Po had said LandsD, FEHD and HAD took part, would discuss DC Members' non-commercial publicity materials.

85. Mr. Patrick MO raised the following views and questions:

- (i) Would the relevant committee convene meetings to discuss individual cases one by one, or handle a certain number of cases concurrently at the same meeting?
- (ii) Did FEHD have the authority to remove non-commercial publicity materials without notifying LandsD?
- (iii) FEHD had said just now that outsourced contractors of LandsD would be present at some of the banner removal operations to take charge. He opined that outsourced contractors should not be entrusted with enforcement actions since they would need to take risks in the event of legal disputes.

86. Mr. AU Chun-wah requested that TPDLO, FEHD and TPDO relay to respective head offices that DC Members hoped that directors of the aforementioned departments would be at the relevant committee and consider providing an appeal mechanism for matters concerning non-commercial publicity materials, and asked the departments to furnish detailed explanations when accusing non-commercial publicity materials of violating the Implementation Guidelines instead of merely citing the provisions of the Implementation Guidelines.

87. Mr. YIU Kwan-ho indicated that Sections 7(a) and 7(a)(i) stated that the display of roadside publicity materials was for the purpose of the promotion of public awareness of matters of general and significant community interest of non-commercial nature. In this connection, priority would be given to such display which was by LegCo and DC Members to communicate with their constituents, which sought to promote public awareness or participation in matters of district administration and community building. He asked in the event a non-commercial publicity material failed to contain the element of promoting public awareness as stated in the Implementation Guidelines, if it would merely not be given priority, but without violating the requirements of the Implementation Guidelines. Moreover, relevant provisions did not specify the consequences of breaching the conditions concerned.

88. Mr. Alex KWOK responded as follows:

- (i) As far as he was aware, the aforementioned committee was attended by officials at Directorate grade 2 or above from participating departments. He did not have

relevant information about the procedures and format of the meetings.

- (ii) He would reflect Members' requests to LandsD.
- (iii) As regards Mr. YIU Kwan-ho's enquiries, he had nothing to supplement further for the time being apart from the written reply which TPDLO had made.

89. The Chairman said that unless requested by TPDLO, FEHD would not take the initiative to remove Members' banners put up at designated display spots. Besides, the outsourced contractor of FEHD was responsible for cleaning and banner removal whereas the outsourced contractor of LandsD responsible for banner management would be present when FEHD removed banners. He asked the District Lands Officer/Tai Po to explain if the said interpretation was correct.

90. Mr. Alex KWOK advised that the outsourced contractor of TPDLO would verify together with FEHD personnel if the banner to be removed was the one which violated the Implementation Guidelines and refer to FEHD the work to remove unauthorised banners. TPDLO would act on the complaints received and should the banners concerned be found to have violated the Implementation Guidelines, such cases would be referred to FEHD for follow up on the work to remove unauthorised banners.

91. Mr. KWOK Chun-sum said that teams which carried out joint operations included enforcement personnel and cleaning workers of FEHD and contractors of LandsD.

92. Mr. Richard CHAN said that under Section 86 of the District Councils Ordinance, a member of a District Council or a committee shall not be subjected to any liability, action, claim or demand by reason of anything done bona fide for the purpose of carrying into effect the provisions of this Ordinance or any other enactment conferring functions on a District Council. In a local case, two DC Members had sued each other for defamation for remarks made at a meeting. The court had dismissed the case precisely because of the protection afforded to DC members under Section 86 of the District Councils Ordinance. Putting up of banners at government venues could be understood as complying with the aforesaid "provisions of this Ordinance or any other enactment conferring functions on a District Council" and therefore shall not be subjected to any liability, action, claim or demand. Hence, he did not see why DC Members should be subjected to legal proceedings after their banners had been removed.

93. The Chairman indicated that the Hong Kong Bill of Rights Ordinance was currently overridden by the NSL, hence, he believed that the District Councils Ordinance could hardly afford any protection to Members. Therefore, he had reminded Members just now to use caution while speaking, which was his opinion rather than any legal advice.

94. The Secretary advised that the Secretariat usually reviewed only provisions of the District Councils Ordinance which were relevant to routine support of meetings and operation, and was unable to answer enquiries related to other provisions.

95. The Chairman said that the Hong Kong Bill of Rights Ordinance was supposed to protect the freedom of speech and assembly of members of the public who, however, had in fact lost their rights already.

96. Mr. Patrick MO moved an impromptu motion as follows: “Tai Po District Council requested that the Lands Department provide an appeal mechanism and specify in detail reasons for non-compliance when dealing with roadside non-commercial publicity materials of TPDC Members.” The motion was seconded by Mr. AU Chun-wah.

97. The Chairman indicated that owing to the epidemic, there had been long intervals between meetings. Hence, he agreed to process the above impromptu motion at this meeting.

98. No Member proposed any amendments to the motion.

99. The Chairman requested that Members take a vote on the impromptu motion moved by Mr. Patrick MO. Members agreed to vote by open ballot and the voting result was as follows:

For :	13 votes	Mr. LAU Yung-wai, Mr. AU Chun-ho, Mr. AU Chun-wah, Mr. Richard CHAN, Ms. Olive CHAN, Mr. CHOW Yuen-wai, Mr. Nick LAM, Mr. MAN Nim-chi, Mr. Patrick MO, Mr. SO Tat-leung, Mr. TAM Yi-pui, Mr. YAM Kai-bong and Mr. YIU Yeuk-sang
Against :	0 vote	
Abstain :	1 vote	Mr. LAM Yick-kuen
Did not vote (present) :	1 vote	Mr. KWAN Wing-yip
Did not vote (not present) :	6 votes	Mr. HO Wai-lam, Mr. LI Yiu-ban, Mr. Dalu LIN, Mr. WONG Siu-kin, Mr. WU Yiu-cheong and Mr. YIU Kwan-ho
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Total :	21 votes	

100. The Chairman announced that the above impromptu motion was carried and requested that the Secretariat notify LandsD of the voting result in writing.

101. The Chairman announced that the meeting would be adjourned for an hour.

102. The meeting resumed.

V. **Concerns over unlicensed columbaria in the vicinity of Kam Shan**
(TPDC Paper Nos. 17/2021 and 17a/2021 (Revised))

103. Mr. WU Yiu-cheong introduced Paper No. 17/2021 and raised the following questions:

- (i) The paper provided by PlanD had mentioned that during the period between 2016 and 2020, there had been a total of 54 cases of application for Amendment of Plan which the Town Planning Board (“TPB”) had disagreed after consideration, among which one application involved the site of another application which had been rejected and the new application submitted subsequently was partially endorsed by TPB. Another three applications involved sites of two cases of applications which had been rejected. He wished to know the details of the aforementioned applications, for instance, whether or not the type of applications and justifications for the rejection were the same as before.
- (ii) As could be seen from the columbaria applications he had previously followed upon, similar cases were not isolated ones while there had been at least two columbaria in Kam Shan area of his constituency which kept submitting applications. He understood that LandsD’s duties and responsibilities might not necessarily reach the level of legislation amendments. Hence, he wished to know what stance LandsD held and if it regarded such situation as a problem. Besides, the written reply LandsD provided was rather vague and failed to provide sufficient information.
- (iii) At present, many private columbaria had not yet been granted any license and operation was suspended as a result. He wished to know if FEHD inspected such private columbaria to see if they committed any irregularities such as continuing to sell niches and so on.

104. Mr. YIU Yeuk-sang indicated that the case of application No. Y/TP/30 frequently made minor alterations to the drainage outlet and then submitted the application anew, whereby continuously extending the application which was a waste of public money. He enquired if PlanD currently had any legislation to regulate such applications and if it could in the future eliminate such cases.

105. Mr. Patrick MO asked if an application would also be considered a new one and need to be submitted to PlanD and TPB for approval again should the applicant submit an application with

only minor alterations (such as changing the number of parking spaces or floors). There was a development project at Tsiu Hang, Tai Po Kau of which the developer would submit an application each time it made some minor alterations. As a result, consultation had to be conducted anew and residents nearby needed to keep voicing their views repeatedly, which was a vicious cycle.

106. Mr. KWOK Chun-sum advised that FEHD had set up a special team known as the Private Columbaria Enforcement Team to deal with the work related to private columbaria when the ordinance came into effect. Meanwhile, he was unable to provide information about inspections and prosecutions of the said team, but would furnish such information to TPDC after the meeting.

107. The Chairman asked if FEHD had set any amendment deadline for those private columbaria for which amendment of plan was required by the legislation.

