

Minutes of the 5th Meeting in 2020 of Tai Po District Council

Date: 1 September 2020 (Tuesday)

Time: 9:32 a.m. - 6:46 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	5:28 p.m.
<u>Members</u>		
Mr. AU Chun-ho	Beginning of the meeting	End of the meeting
Mr. AU Chun-wah	Beginning of the meeting	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	5:36 p.m.
Mr. CHOW Yuen-wai	Beginning of the meeting	End of the meeting
Mr. HO Wai-lam	9:34 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	2:10 p.m.
Mr. LI Yiu-ban, BBS, MH, JP	Beginning of the meeting	2:10 p.m.
Mr. LIN Kok-cheung, Dalu	9:34 a.m.	End of the meeting
Mr. MAN Nim-chi	Beginning of the meeting	End of the meeting
Mr. MO Ka-chun, Patrick	9:44 a.m.	End of the meeting
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	9:59 a.m.	4:05 p.m.
Mr. WU Yiu-cheong	9:41 a.m.	End of the meeting
Mr. YAM Kai-bong	Beginning of the meeting	End of the meeting
Mr. YIU Kwan-ho	9:40 a.m.	End of the meeting
Mr. YIU Yeuk-sang	Beginning of the meeting	End of the meeting

Announcements

The Chairman welcomed DC Members and departmental representatives to the meeting and announced that Mr. Otto WONG, Police Community Relations Officer (Tai Po District) of the Hong Kong Police Force (“HKPF”), attended this meeting.

I. Confirmation of the Minutes of the 4th Meeting of the TPDC in 2020 on 7 July 2020 **(TPDC Paper No. 57/2020)**

2. Neither had the Secretariat received any proposed amendments prior to the meeting nor did participants propose any amendments to the captioned minutes at this meeting. The said minutes were confirmed without amendment.

II. Request Hong Kong Police Force to crack down on illegal gambling problem in Tai Po **(TPDC Paper No. 58/2020)**

3. Mr. Nick LAM briefed DC Members on Paper No. 58/2020.

4. Mr. LEE Kwok-chung responded as follows:

- (i) The Police attached great importance to the law and order situation in Tai Po District and adopted an intelligence-led approach in combating crimes, including illegal gambling. Any persons with knowledge of possible criminal activities were welcomed to report to the Police as well. Mr. Nick LAM had given an account of the locations of public parks in Tai Po Market as mentioned in the paper through the Secretariat on 27 August, specifically touched on Kwong Fuk Bridge Garden and Tai Po Market Rest Garden. He noticed that culprits had taken advantage of sitting-out facilities (e.g. public parks and spaces underneath flyovers) to conduct illegal street gambling, as well as operated and managed unlawful gambling establishments in old residential units (e.g. those in tenement buildings). During the period between January and August 2020, the Police had carried out 16 anti-gambling arrest operations in the Tai Po Police District, during which 101 people aged between 16 and 88 had been arrested. Among these, 10 arrest operations had targeted at street gambling and six targeted at unlawful gambling establishments. For those arrest operations against street gambling, four of them had been carried out at Tai Po Market Rest Garden at Tsing Yuen Street in Tai Po (i.e. one of the sites mentioned by Mr. LAM Ming-yat, Nick), during which 12 people aged between 62 and 88 had been arrested. The other six

arrest operations against unlawful gambling establishments had been carried out at tenement buildings, during which 69 people aged between 16 and 73 had been arrested.