108. Mr. KWOK Chun-sum said that he would gather relevant information which he would furnish to TPDC after the meeting.

109. Ms. Jessica CHU responded as follows:

- (i) As regards those 54 cases of application for Amendment of Plan mentioned above which had been rejected, the site of the application which was submitted anew and partially endorsed by TPB was not in Tai Po District, but a residential development project at Kowloon City Plaza. The other three applications, namely, a columbarium located in Kwai Chung, a columbarium in Shatin and a residential development project in Tseung Kwan O, had all submitted applications twice and the second applications had been rejected too.
- (ii) Under the existing Town Planning Ordinance, any persons could submit an application for Amendment of Plan while there was no restriction on the number of applications filed for the same site. PlanD would list in its papers submitted to TPB details of the applications concerned such as the types of applications being previously filed, the number of times applications of the same types had been filed, decisions and factors of consideration at that time, and compare the differences between applications being submitted currently and the development parameters of the applications which TPB had considered in the past. She gave an example that Chung Woo Ching Sai near Classical Gardens, Tai Po had repeatedly filed applications including five planning applications and one rezoning application, among which four had been withdrawn. When filing the most recent application (i.e., in 2017), the applicant had requested that TPB defer considering his application. However, since PlanD had pointed out that the applicant had already filed 10 applications in connection with the application concerned with similar contents and consideration factors, TPB had at that time rejected the application

for extension. Pursuant to the Town Planning Ordinance, TPB could neither refuse repeated applications of any persons nor specify the interval between applications before an applicant could submit another application.

- (iii) As regards the case of application No. Y/TP/30, the applicant had already submitted an application to TPB in accordance with the Town Planning Ordinance. Should the applicant need to submit further information to the departments which involved technical assessments which had been revised, PlanD would need to make public the further information received for the public to submit their opinions pursuant to TPB PG-No. 32.

110. Mr. WU Yiu-cheong indicated that he understood that the existing ordinance did not impose any restrictions on the number of applications to be submitted whereas the DC had no authority to discuss the amendment of legislation either, he would nonetheless like to reflect the actual situation to the departments and hoped that they could take it into consideration. At present, private columbaria and the residents were not on an equal status. Each time the private columbaria submitted an application, they would engage consultant companies to prepare an exquisite traffic and environmental impact assessment report and mobilise stakeholders to collect signatures. Residents in general could hardly understand why the private columbarium submitted an application again a couple of months later after they had signed to oppose the construction of a private columbarium not long ago. Neither did they understand the details of the reports, they therefore queried if the Government had played its role as a gate-keeper. As was evident from the case of Chung Woo Ching Sai which PlanD had mentioned just now, TPB would take into consideration comments of PlanD to determine under certain circumstances whether or not to reject applications for extension, hence, it was not the case that PlanD did not have any role to play.

111. The Chairman said that this agenda item would be followed upon further at the next meeting to understand FEHD's enforcement and supervision.

VI. Matters arising from last meeting

(I) TPDC Members' request to increase roadside display spots **(TPDC Paper No. 24/2021)**

112. The Chairman advised that the written reply of TPDLO was contained in Paper No. 24/2021 for Members' reference.

113. Mr. Alex KWOK introduced the captioned Paper.

114. Mr. LAU Yung-wai, the Vice-chairman raised the following views and questions:

- (i) Members had requested for almost one year that LandsD send representatives to the meetings to explain the Implementation Guidelines, but LandsD had all along failed to send any representatives to the meetings and instead asked TPDLO to reply on its behalf. Despite the topic concerned being discussed for quite some time, the departments seemed to have never heard of DC Members' opinions. Members had repeatedly stated that what they asked for was not an increase in the maximum number of designated display spots in the whole district, rather, they hoped that the display spots could be allocated in other ways such that the number of display spots for DC Members could be increased. TPDLO had indicated just now that it would act in accordance with the Implementation Guidelines and double-standard was non-existent. In fact, it had violated what the Implementation Guidelines required. Section 2(b) of the Implementation Guidelines stated that each elected DC Member might in general choose 10 designated spots in his/her own constituency. Each ex officio or appointed member might also in general choose 10 designated spots in his/her own DC District, while the actual number was subject to any advice of individual DCs to the District Lands Offices (DLOs). It would mean that the DC had the authority to advise the DLO on the number of designated display spots each DC Member was actually allocated. This topic had been repeatedly discussed and he had quoted the papers provided by LandsD every time to reiterate the above viewpoints. Should TPDLO not be in a position to respond, he hoped that LandsD would send representatives to the meeting to explain the Implementation Guidelines.
- (ii) While the departments did not revise the Implementation Guidelines and kept adopting the same standards, they in reality did not follow the requirements of the Implementation Guidelines either. TPDLO had indicated in the paper it submitted that in accordance with the report of the Office of the Ombudsman, the maximum number of designated display spots would not be increased while the display spots would be properly supervised, which were not in any conflict with the requests of DC Members. Increasing the number of display spots allocated to DC Members did not necessarily require an increase in the maximum number of overall display spots. Besides, why some rural DC Members had been allocated 12 display spots while TPDLO had pointed out that TPDC Members could each be allocated 10 display spots only? This was a regulation formulated after DC Members had in the past put forward opinions to LandsD in accordance with the Implementation Guidelines. TPDLO was self-contradictory and the written reply it furnished was unreasonable, however, it kept quoting the same justifications at the meetings. If TPDLO was unable to explain and had District Lands Officer/Tai Po serve as a scapegoat to be targeted at meetings, then LandsD should send

someone to attend meetings. TPDLO turned down Members' requests and claimed that it needed to follow the requirements of the Implementation Guidelines, which it in reality did not observe. No wonder some DC Members opined that TPDLO did not follow the requirements of the Implementation Guidelines but acted according to personal preferences instead.

- (iii) LandsD might opine that should the number of display spots for TPDC Members be relaxed, other DCs would make the same request, which he did not consider as a problem. For DC Members, display spots were a publicity channel to keep residents informed about the district. While DC Members used banners to publicise district work and livelihood affairs to enhance community harmony, TPDLO placed numerous obstacles which was perplexing. While he had regularly raised this issue for discussion since the full council meeting early last year, TPDLO had responded with unreasonable documents, did it mean that TPDLO blatantly suppressed TPDC?

115. Mr. Alex KWOK responded as follows:

- (i) The written reply of TPDLO was a joint reply of LandsD and TPDLO which represented LandsD concurrently.
- (ii) LandsD allowed DC Members to change the locations of designated display spots by means of one-for-one swap. However, should the number of display spots be increased, it would definitely result in an increase in the total number of display spots while leading to an increased number of display spots in various districts. In view of this, and having taken into consideration comments of the Office of the Ombudsman, TPDLO at present could not entertain DC Members' request to increase the number of display spots.
- (iii) Before the Implementation Guidelines had been put into practice in 2003, there had already been a difference between the numbers of display spots of rural and non-rural TPDC Members. Such arrangement continued to be adopted upon the launch of the Implementation Guidelines, as a result, TPDC Members were allocated 10 and 12 display spots respectively.
- (iv) Section 2(b) of the Implementation Guidelines, i.e. "the actual number was subject to any advice of individual DCs to the District Lands Offices (DLOs)" was meant to address the existing regulations upon the launch of the Implementation Guidelines.

116. Mr. LAU Yung-wai, the Vice-chairman said that he had all along indicated that an increase in the number of display spots allocated to DC Members did not necessarily mean to increase the maximum number of display spots in the district, but to reallocate the locations of the display

spots in the district. The Implementation Guidelines clearly stated that the number of display spots was subject to any advice of individual DCs to the DLOs, but TPDLO seemed to regard the Implementation Guidelines as a past document which it ignored. TPDLO frequently cited the comments of the Office of the Ombudsman and misinterpreted Members' views. He did not want to waste further time at the meeting and would write to the Office of the Ombudsman to voice his opinion.

117. Mr. Patrick MO said that since the constituency boundaries had been redrawn, some constituencies, which had used to be purely urban, had become a hybrid of urban and rural. He recommended that TPDLO choose in light of the circumstances between 10 display spots for urban Members and 12 for rural Members for allocations.

118. Mr. MAN Nim-chi said that TPDLO personnel was commendable for actively following up on the proposal to increase locations of display spots for DC Members. However, the number of display spots he was allocated remained to be 10. Despite his constituency being located in the town centre, it was pretty vast in area and the display spots were insufficient. Setting the number of display spots for all DC Members uniformly as 12 each would mean an increase of 42 in total even if every Member was given two additional display spots, which would not be a big deal. That Mr. LAU Yung-wai, the Vice-chairman had repeatedly raised this issue reflected the demand existed. Hence, he hoped that the departments would heed Members' opinions sufficiently and reflect the opinions to LandsD.

119. The Chairman said that Mr. AU Chun-wah had at previous meetings mentioned that he hoped display spots could be provided on the footbridge between YATA Department Store and Plover Cove Garden. He asked if TPDLO personnel had discussed with him in this connection.

120. Mr. AU Chun-wah indicated that TPDLO personnel had already discussed with him and provided three display spots at the said location.

121. Mr. Alex KWOK responded as follows:

- (i) According to its written reply, TPDLO was of the view the redrawing of constituency boundaries was not necessarily correlated with an increase in the number of display spots for DC Members.
- (ii) He thanked DC Members for commending the work of TPDLO personnel. Increasing the number of display spots for DC Members from 10 to 12 each would go against the idea of the Office of the Ombudsman to request that LandsD set a ceiling for the number of display spots. Hence, TPDLO could not follow up on this for the time being.

122. Mr. MAN Nim-chi indicated that while Mr. AU Chun-wah had obtained three additional display spots at a footbridge, four additional display spots had also been provided at the footbridge connecting Fu Heng Estate and Tai Yuen Estate after he had secured consent from other DC Members involved. Given the room available at the existing railings, why should there be conflicts with the maximum number of display spots? He identified new locations for TPDLO to provide more display spots while TPDLO also agreed that such locations could be used for publicity purposes, then why DC Members were asked to have no more than 10 display spots each?

123. The Chairman indicated that he hoped TPDLO would furnish at the next meeting the number of display spots in the district which had been applied for use and which had not been applied for use respectively, such that it could be examined if TPDC Members could each be allocated one or two additional display spots and Members could understand the actual situation via objective statistics.

124. Mr. Alex KWOK advised that TPDLO would provide TPDC the statistics of display spots in the district which had been applied for use and which had not been applied for use respectively after the meeting. Besides, TPDLO had all along insisted on the number of display spots allocated to each DC Member being 10. Should a Member have fewer than 10 display spots, he could request that the number be increased to 10, which was the maximum number. Members having 10 display spots already but wished to have more might have their old locations replaced by new ones through one-for-one swaps.

125. The Chairman requested that TPDLO furnish supplementary information to TPDC after the meeting as soon as practicable.

126. Mr. LAU Yung-wai, the Vice-chairman said that since the committees currently did not have any Co-opted Members, he recommended that the quotas for display spots initially allocated to Co-opted Members be evenly assigned to DC Members. As far as he could recall, there were approximately 50 such display spots which would be enough for allowing each DC Member to have two additional ones while doing so would not increase the overall number of display spots. As TPDC had never filed any application with TPDLO for using them, such display spots had all along been vacant. Why could TPDLO not consider providing DC Members assistance in the said way? In the past, consent of Co-opted Members and other persons might be required when they had been in the committees, but now the system of Co-opted Members no longer existed in TPDC.

127. Mr. Alex KWOK said that TPDC had a certain number of display spots for use by the DC. According to records, such display spots had not been used for the time being. At the last meeting, he had mentioned that Members might consider how those locations could be optimally

used. In addition, he would follow up with LandsD on the suggestions of Mr. LAU Yung-wai, the Vice-chairman and notify the DC as quickly as practicable once there were any updates.

128. Mr. LAU Yung-wai, the Vice-chairman advised that the said display spots did not belong to Co-opted Members but to the committees and for their use. Should Members wish to use those display spots, they were required to file applications by using the quotas of the committees and obtain consent of relevant committees. Given the complicated procedures, no DC Members had ever filed an application.

129. The Chairman requested that TPDLO follow up on the issue concerned and provide the DC information as soon as possible after the meeting. Discussion of this agenda item would continue at the next meeting where the situation would be reported.

(II) Problems of suspected unauthorised erection of fences and occupation of public place for placing water-filled barriers by Tai Po Police Station and New Territories North Regional Police Headquarters
(TPDC Paper Nos. 18/2021 and 18a/2021)

130. The Chairman advised that the written reply of Architectural Services Department (“ArchSD”) earlier had been e-mailed to DC Members on 8 January 2021 and was contained in the captioned paper. The Secretariat had invited representatives of ArchSD to attend the meeting but ArchSD had indicated that it was unable to do so due to official duties, and could only provide a written reply for Members’ reference.

131. The Chairman said that he had put forward the agenda item which had been discussed for some time. Tai Po Police Station had removed all water-filled barriers and the red hoardings on the roof, however, DC Members and residents were still worried if the fences were safe. ArchSD had repeatedly indicated in the paper that the fences met the safety standards, so TPDC would put this on record and ArchSD would be held accountable should there be any incidents in the future. However, he did not want to look into the matter only after something had happened. Hence, he hoped that HKPF as the user of the said building would pay attention to the safety of fences that no hazard of collapse would be posed by typhoons or other unexpected situations. Some residents in the neighbourhood of Tai Po Police Station had reflected that CCTV cameras installed at the Police Station were rather close to residential buildings that residents of lower floors were worried that what happened in their flats might be filmed. He hoped that HKPF would contact him after the meeting to review the angles of the CCTV cameras to give residents peace of mind.

132. Mr. Adrian MA said that there had been five typhoons hitting Hong Kong during the past summer and the fences outside the Police Station had not been affected, whereby showing that

testing had been passed to a certain extent. HKPF would strike a balance between the two major aspects of protecting police officers and ensuring the safety of the public and the pedestrians. Moreover, he would follow up with the Chairman after the meeting on the angle of the CCTV cameras outside the Police Station as to whether or not residential buildings would be affected.

133. The Chairman advised that this agenda item would not need to be further followed up at the next meeting.

(III) Matters concerning putting up of posters on the premises of housing estates in Tai Po District

134. Mr. AU Chun-ho raised the following views and questions:

- (i) The poster which he had recently submitted to HD for approval contained information of different COVID-19 vaccines. HD had informed him just now that the poster was approved. However, when facing similar situations in the past, HD would enforce the guidelines rigorously and say that Members' posters contained names of pharmaceutical companies, prices and so on. Despite the fact that all such information had been released by the Government, HD as a government department itself did not recognise relevant information. HD staff's approach in approving the posters might vary significantly from officer to officer, leaving Members who submitted posters for approval at a loss. Some years ago, the officer in charge had indicated that the posters could contain names of pharmaceutical companies and prices of influenza vaccines. However, after subsequent changes of staff, the new officer did not allow the display of names of pharmaceutical companies and prices on the posters. At present, HD allowed Members to have names of pharmaceutical companies and prices of COVID-19 vaccines printed on their posters, would this still be allowed in a few years? He hoped that HD representatives would reflect the issue to the head office.
- (ii) The Government had once announced that compensation would be provided should there be any problems after receiving COVID-19 vaccines. He had learned from the Internet that Members of other DCs had submitted posters containing the aforementioned information to HD for approval which ended up not being approved on the grounds that the posters incited hatred. While publicising COVID-19 vaccine-related information for the Government, DC Members were accused of inciting hatred. He hoped that HD head office would send representatives to attend meetings to explain to Members the criteria for approving posters.

135. Mr. AU Chun-wah said that the problems with posters were similar to those with banners, both of which were about relevant departments' vetting and decisions on their own whether to approve or not while DC Members had no knowledge about any objective conditions and factors. The Government was responsible for vaccinating members of the public with COVID-19 vaccines and several kinds of vaccines were available. Theoretically, members of the public should be informed of the details such as efficacy of different vaccines, responses after vaccination and vaccination venues etc. The impression HD had in the beginning given was to follow the previous practice in not allowing the names of pharmaceutical companies of COVID-19 vaccines to be displayed on the posters. HD had said that DC Members helped the pharmaceutical companies to promote, however, DC Members were duty bound to tell members of the public coming to receive influenza vaccines information about the pharmaceutical companies, while members of the public also had the right to choose and should not be told relevant information at the moment they came to enrol and pay. He pointed out that pharmaceutical companies would not sell vaccines to individuals, but first to healthcare organisations, then doctors and hospitals while professional medical qualifications were also required. He considered the approach of HD unrealistic, in particular that of those officers who had formulated relevant policies. The relevant matter was closely related to the livelihood of the public and DC Members had not added any details to the information. It was ridiculous that even unrevised government publicity information was not allowed to be printed on the posters, and such practice was indeed confusing. As of today, HD had not sent any representatives from the head office to attend meetings and answer questions. DC Members had been continuously hindered by pointless hurdles which government departments had created, making it difficult for them to work smoothly with various departments to take forward district work. There would have nothing wrong for the departments to defend the Government's position had DC Members' speeches touched upon the "red line" or scolded the Government. However, content of Members' posters had nothing to do with that. Prior to this meeting, HD personnel had indicated to DC Members that since DC Members were unable to buy COVID-19 vaccines, the aforementioned posters had been approved. He found it ridiculous. HD sometimes was sure about DC Members' being unable to buy vaccines, sometimes opined that they could, which lacked objective indicators and factors. Average persons could not buy vaccines casually, be it COVID-19 or influenza vaccines. He hoped that HD personnel could be more realistic, or more frictions would arise. He had once asked a HD staff to relay his views to the superior, but the staff concerned had indicated that he would not do so. Thanks to the instructions of the Chief Executive, government staff at all levels saw DCs as nothing. He could but indicate once more that he was deeply dissatisfied with HD's decision.