- (ii) Apart from arrest operations, the Police had also carried out joint operations in collaboration with other government departments with the aim to combat illegal street gambling activities. During the period between January and August this year, the Police had carried out six anti-gambling joint operations at sites in Tai Po District, including Tai Wo Estate, Po Nga Court, the open area outside Tai Po Plaza and Kwong Fuk Bridge Garden, etc. in collaboration with the Food and Environmental Hygiene Department (“FEHD”), the Leisure and Cultural Services Department (“LCSD”) and the Housing Department (“HD”). Common gambling equipment and miscellaneous objects used in gambling dens (e.g. wooden tables, wooden chairs, cardboard paper sheets, canvas sheets and polyfoam containers, etc.) with a total weight of about 246 kilograms (“kg”) had also been seized and detained. Apart from improving environmental hygiene, such operations had also prevented participation in illegal gambling activities. Two of the anti-gambling joint operations had been carried out at Kwong Fuk Bridge Garden in Tai Po (i.e. one of the sites mentioned by Mr. Nick LAM) and miscellaneous objects weighing about 60 kg had also been seized and detained.
- (iii) As always, the Police were committed to implementing anti-epidemic work together with other government departments, so as to ensure that the public complied with the relevant requirement for disease prevention and control. The Regulation concerning prohibition on group gatherings aimed at reducing the risk of viral infections in the community. During law enforcement operations, the Police would exercise impartiality in advising people on the spot and reminding them of the importance of complying with the requirements laid down in the Regulation. Furthermore, warnings or even summonses would be issued having regard to the actual circumstances. The Police had issued warnings and 12 fixed penalty notices to offenders at Kwong Fuk Bridge Garden under the Prevention and Control of Disease Ordinance the night before. He reiterated that the Police had the confidence and ability to maintain law and order, and called on TPDC and local communities to support the Police’s strict enforcement of the laws in a continuous effort to fight crime.

5. Ms. Olive CHAN said that although the Police had stated that Tai Wo Estate was one of the six sites in Tai Po District, where joint anti-gambling operations had taken place, the illegal gambling problem in Tai Wo Estate remained rampant. Therefore, it was hoped that the Police would step up enforcement efforts at specific locations, including the pavilions of Hei Wo House and Hang Wo House, as well as the area near the school behind Fook Wo House. Gamblers in the estate had once attacked the staff of the property management company (“PMC”) and would

yell threats when residents passed by, so that they dared not take a break at the pavilions. Even though the PMC concerned had already fenced off the pavilions to prohibit entry, the gamblers had simply pulled open the fences and continued to get together as usual. Without wearing a mask, these gamblers had also spitted as well as urinated and defecated in public places, giving rise to profound hygiene concerns. For fear of the spread of epidemic spread, residents had repeatedly lodged complaints with the Police, but often, police officers had yet to arrive on the scene even an hour later. She had even witnessed that even though police officers arriving on the scene had advised the gamblers to leave, the gamblers started gambling again when the police vehicle drove off. She hoped that the Police would strictly enforce the law, and that there should be no impunity for illegal gambling activities.

6. Mr. AU Chun-ho said that the years-long efforts to crack down on the persistent illegal gambling problem at Tai Po Central Town Square for nearly 30 years had been of no avail. These gamblers would act as “lookouts” outside public parks and flee at mere sight of police officers. In this connection, he enquired of the Police how to deal with it.

7. Mr. MAN Nim-chi said that the Police had indicated that the intelligence-led approach was a key operational strategy. Yet, the Police’s inability to effectively combat illegal gambling over the years was indicative of their weak intelligence gathering and strategies. He enquired of the Police whether reliance was placed on reports or using undercover agents in covert operations to gather intelligence. In addition, there were a number of illegal gambling sites in the district. Especially, there were quite many elderly gamblers at Tai Po Central Town Square, in the green area in Tai Yuen Estate and the public park on the gentle slope opposite to Tai Po Government Offices. Given the Police’s ineffective measures to combat illegal gambling over the years, he could not help doubting whether their inability to effectively enforce the law had stemmed from information leaks by police officers who had taken bribes from triad gangs.

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

- (i) Gambling was also spotted at Fu Shin Estate Town Square. Some elderly gamblers played cards just for fun, while some people played card games for real money and conducted money lending activities. He had, from time to time, reported the situation to the Police in the hope of stepping up policing efforts.
- (ii) He hoped that the Police would focus on criminal activities instead of targeting at occasions of opinion voicing by invoking the Prevention and Control of Disease Ordinance (Cap. 599) of the Laws of Hong Kong, just like the incident happened at Tai Ping Industrial Park on 4 August. At noon on 4 August, DC Members, some members of the public and workers had expressed their views on matters relating to anti-epidemic measures, BGI Group’s laboratory and Huo-Yan Laboratory at Tai Ping Industrial Park, but in the end, seven DC Members and more

than a dozen workers working in the buildings were charged with violating the “No-gathering Order”. Notwithstanding this, the total number of gamblers at illegal gambling sites in Tai Po District had far exceeded the number of opinion givers at Tai Ping Industrial Park on that day. If plainclothes police officers had been sent to patrol public parks, they would have found that without wearing a mask, some illegal gamblers smoked cigarettes therein. Despite non-compliance with the mask mandate and social gathering rules, the Police had failed to institute prosecutions in accordance with relevant regulations, calling into question whether the Police had enforced unjust laws and selectively enforced the law with the intention of cracking down on the freedom of speech by invoking Cap. 599 of the Laws of Hong Kong, which had nothing to do with anti-epidemic measures and violated the original intent of such regulations. On 4 August, after about 30 to 40 police officers (including those from the Police Tactical Unit (“PTU”) in police vehicles arrived on the scene, he had immediately tried to contact Mr. LEE Kwok-chung, but to no avail. He urged to end arbitrary arrests that aimed to silence the people while allowing illegal gambling activities to continue to exist.

9. Mr. Nick LAM said that from January to August, the Police had conducted 10 arrest operations against street gambling, four of which had been carried out at Tai Po Market Rest Garden. Moreover, two anti-gambling joint operations had been conducted at Kwong Fuk Bridge Garden, Tai Po. He asked if it meant that the Police had conducted two anti-gambling operations at Kwong Fuk Bridge Garden only, including the one taken place the night before. There was an utter lack of efforts if only two operations had been conducted during the period between January and August. The problem was most rampant at Kwong Fuk Bridge Garden among illegal gambling sites in Tai Po, where illegal gambling activities could be spotted even people watched from afar. The Police should actively tackle the problem at the location concerned and increase the frequency of law enforcement operations.

10. Mr. TAM Yi-pui said that some people had complained about illegal gambling activities taken place in Shap Sze Heung Village Office at Kwun Hang Village for fear of increased risk of infection. He asked the Police to look into the situation on the spot and advise the persons involved.

11. Mr. CHOW Yuen-wai raised the following views and questions:

- (i) The space under the footbridge adjacent to Po Nga Court was an illegal gambling black spot in the district, giving rise to quite many environmental hygiene concerns. Moreover, several dozens of deity statues were placed there. He had contacted several departments to enquire about the matter concerned, but all of them had replied that they would not handle the deity statues. In this connection,

he enquired about the possibility of dealing with this problem with the concerted efforts of all parties. He learnt that the Police and FEHD would conduct joint operations in the morning every other week or every two weeks to clear up refuse. However, given that gamblers mostly showed up in the afternoon, he asked whether the operations would be conducted within the specified period of time. Moreover, illegal gamblers would flee immediately when they saw uniformed police officers approaching. As such, he enquired of the Police whether consideration would be given to sending plainclothes police officers to deal with the problem.

- (ii) He enquired of the Police about the number of penalty tickets issued to gamblers under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) at the above locations mentioned by DC Members amid the epidemic. Given that the daily number of gamblers would definitely exceed the statutory limit on group gathering, the extremely small number of arrests mentioned by the Police just now was far lower than the number of penalty tickets received by DC Members who had assisted in settling the clashes between the Police and members of the public. Still, the Police had actively enforced the law against Mr. WU Yiu-cheong who was not even present at the scene by issuing a penalty ticket to him in the report room retrospectively while gamblers were allowed to continue to get together every day. If issued with a penalty ticket at a fine of \$2,000 every three days, conceivably these persons would not commit such an offence again. He enquired of the Police whether prosecutions would only be instituted against a specific group of persons or under specific circumstances under Cap. 599G of the Laws of Hong Kong.

12. Ms. Stella LIU said that a large number of residents would use or pass by Tai Po Central Town Square spanning across several public housing estates. Since the contract for providing security service at the public park merely covered normal arrangements, security guards would only be tasked to perform basic patrol duties instead of being specially assigned for dispersing the crowd. Given that no complaints about gambling had been received recently, information on patrols was not available.

13. The Chairman asked LCSD to pay closer attention and instruct security guards to contact the Police direct for taking law enforcement actions upon detection of similar cases inside the public park in the future.

14. Mr. KWOK Chun-sum said that regarding the deity statues placed in the public area, FEHD might send officers to conduct a site inspection first and would take actions as appropriate. In view of religious belief involved, some cleansing workers had reservations about removal of deity statues.