136. Mr. CHAN Kai-lam, Allan responded as follows:

- (i) He had reflected to the head office in connection with matters concerning DC Members' posters. The head office had replied that the publicity materials were required to be informative, be based on the principle of providing welfare and

services, and be non-profit making in nature, without messages which were commercial, illegal, indecent, defamatory, insinuating, critical or denouncing of an individual or group. Should the content of a publicity material be controversial, relevant colleagues would submit it to the head office for review by a designated team made up of several managers. Justifications and the poster, be it approved or not, would be forwarded to personnel of various districts such that frontline staff of various districts would be informed of the standards. Should frontline staff receive similar posters, they could refer to the poster which had or had not been approved and discuss with DC Members. Since the poster which was about COVID-19 vaccine was informative, it was approved after review.

- (ii) Head office personnel would inform frontline staff of the standards or justifications for approving or rejecting a poster, which would be relayed to DC Members by frontline staff. An appeal mechanism was available for the approval of posters. Should an applicant be not satisfied with the result, he could submit the poster to senior personnel at the head office for review.

137. The Chairman asked Mr. AU Chun-wah if similar situations had frequently occurred during the past two months apart from the one to two posters mentioned just now, for instance, he had once mentioned that the poster related to KMB services had not been approved.

138. Mr. AU Chun-wah indicated that such situation had been less frequent during the past two months because the content of the posters happened not to involve similar topics. He was of the view that problems would arise should relevant topics be involved again. If HD representatives relayed Members' opinions to officers at the head office who had formulated relative policies and the latter still remained reluctant to attend meetings to heed Members' views, it would be meaningless to discuss further. If they were unwilling to listen to Members' views, their approvals, even when completed, could only be unrealistic.

139. The Chairman said that should contents of posters be handled by a general manager every time, it would be a waste of time and like using a sledgehammer to crack a nut. At present, personnel of outsourced management companies were in general responsible for approving DC Members' posters and they might be overly sensitive and brought forth additional work for HD staff. He hoped that HD would provide them clearer guidelines. Putting up of posters should be allowed if the information on the posters was non-profit making in nature even if commercial organisations (such as names of pharmaceutical companies) were mentioned.

140. Mr. Allan CHAN indicated that like what he had mentioned just now, HD currently disseminated posters, be it approved or disapproved, to frontline staff, such that they basically understood the ideas behind the approvals.

141. Mr. AU Chun-ho said that HD personnel adopted double standards when approving. There had been no problem in the past few years when KMB services had been mentioned on the posters. However, when government assets such as Hong Kong Disneyland and Hong Kong Ocean Park were mentioned, the posters would be considered containing commercial elements and publicising for such organisations. He hoped that HD would reflect to the officers responsible and ask them to attend meetings to heed Members' views.

142. Mr. Allan CHAN said he would reflect the views to the head office.

143. Mr. AU Chun-wah said that HD personnel had once indicated to him that there had been discussion with stakeholders (including political parties and DC Members) in connection with matters concerning publicity material in the past. However, he had served as DC Members for many years and HD had never directly sought or listened to his views, nor conducted any consultation via the DC or political parties. HD claimed to have conducted consultation or heeded views, had it consulted or listened only to individual major political parties? He hoped that HD representatives would relay to the head office personnel that he would be more than happy to have detailed exchanges with them should there be any consultation on relevant matters in the future.

144. Mr. Allan CHAN advised that relevant consultations were about the arrangements of posters such as the number of posters and locations where they could be displayed.

145. The Chairman asked HD representatives to relay Members' opinions to the head office.

VII. Reports of Committees under TPDC

(TPDC Paper No. 19/2021)

Environmental Protection, Fisheries, Agriculture, Industries, Commerce, Food and Health Committee

146. Mr. LAU Yung-wai, the Vice-chairman reported that the Environmental Protection, Fisheries, Agriculture, Industries, Commerce, Food and Health Committee ("EFAC") had held a special meeting and its 6th meeting in 2020 on 19 October and 11 November 2020 respectively. Members noted the contents of the report.

147. Mr. AU Chun-wah indicated that EFAC had discussed the problem of shop front extensions. Starting from end of October, Members had requested that FEHD crack down rigorously on shop front extensions, but unfortunately it still failed to meet the standard. FEHD had in November stepped up its efforts but it would at most issue one penalty ticket to the same shop per day and 30 in total per month, while the actual number of tickets issued in reality might be even less. Besides, FEHD did not follow up after issuing penalty tickets to several shops which had most serious shop front extensions, in other words, after being issued penalty tickets once, those shops could obstruct the street further on the same day at will. FEHD acted perfunctorily and its measures lacked deterrent effect and effectiveness. The problem of shop front extensions was a livelihood issue which involved multiple departments. No progress was seen despite its being handled for some time. He hoped that District Officer (Tai Po) would instruct the departments to discharge their duties and step up law enforcement efforts. HKPF had indicated just now that it was responsible for law enforcement on carriageways. But currently pallet jets loaded with piles of goods were placed next to the carriageway of Bonnie Vegetables and Fruit Shop. An Assistant Divisional Commander (Tai Po) had once claimed that as instructed by his superior, the said situation had been considered having little impact on the traffic and therefore would not be dealt with. This had been strongly criticised by DC Members of different political parties. The succeeding Assistant Divisional Commander had actively deal with the problem concerned during his term. He had commended him on various occasions. The next Assistant Divisional Commander had already sent his subordinates to attend meetings on his behalf after he himself had attended a meeting once, while the rank of the police officers attending the meetings had been downgraded from Chief Inspector to Probationary Inspector, which showed that HKPF attached little importance to the problem of shop front extensions in the district. While the DC had been very concerned about the problem and the past two Assistant Divisional Commanders had failed to solve it, why did the Commander think that assigning a lower ranking officer could solve the problem? He hoped that the new Commander would note the situation and provide assistance, in particular in the vicinity of Heung Sze Wui Square where shops placed their goods on the carriageway and occupied the loading/unloading zone behind ParknShop and the situation was serious. He held no expectation of FEHD because the problem had existed for many years and remained unresolved. He hoped that District Officer (Tai Po) would lead various departments to tackle the problem.

148. Mr. Richard CHAN indicated that he did not agree to discuss this topic at this agenda item. Some DC Members had just now opined that the regime ignored DCs and he solemnly hoped that DC Members would respect the DC. This topic was followed up by the working group he chaired which had held its first meeting earlier. He did not want to have discussion now or the working group would not need to hold any meeting or could cancel the meeting. He hoped that DC Members would respect the DC and respect themselves even more when other people did not respect them. Just like the saying went that “when one insulted himself, others would insult him

too”, if DC Members did not respect themselves, no wonder other people did not respect them either. Former Hong Kong Governor Mr. Chris Patten had once indicated that the rights in Hong Kong would gradually lose in the hands of Hong Kong people. He opined that currently DC Members were exactly those who did not respect the DC. The Council had an established mechanism to handle problems and he hoped that participants of this meeting would respect it. Hence, he did not agree to continue discussing relevant topics now. Nonetheless, he agreed that HKPF seriously disregarded relevant committee and working group. There had been a police officer who had deliberately misled DC Members at a meeting at which he had indicated that HKPF had no authority to issue fixed penalty notices under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570). A FEHD Superintendent had attended the said meeting too but a request for data from HKPF was to no avail. At the said meeting, the aforementioned officer had kept saying that HKPF had no authority to issue fixed penalty notices and would only drive away vehicles on the carriageway while they had no authority to take enforcement actions against what happened on the streets. He had subsequently enquired if fixed penalty notices were available on patrol vehicles, only then the officer concerned had admitted that fixed penalty notices were available on patrol vehicles. He hoped that HKPF would deal with relevant problems seriously.

149. The Chairman said he was of the view that Mr. AU Chun-wah’s mention of relevant problems at this agenda item did not mean he considered the working group or committee would be unable to achieve his goal, rather, he wished to grasp the opportunity to make higher officials aware of Members’ views while District Commander (Tai Po) of HKPF and District Officer (Tai Po) were present at the meeting, which was of no ill intention.

150. Mr. Richard CHAN opined that he felt deeply offended by the speech just now.

151. Mr. AU Chun-wah said that he had no intention to offend anyone. If someone accused him of not respecting the DC, then why could have someone recognised FEHD’s work in the name of the working group? Was that an act which respected the DC?

152. The Chairman indicated that this agenda item was about the reports of committees, it was not necessary to mention relevant matters here.

153. Mr. AU Chun-wah said that he did not wish to have any discussion. Instead, he wanted to grasp the opportunity to request that various departments step up their work while the heads of the departments were present at this meeting.

Traffic and Transport Committee

154. The Chairman reported that the Traffic and Transport Committee (“TTC”) had held its 6th meeting in 2020 on 6 November 2020. Members noted the contents of the report.

Healthcare, Education and Social Services Committee

155. Mr. CHOW Yuen-wai reported that the Healthcare, Education and Social Services Committee (“HESC”) had held its 6th meeting in 2020 on 9 November 2020. Members noted the contents of the report.

District Facilities Management and Culture, Recreation and Sports Committee

156. Mr. YAM Kai-bong reported that the District Facilities Management and Culture, Recreation and Sports Committee (“DFMC”) had held its 6th meeting in 2020 on 13 November 2020. Members noted the contents of the report.

Planning, Housing and Works Committee

157. Mr. AU Chun-wah reported that the PHWC had held its 6th meeting in 2020 on 17 November 2020. Members noted the contents of the report.

Administration and Finance Management Committee

158. Mr. WU Yiu-cheong reported that the Administration and Finance Management Committee (“AFMC”) had held its 6th meeting in 2020 on 26 November 2020. Members noted the contents of the report.

VIII. Any other business

(I) Provision of a Bus-Bus Interchange and Pak Shek Kok Station on Tolo Highway (TPDC Paper No. 22/2021)

159. The Chairman advised that Mr. YIU Kwan-ho had submitted the captioned paper on 24 February 2021. Despite its failure to meet the requirement of TPDC Standing Orders concerning

submission of papers, discretion was used to allow discussion of the paper at the meeting given the urgency of the topic and the fact that the meeting schedule was affected by the epidemic.

160. Mr. YIU Kwan-ho introduced the captioned paper. He said that he hoped discussion of relevant matters could be continued at the next meeting and that the departments would provide him before the next meeting information updates should there be any as early as possible.

161. Mr. KWONG Ka-yin indicated that detailed reply could not be offered at this meeting while projects of larger scale would involve other departments (for instance, facilities such as railway stations were taken charge of by the Railway Development Office of the Highways Department (“HyD”)). Transport Department (“TD”) was currently preparing for Tai Po regional traffic and transport study to examine the traffic in the district (including the vicinity of Pak Shek Kok) to tie in with the development of the district and to cope with the traffic demand. Tolo Highway was a developed area and did not have sufficient space. TD would need time to examine the feasibility of suggestions put forward by Mr. YIU Kwan-ho regarding locations of interchange and railway station as well as overhead roads.

162. Mr. Patrick MO enquired if TD and PlanD had ever assessed the traffic in the vicinity of Pak Shek Kok, for instances, the number of commuting trips during peak hours, and that of bus routes using Pak Shek Kok as their terminus in the future etc., and if any preliminary ideas or concepts were available.

163. Mr. YIU Kwan-ho said he hoped that TD would carry out the Tai Po regional traffic and transport study as soon as possible. Pak Shek Kok, Fu Tip Estate and other areas of Tai Po also lacked support of comprehensive public transportation and he therefore hoped that the departments would consider his suggestions seriously.

164. Mr. MAN Nim-chi said he was pleased to learn that TD was preparing for the launch of Tai Po regional traffic and transport study and he hoped that traffic condition within and without the district would be looked into in as much detail as possible. Following the completion and development of Area 9, Tai Po, Fu Tip Estate and the vicinity of Pak Shek Kok, population in the district would keep growing. The external traffic of Tai Po was very inconvenient, road traffic would be put on an extremely heavy load in the event the railway was paralysed. For traffic-related matters, TD played the lead role and worked with other government departments to carry out road and railway planning, while DC Members would spare no effort to give advice at the council.

165. Mr. AU Chun-wah indicated that it was not any new topic, but one that had been continually raised by Members in the past, while the attitude of the departments softened gradually and they began to ponder on other solutions and measures. What he did not understand was that as the

departments encountered difficulties when pondering on solutions, DC Members' offer to put forward solutions to achieve a win-win situation between railway and bus companies was hindered by the departments. It was time-consuming and not cost-effective for a bus to run from Tai Po town centre to Pak Shek Kok given the long distance and led to disputes between residents of two areas, such as Tai Po town centre and Lam Tsuen, residents along Tai Wo Service Road West and Tai Wo Service Road East as residents in different areas invariably wanted to compete for resources as much as possible. DC Members had kept suggesting over the years feasible and simple solutions, i.e. providing an interchange station or railway station at Pak Shek Kok so that there would be no need to have additional buses to run via Pak Shek Kok. When new housing estates were built in the future, service would be available for residents in the district while buses would not need to run via Pak Shek Kok, whereby saving time while travel time of town centre residents would not be increased. Since the departments had not positively considered the said proposal, DC Members expressed their views to personnel of various departments at different levels in the hope that the Government would heed more realistic recommendations.

166. Ms. Jessica CHU advised that TD was consulted on every change of land use at Pak Shek Kok. TD would base its consideration on the development parameters available if such changes were feasible. As regards the change last time, TD was of the view that the traffic flow could cope. However, as the population kept growing and residents also reflected the problem, it was therefore good to learn that TD would conduct the Tai Po regional traffic and transport study. TD or Railway Development Office of HyD and PlanD would work together to explore how traffic could be improved through the said study.

167. Mr. KWONG Ka-yin said that just as PlanD representative had stated just now, several departments would work together with a view to take forward the Tai Po regional traffic and transport study as soon as possible to improve the traffic in the district.

168. Mr. YIU Kwan-ho indicated that the Budget most recently announced had increased the licence fees of vehicle licences for the claimed purpose of reducing the number of private cars on the road. However, the Government had not enhanced public transportation accordingly, rendering the said measure meaningless apart from collecting money from members of the public. Besides, traffic planning should have been done before residents moved into the housing estates, instead of making improvement slowly after problems emerged, whereby affecting the residents. As far as he was aware, the site concerned had originally been zoned for science and research uses and no traffic impact assessment had been conducted when it was being rezoned for residential use. No assessment had been done until the flats were offered for sale. Had it been the case, the Government should have considered the impact of population increase when rezoning the site for residential use.

169. The Chairman indicated that the topic concerned would be referred to TTC for detailed discussion and requested that TD representatives ask personnel attending TTC meetings to get prepared. He also hoped that Transport and Housing Bureau (“THB”) would be invited to send representatives to the meetings.

170. Mr. YIU Kwan-ho said that the TTC meeting would be held in three days’ time and he believed that TD personnel would be unable to get prepared by then. Hence, he hoped that the topic would be listed as a matter arising from the last meeting for detailed discussion at the next DC meeting. He would also like to invite THB to send representatives to the meeting and have the topic briefly discussed at the TTC meeting.

171. The Chairman said that the Secretariat would discuss with Mr. YIU Kwan-ho relevant arrangements after the meeting.

(II) Request to follow up on traffic condition at Lung Mei Bathing Beach
(TPDC Paper No. 23/2021)

172. The Chairman advised that Mr. SO Tat-leung had submitted the captioned paper on 25 February 2021. Despite its failure to meet the requirement of TPDC Standing Orders concerning submission of papers, discretion was used to allow discussion of the paper at the meeting given the urgency of the topic and the fact that the meeting schedule was affected by the epidemic.

173. Mr. SO Tat-leung introduced the captioned paper.

174. Ms. Maggie MAK responded as follows:

- (i) Owing to the tight schedule, personnel of the Civil Engineering and Development Department (“CEDD”) responsible for Lung Mei Bathing Beach were unable to attend this meeting. Nonetheless, she had obtained some information prior to the meeting. In the light of the four questions raised in the paper, CEDD and Traffic Engineering Division of TD maintained close liaison and had already implemented some of the improvement measures while exploring others. Given that the bathing beach had not yet been opened officially, CEDD and Traffic Engineering Division of TD would keep monitoring the situation closely during this transitional period with a view to completing relevant improvement works before the opening of the bathing beach.
- (ii) As regards the problem of waiting time of traffic lights being too long, CEDD was aware that Ting Kok Road east and west bound was rather busy in the afternoon of

public holidays and had therefore adjusted the traffic signal time from 20 February 2021 onwards. CEDD had also reviewed the traffic condition at the said site during the previous weekend and public holidays. Upon completion of the adjustment, no complaint about traffic congestion had been received and CEDD and TD would continue monitoring the situation.

- (iii) As regards the problem of traffic signs being unclear, on the eastbound lane of Ting Kok Road, there were currently two “ahead” and “turn right” signs near the right junction which might make motorists feel that the directions were unclear and led to confusion. CEDD had discussed with TD and would remove the two said signs as soon as possible. On Ting Kok Road westbound near the slip road of Seaview Villas, vehicles currently were not allowed to turn right. Having examined the situation with TD, it was decided that allowing vehicles to turn right would lead to an additional stage in the traffic light cycle, hence, even longer waiting time. Therefore, relevant departments considered it not desirable to allow westbound vehicles to turn right and opined that the said site was not suitable for right turn. Should motorists need to turn right to enter the slip road of Seaview Villas, they might do so at the next junction. To enhance information, after discussing with TD, CEDD decided to provide at the said location a “no right turn” traffic sign which would be erected at the traffic lights such that motorists would become more aware that right turn was not allowed there to avoid confusion. CEDD would confirm with TD the location which was more visible to motorists and install the traffic sign as soon as possible.
- (iv) Regarding the excessive waiting time at traffic lights resulting in the entrance of Cheers Days at Lo Tsz Tin Tsuen being blocked by vehicle queues, CEDD currently examined with TD if box junction marking could be provided on the road surface at the village entrance and the departments would follow up on this.
- (v) As regards the design issue of the junction leading to the small road by turning left from the road in the direction of Tai Mei Tuk, CEDD was studying together with TD if there was room for improvement at the said site as far as she knew.

175. Mr. YAM Kai-bong said that as far as he was aware, sensors could be installed on the carriageway so that traffic signals would adjust accordingly when vehicles halted on the sensors. He believed that most vehicles, in particular those of the residents, would usually travel only between east and west bound of Ting Kok Road. Should sensors be available on the carriageway, vehicles would be allowed to move when such vehicles needed to enter or leave the parking lots, so that not only the vehicular flow on Ting Kok Road could be sped up, but the time reserved for vehicles to enter or leave the parking lots could also be reduced, whereby minimising obstruction to the road. Congestions inside the parking lots would not seriously affect the overall vehicular flow. Even if the departments had adjusted the waiting time of traffic signals, it would be a waste

if fewer vehicles entered or left the parking lots. Hence, he hoped that relevant departments would consider his recommendation.

176. Mr. MAN Nim-chi said that as far as he could recall, a speed enforcement camera had previously been installed at the said location, which was now removed. Some vehicles might be in a hurry to enter the parking lots and failed to observe traffic regulations, which might lead to traffic accidents. Moreover, traffic at the said location was of high speed, so he recommended that a red light camera and a speed enforcement camera be installed at the traffic light.

177. Mr. SO Tat-leung said that he was not a motorist himself and not so familiar with traffic signals. There was only one signalised junction on the entire Ting Kok Road which was located near Shuen Wan Chim Uk Tsuen. However, no traffic light was available at the junctions of many village small roads accessing Ting Kok Road (for instances, Tung Tsz Shan Road and Shan Liu Road). He understood that parking lots and other facilities were provided at Lung Mei Bathing Beach and vehicular flow would need to be controlled. However, while no vehicles would enter or leave the parking lots of the bathing beach at night, residents coming home would still need to wait at the traffic light and they would become impatient. He wished to understand how the departments determined the design of signalised junctions and whether or not it could do without traffic lights.

178. Mr. MAN Nim-chi said that there was no coordination among various departments. It was sloppy to build a bathing beach without improving ancillary traffic planning nearby. He opined that before building new facilities, various departments should take the initiative to discuss instead of getting reminded by DC Members at meetings when problems arose.

179. Mr. Adrian MA responded as follows:

- (i) Lung Mei Bathing Beach had been partially opened since 2020 and the official opening was preliminarily expected to be in Q3. Before the opening of the bathing beach, there had already been many visitors who went cycling and hiking at Tai Mei Tuk on weekends and many vehicles had been parked illegally at the bus stop, as a result, buses could not make any turn. HKPF was already very concerned about the situation even before the swimming season began in the summer, for instance, close monitoring had been conducted on the second and third days of Chinese New Year while a total of 374 penalty tickets had been issued in January in connection with illegal parking. He believed that when the bathing beach was first opened, many people would rush to visit the bathing beach like a swarm of bees and the parking spaces would not be able to cope with a large number of visitors arriving at the same time, resulting in the problem of illegal parking. HKPF would issue penalty tickets to illegally parked vehicles and

nonetheless worried that residents in the neighbourhood would be affected.

- (ii) He would relay to HKPF Traffic Division the suggestion to provide red light cameras and speed enforcement cameras at the said site.
- (iii) Apart from the problems of Tai Mei Tuk itself, upon opening of Lung Mei Bathing Beach, the swimming season would bring forth certain challenges to the traffic there. HKPF would take initiative to divert the traffic flow there and focus particularly on the situation on weekends.
- (iv) HKPF would actively cooperate with TD. Should there be traffic issues, HKPF would take the initiative to adjust the signals with a view to accommodating the actual condition of the road. Besides, various departments might adopt a multi-pronged approach such as making use of radio broadcasting, increasing public transportation, and encouraging members of the public to use public transportation means instead of driving private cars etc.

180. Mr. KWONG Ka-yin said that TD would continue to work closely with HKPF and CEDD and look into the suggestion to install sensors at traffic lights.

181. Ms. Maggie MAK responded as follows:

- (i) CEDD would review with TD's Traffic Engineering Division the suggestion to install sensors at traffic lights.
- (ii) CEDD would check with HKPF Traffic Division concerning installation of red light cameras and speed enforcement cameras at the said site.
- (iii) Given that parking lots and a bathing beach were provided, to safeguard traffic safety and control traffic, it was necessary to provide a traffic light at the said site with a view to having control over the situation. CEDD would study with TD to see if the signalling time could be shortened accordingly on one direction where there was less traffic at night, so as to increase the time for vehicles to run on the main road.

182. The Chairman indicated that the agenda item would be referred to TTC for further discussion. Since CEDD did not have any representatives to attend TTC meetings, he asked if CEDD could send any representatives to TTC meetings in connection with this topic.

183. Ms. Maggie MAK said that arrangement could be made to send personnel responsible for Lung Mei Bathing Beach project to attend TTC meetings.

(III) Invitation for TPDC to nominate a “Gender Focal Point” to attend celebration events of the International Women’s Day

(TPDC Paper No. 20/2021)

184. The Chairman advised that the Women’s Commission invited TPDC to nominate a “Gender Focal Point” to attend celebration events of this year’s International Women’s Day and relevant activities of the Women’s Commission, details of which were contained in the captioned paper.

185. The Secretary advised that the aforementioned letter was dated December last year. After receiving the letter, the Secretariat had checked with the Women’s Commission which had indicated that the DC Member being nominated would not only take part in activities of the International Women’s Day, but could also participate in other relevant activities. Moreover, the activity which had initially been scheduled for 8 March this year was not held owing to the epidemic, whereas the tenure of the DC Member being nominated as the “Gender Focal Point” would terminate at the end of the current DC term.

186. Mr. YAM Kai-bong nominated Ms. Olive CHAN and the nomination was seconded by Mr. AU Chun-wah. Ms. Olive CHAN accepted the nomination.

187. Mr. YIU Yeuk-sang nominated Mr. Dalu LIN. The nomination was seconded by Mr. Richard CHAN and accepted by Mr. Dalu LIN.

188. Mr. Nick LAM recommended that the two nominees give a short speech.

189. The Chairman asked the two nominees to give a one-minute presentation each.

190. Mr. Dalu LIN indicated that he was very interested in gender issues and wished to learn about the degree of gender mainstreaming which the Women’s Commission currently promoted. He opined that gender issues promoted by government departments remained backward, hence, he wished to play a part to assist in promoting. Gender issues were not limited to women or men, but also included other LGBTQ groups.

191. Ms. Olive CHAN said that she wished to act as the “Gender Focal Point” not because she was a woman, rather, she had met many different people since she had assumed office of a DC Member and found that people, regardless of gender, faced unfair treatment. Hence, she wished to act as the “Gender Focal Point” to help them.

192. The Chairman asked Members to take a vote on the DC Member to be nominated as the “Gender Focal Point” and the result was as follows:

Ms. Olive CHAN:	6 votes
Mr. Dalu LIN:	8 votes
Abstain:	2 votes
Did not vote (present):	2 votes
Did not vote (not present):	3 votes
Total:	21 votes

193. TPDC endorsed the nomination of Mr. Dalu LIN to represent TPDC as the “Gender Focal Point” to participate in activities of the Women’s Commission.

(IV) The 12th “Quit to Win” Smoke-free Community Campaign organised by the Hong Kong Council on Smoking and Health

(TPDC Paper No. 21/2021)

194. The Chairman indicated that the Hong Kong Council on Smoking and Health would launch the 12th “Quit to Win” Smoke-free Community Campaign this year, details of which could be found in the captioned paper. He asked if Members would agree to become a supporting organisation of the above-mentioned campaign and to authorise the said Council to display TPDC’s emblem on publicity materials relating to the activity. He recommended that reference be drawn from previous practice, for instance, should Members agree to support the said organisation, matters concerning invitation of groups to become local partners would be referred to HESC for follow up.

195. Mr. YAM Kai-bong asked District Officer (Tai Po) how the said Council was related to the duties and functions of TPDC.

196. The Secretary advised that the last term DC had entrusted the Social Services Committee with the task to openly invite local groups interested in organising activities with TPDC and to recommend such groups to the Hong Kong Council on Smoking and Health. There had been no group showing interest in the past few years. TPDC would relay to the said Council and ask it to invite groups to jointly organise activities itself. Previous practice had been adopted in 2020 too where HESC had been entrusted with the task to follow up and openly invite local groups and to see if they were interested in jointly organising the campaign with the said Council. The Secretariat had received an application from Tung Wah Group of Hospitals Enhanced Home and Community Care Services (Sha Tin/Tai Po/ North) last year and endorsed by circulation of paper

on 30 June to recommend the group to Hong Kong Council on Smoking and Health as the local partner organisation of Tai Po District.

197. Mr. YAM Kai-bong said that the Secretary had failed to answer his question. He believed that District Office (Tai Po) was very well-versed in the District Councils Ordinance and he wished to know if relevant matters would violate the requirement in the said Ordinance that DCs were not allowed to discuss matters irrelevant to district affairs, or else DC Members would not be able to take an oath and could no longer serve as DC Members.

198. Ms. Eunice CHAN said that pursuant to the District Councils Ordinance, function of the DCs was to handle district affairs and relevant issues had already been repeatedly discussed in previous meetings. As far as this situation was concerned, the Hong Kong Council on Smoking and Health invited 18 DCs to work together in respective communities. Under such circumstances, the said Council considered the project relevant to district work and therefore made invitations, while DCs were invited to work together with the Council. Hence, she did not think that discussing the invitation at the DC would constitute any non-compliance with the District Council Ordinance.

199. Mr. YAM Kai-bong enquired if it would mean that if government departments or official organisations made an invitation and the official organisations conducted consultations on topics of the society's concerns, for instance, a territory-wide consultation on real-name registration of SIM cards, such situation would meet the criteria which District Officer (Tai Po) had mentioned just now too since Tai Po residents might use SIM cards?

200. Ms. Eunice CHAN said that it was necessary to determine in light of the actual situation and the affairs which needed to be dealt with. As far as the current invitation being handled was concerned, no non-compliance with the District Councils Ordinance was seen.

201. TPDC endorsed to become a supporting organisation of the above-mentioned campaign and authorised the said Council to display TPDC's emblem on publicity materials relating to the activity.

(V) Matters concerning tender invitation of the light refreshment kiosk at Lung Mei Bathing Beach

202. The Chairman indicated that on previous Monday, there had been media reports about problems with the tender invitation of the light refreshment kiosk at Lung Mei Bathing Beach targeting at LCSD. Despite the failure to meet the requirement of TPDC Standing Orders concerning submission of papers, it was hoped that the matter concerned could be discussed at

the meeting given its urgency. Should follow up be required, it would be discussed in detail at DFMC.

203. Ms. TAM Wai-chu advised that the question concerned was about the bid for the Permit to Conduct Light Refreshment Business at Lung Mei Bathing Beach, Tai Po. Relevant tender exercise had been openly conducted in October. After the tender closed, LCSD would vet the details of the tender documents and compile an integrated report to facilitate evaluation and approval. Upon approval of document, the winning bidder would be notified to sign the contract. The incident had taken place during the stage when tender documents were being vetted. LCSD had discovered that some items in the tender required clarification and therefore written to the bidder to request that information submitted be clarified, and not that the bidder could update the contents of his tender, nor could the monthly fee of the aforementioned permit be updated. Should the bidder be found to have made any material changes during clarification, LCSD would refuse to accept his clarification in accordance with the terms and conditions of tender.

204. Mr. SO Tat-leung enquired if LCSD could disclose whether or not the contents of clarification of the bidder concerned involved the bidding price.

205. Mr. YAM Kai-bong said that according to media reports, it was written in the in letter issued by LCSD that “Please reiterate the monthly fee (in Hong Kong Dollars) of the Permit as stated in Annex 4 to the tender document.” Comments of surveyors had been cited in the reports that even if the tenderer asked the bidder to submit supplementary information, only information not related to prices, such as details about business registration or dates etc. would be requested such that the bidding price would not be affected. The same applied to cases where the amount which the bidder had written on the tender document was unintelligible, for example, it could not be identified if it was a “0” or “6”, or no amount had been written at all. When DC Members had taken part in owners’ corporation tenders in the past, even though the original bidding amount was \$20,000 in the tender document submitted, but the amount was written as \$26,000 by mistake, the bidder was required nonetheless to bid according to the amount shown in the tender document. He was not sure about the meaning of “reiterate” which LCSD had requested the bidder to do, as doing so might be unfair to other bidders and the Government. Would the approach how LCSD handled tender invitation or request to submit information again involve misconduct in public office? The letter had been issued by a LCSD executive officer, why the bidder could be requested to reiterate the bidding price? Given the public concern over the incident, he hoped that LCSD would explain in detail.

206. Mr. Richard CHAN said that tenders must comply with relevant guidelines and procedures. Should relevant guidelines authorise LCSD to request clarification, based on what procedures or tender guidelines had LCSD issued the letter to request reiteration of the amount of the Permit to Conduct Light Refreshment Business?

207. Ms. TAM Wai-chu indicated that it was currently the stage where tenders were being vetted and bidders could only make clarifications in connection with the information of the monthly fee of the Permit. The meaning of reiteration was to clarify the information already submitted about the monthly fee of the Permit while other monthly fees could not be altered. Under the terms and conditions of tender, should LCSD opine that any item needed clarification, bidders were required to reply within the time limit specified in accordance with LCSD's written enquiries while the Government would consider whether or not to accept such clarification.

208. Mr. YAM Kai-bong indicated that according to the reply slip of the letter as cited in media reports, there was a form which required bidders to fill in the monthly fee of the Permit to Conduct Light Refreshment Business. He did not see why LCSD requested bidders to clarify the monthly fee of the Permit, while indicating that the contents of the clarification had nothing to do with the bidding price.

209. Ms. TAM Wai-chu said that she did not mean to say that the contents of clarification had nothing to do with prices, rather, she meant that bidders were not allowed to alter the monthly fee of the Permit which had already been submitted. The form contained in the letter was the same as the one in the tender document. Since the bidder was required to clarify the monthly fee of the Permit, LCSD provided the bidder a form in the same format for clarification purpose.

210. Mr. Richard CHAN enquired if LCSD had only requested the bidder to clarify because the contents of the tender which the bidder had first submitted failed to make LCSD understand clearly the bidding amount.

211. The Chairman indicated that he had once reviewed other projects of LCSD for which tenders were currently being invited and there were provisions which clearly stipulated that no material changes were allowed. Should the amount which the bidder reiterated be different from the one initially submitted, how LCSD would deal with such cases? Would the tender concerned be cancelled directly? When requesting the bidder to reiterate, did LCSD wish merely to confirm and doing so was procedure-related? He hoped that LCSD would disclose details of the situation.

212. Ms. TAM Wai-chu indicated that LCSD did not allow any material changes to the bidding amount or submission of information which was different from what had been submitted previously. Bidders were only allowed to clarify bid information that had been submitted.

213. Mr. YAM Kai-bong enquired if every bidder would receive the letter requesting clarification of bidding price or reiteration of bidding price, or if only designated bidders would receive such request. Public concerns could be addressed should LCSD be able to give a clear explanation.

214. Mr. Richard CHAN said LCSD had indicated just now that pursuant to the tender invitation document, the tenderer had the right to request bidders to clarify. He asked under what circumstances LCSD would use relevant terms and conditions, and if similar situations had occurred with previous tender invitations, in other words, whether the incident this time was an exceptional case, or a situation which occurred often.

215. Ms. TAM Wai-chu said that the terms and conditions of the tender invitation of the Permit stipulated that LCSD could handle cases where there were items requiring clarification. As far as she was aware, LCSD would carry out relevant follow-up actions where necessary.

216. Mr. Richard CHAN said that DC Members were concerned as to whether or not the said act would have been unfair to other bidders. Even though LCSD under the tender invitation terms and conditions had the right to request clarifications from bidders, other bidders could not be treated unfairly, or it would be against the original intent of inviting tenders. How would LCSD convince the public that relevant matter had not been unfair to other bidders?

217. The Chairman indicated that Ms. TAM Wai-chu had assumed office not long ago and had already learned about Members' views at this meeting, however, her current response fell short of addressing Members' concerns. He hoped that the matter concerned could be followed up on at the DFMC meeting on 12 March and more information could be furnished. Moreover, he wished to know when LCSD would announce the tender result and whether or not DC Members could review if the bidding price which the bidder had initially submitted was the same as the one given in the reiteration.

218. Ms. TAM Wai-chu indicated that she absolutely agreed that bidders must be treated fairly, hence, LCSD kept emphasising that based on a fair system, bidders were not given a second chance to update their bidding monthly fees, but merely to clarify information which had already been submitted. Given the need to keep contents of tenders confidential, information that could be disclosed was rather limited, she therefore would need to review the situation first before giving any reply.

219. Mr. HO Wai-lam said that in order to monitor, DC Members would need to have a clear understanding, hence, he enquired where the tender guidelines could be inspected. Per his understanding, subsequent submission was not allowed should there be missing information or information had not been submitted at the time of tender submission. Hence, he enquired why the bidder concerned could supplement additional information. He hoped that LCSD would furnish details at the next meeting.

220. The Chairman enquired if Members agreed to have relevant topic discussed at the DFMC

meeting on 12 March, and requested that LCSD provide DC Members prior to the said meeting tender documents which could be made public.

221. TPDC agreed to the above arrangements of the Chairman.

222. Ms. TAM Wai-chu advised that distribution of public tenders would stop after the tender closing date in the past. She would follow up and reply shortly.

(VI) Matters concerning non-compliant banners in the district

223. Mr. MAN Nim-chi said that in the afternoon on that day, someone had put up banners concerning oath-taking of all TPDC Members (excluding two ex officio Members) on the streets including On Cheung Road, On Chee Road, intersection of Eightland Gardens, Heung Sze Wui Street, Wan Tau Street, Tai Po Centre, Tai Po Civic Centre and the vicinity of Tai Yuen Estate. DC Members of the democratic camp had repeatedly been smeared in the past and banners had been put up at the locations mentioned above too. Coincidentally, a former DC Member had questioned DC Members in connection with the same matter outside the Secretariat in the morning, banners with similar contents accusing DC Members appeared in the afternoon on the same day. He hoped that FEHD and TPDLO would follow up seriously.

224. The Chairman requested that FEHD and TPDLO follow up as soon as possible.

225. Mr. CHOW Yuen-wai enquired if the departments would impose fines on DC Members in connection with relevant banners.

226. Mr. AU Chun-wah said that photos taken by Mr. MAN Nim-chi captured only one of the banners, while another banner was about the Chairman's remark that oath-taking was unnecessary and he was as a result ridiculed by his fellow party members with designed dialogue. Should FEHD and DLO personnel issue penalty notices, he would be happy to accept such that he could make a big fanfare, ask the media to cover the issue and seek help from the Office of the Ombudsman. The departments had once indicated that it was reasonable to take DC Members being shown on the banners accountable since their photos and names were printed on the banners. He had asked if FEHD would impose fines on the Director of Food and Environmental Hygiene should her portrait be printed on a banner. FEHD had in the end indicated that no fine would be imposed because personnel of government departments could be exempted from liability. Besides, when someone put up banners on the street during the day, he believed that policemen patrolling on the street and FEHD personnel were able to tell such banners were not put up by DC Members, and might stop and check persons who put up the banners even if they were not able to determine. Owing to the shortage of policemen patrolling the streets, such persons could put up unauthorised banners on busy streets during the day without being arrested.

227. Mr. Nick LAM said that he had printed some business cards which he had submitted to TPDC for approval. The business cards were rejected on the grounds that inappropriate figures (“PEPE the Frog” and “LIHKG Pig”) had been printed on them. The aforementioned banners had the figure “LIHKG Dog” printed on them. Although the identity of the person putting up the banners could not be confirmed in the meantime, he wished to know if different political parties were subject to different criteria when using relevant figures.

228. Mr. MAN Nim-chi said that in addition to the locations he had mentioned just now, banners smearing DC Members also appeared on Tai Wo Road, between the junction of Mei Sun Lane and Treasure Garden and so on, and areas near the town centre. While the departments could swiftly handle banners of Mr. Patrick MO, they failed to spot the banners mentioned above, it made one wonder if the departments had deliberately turned a blind eye to relevant acts. Hence, he hoped that TPDLO and FEHD would put an effort in dealing with the issue.

229. Mr. AU Chun-ho indicated that relevant banners might also appear in HD premises and asked the department to keep an eye on it.

230. Mr. Richard CHAN said that the aforementioned banners had provoked not only DC Members, but also HKPF District Commander (Tai Po). While the District Commander attended the DC meeting, some people ignored his presence and blatantly put up relevant banners, thinking that HKPF would neither take enforcement actions, nor could arrest them. He was of the view that persons suspected of putting up the banners included those shouting outside the Secretariat this morning. When entering the area of the Secretariat, such persons had indicated that they had already registered their personal details. It would be puzzling indeed if someone could have taken relevant actions in the presence of the District Commander without any consequences.

231. The Chairman advised that there would in general be a number printed on a banner, hence, HKPF might be able to trace the printing house which had printed the banner in order to find out the identity of the person who commissioned the printing of the banner. Would HKPF establish a case for investigation in this connection?

232. Mr. Adrian MA said that as DC Members raised relevant issues at the meeting, HKPF would contact departments concerned in connection with relevant banners to follow up.

233. The Chairman said the banner with his portrait printed on it had been so designed as if it were produced by himself. He asked DC Members to provide TPDLO and FEHD clearer photos so that departmental staffs could remove the banners according to the photos. As Hong Kong was committed to the rule of law, even though the remarks made by those persons outside the Secretariat this morning were similar to the contents of the aforementioned banners, their names

had not been printed on the banners. Under the principle of the benefit of doubt, he did not believe that such persons would have done such unscrupulous, deceptive practices.

234. Mr. Richard CHAN said that as a victim and informant, he only tried his best to provide information to HKPF whereas it was HKPF's responsibility to investigate.

235. Mr. MAN Nim-chi concurred with the view of Mr. Richard CHAN. He had also pointed out just now that the two incidents had coincidentally occurred, so he opined that shouting outside the Secretariat and putting up the aforementioned banners should have been manipulated by the same person. Similar incidents had not happened for the first time. Starting from the current DC term, many banners with discrediting contents appeared in various districts territory wide. While HKPF District Commander (Tai Po) had assumed office not long ago and attended TPDC meeting for the first time, someone already provoked the DC blatantly and challenged the authority. He therefore hoped that departments responsible for law enforcement, management of railings and environmental hygiene would make an effort to deal with the issue.

236. Mr. Richard CHAN said that he concurred with the opinion that someone was behind to manipulate such acts which were obviously organised and photos were used for making banners. It was mentioned in HKPF's recent arrests and court rulings that such acts were organised and planned with HKPF being the target. Hence, he hoped that HKPF would deal with it seriously.

237. The Chairman indicated that the aforementioned banners put him and three fellow party members on opposing sides, which was of vicious intention.

238. Mr. Nick LAM said he agreed with what the Chairman had said. Under the principle of the benefit of doubt, one could only have reasonable suspicion. Nonetheless, he opined that all DC Members of the pro-government camp were dregs of the society with despicable personality.

239. Mr. CHOW Yuen-wai said that TPDLO and FEHD had not yet responded as to whether or not fines would be imposed on DC Members in connection with the aforementioned banners. As public figures, names and photos of DC Members were easily obtainable. Should similar banners in the future appear again, DC Members could not possibly clarify with the departments each time. Hence, he hoped that the departments could clearly elaborate on the criteria for imposing fines.

240. Mr. AU Chun-wah indicated that some of his banners had been stolen and subsequently put up on the street, which had then been removed by FEHD as unauthorised banners. Such incidents were difficult to deal with while no appeal mechanism was available. Therefore, he would report to the police immediately whenever he encountered similar situations in the hope that the report case number could be used as a justification to offset the fines for unauthorised

display of banners.

241. Mr. MAN Nim-chi said that he had seen a banner which belonged to Mr. Dalu LIN earlier at Ma Liu Shui Marine Police Base. The banner was put upside down and it was obvious that the banner had not been put up there by Mr. Dalu LIN. When taking enforcement actions, FEHD should give DC Members opportunities to explain or provide an appeal mechanism, which he considered of utmost importance.

242. Mr. Dalu LIN said that his banners had been stolen twice and put up in Ma Liu Shui. He clarified that relevant banners had not been put up by himself.

243. Mr. KWOK Chun-sum said that FEHD would review if the contents of the banner would involve relevant beneficiaries. After inspecting the photos on the banners preliminarily, it was decided that DC Members concerned had been pranked, in which case they might not necessarily have to pay for removal costs. Besides, when suspecting their banners being stolen and the DC Members were beneficiaries themselves, they might report to the police as evidence.

244. Mr. Alex KWOK indicated that LandsD dealt with banners in accordance with the Implementation Guidelines. Should a banner be irrelevant to the Implementation Guidelines, require removal and fines need to be imposed, it would fall beyond LandsD's scope of work.

245. Mr. AU Chun-wah said that some years ago a banner, on which "AU Chun-wah supports Occupy Central" was printed, had been put up at the footbridge of Tai Po Centre leading to YATA Department Store. For him, the content of the banner was factual while for his supporters, the banner reiterated his stance which would be beneficial to him. However, for his opponents, the banner would deepen their hatred towards him, which would bring him no benefit. FEHD had at that time indicated that had he not raised the issue concerning the said banner at TPDC, the banner would be considered his and fines would be imposed on him, which was indeed absurd. It was really a matter of opinion as to whether or not any benefit would be brought forth. Hence, he wished to remind FEHD of the different approaches it had adopted in the past.

246. Mr. Nick LAM indicated that he had heard that a DC Member, whose banner had been vandalised and fallen on to the ground as a result, was sued for littering by FEHD. He found it utterly unreasonable and asked if the said incident had really happened.

247. Mr. Alex KWOK indicated that the situation might not necessarily be true and hoped that Mr. Nick LAM would provide more information.

248. The Chairman said that it would be a serious problem should a banner fall onto a spot which threatened road safety and the buck was passed onto the DC Member whose name or portrait was

printed on the banner. He requested that HKPF, FEHD and TPDLO help follow up on the issue.

IX. Date of next meeting

249. The next meeting would be held at 9:30 a.m. on 4 May 2021 (Tuesday).

250. There being no other business, the meeting was adjourned at 5:51 p.m.

Tai Po District Council Secretariat

April 2021