(Post-meeting note: FEHD and the Police conducted a joint operation on 7 September to remove deity statues and miscellaneous objects from the public area underneath the footbridge adjacent to Po Nga Court and carried out cleansing at the above location. Also, an instant response has been given to Mr. CHOW Yuen-wai accordingly.)

15. Mr. LEE Kwok-chung responded as follows:

- (i) Later on, the Police would follow up on the situation of Tai Wo Estate with HD's officers before carrying out another joint operation, and study how to step up enforcement efforts at Hei Wo House, Hang Wo House and Fook Wo House.
- (ii) The Police would conduct a site visit at Tai Po Central Town Square and closely follow up with LCSD.
- (iii) Combating triad problems was one of the key operational areas set out in the Commissioner's Operational Priorities. He asked Mr. MAN Nim-chi to clarify what he meant by "bribe taking" as mentioned earlier.

16. Mr. MAN Nim-chi said that by "bribe taking", he meant the collection of protection money by police officers. He suspected that the illegal gambling problem in Tai Po District had remained unsolved over the past three decades because some police officers had been collecting protection money.

17. Mr. LEE Kwok-chung responded as follows:

- (i) In response to the explanation given by Mr. MAN Nim-chi, as far as he knew, no police officers in Tai Po Division had committed such an act. Subject to availability of specific information, DC Members should lodge complaints or make reports for the Police to take follow-up actions. He reiterated that the Police took a firm stand against triad gangs and would adopt a zero tolerance approach towards the act of "bribe taking".
- (ii) The piazza of Fu Shin Estate was under the purview of HD. The Police would continue to follow up on the matter and investigate whether there were gambling activities at the location concerned; if so, enforcement efforts would be stepped up accordingly.
- (iii) Regarding matters relating to the enforcement of the fixed penalty under Cap. 599, given judicial proceedings underway, he was not prepared to and was not in a position to comment on individual cases.
- (iv) During the period between January and August 2020, the Police had conducted 16 anti-gambling arrest operations in the Tai Po Police District, two of which had taken place at Kwong Fuk Bridge Garden, Tai Po on 13 May and 10 June

respectively, i.e. before the submission of this agenda item to TPDC by the DC Member concerned instead of the day before.

- (v) Despite that the location mentioned by Mr. TAM Yi-pui was beyond the scope of discussion on street gambling under this agenda item, the Police would follow up on this piece of criminal intelligence accordingly.
- (vi) Apart from uniformed police officers, plainclothes police officers would also participate in law enforcement operations. It was often difficult to verify the identity of plainclothes police officers during such operations. The Police would adopt different approaches in carrying out the most appropriate and viable law enforcement operations having regard to the situations of respective locations.

18. Mr. AU Chun-ho said that Tai Yuen Estate was a notorious hotbed of crime in the district, and that the gambling problem at Tai Po Central Town Square had its roots in Tai Yuen Estate. Requesting security guards of Tai Po Central Town Square to make reports to the departments concerned would put their lives at stake. Therefore, they would refrain from doing so. LCSD should send plainclothes officers to conduct site inspections at the location concerned, provide relevant information to the Police and carry out joint law enforcement operations.

19. Mr. MAN Nim-chi said that only on-site security guards were authorised to conduct patrols at Tai Po Central Town Square. As such, he hoped that LCSD would ramp up relevant measures. He also suggested that Tai Po District Office (“TPDO”) should carry out joint law enforcement operations in collaboration with LCSD, HKPF and other relevant departments. Besides, the operation commander at Tai Ping Industrial Park on 4 August had told them that he did not know Mr. LEE Kwok-chung, and said that he was the police officer with supreme authority at the scene. He opined that the ultra vires act committed by his subordinate officer had really embarrassed Mr. LEE Kwok-chung. He also said that the Commissioner of Police who had climbed up the ladder because of his connections with triad gangs had now indicated that combating triad gangs was an operational priority. Therefore, he was sceptical that the Police was a shameless triad gang in itself.

20. Mr. LEE Kwok-chung reiterated that the Police would spare no effort in combating triad gangs. Should any DC Member continue to defame the Police by calling them a triad gang, this would destroy the foundation of mutual trust. If it was not possible to continue the discussion, he would walk out of the meeting. He asked the Chairman to make a ruling.

21. The Chairman expressed his understanding that DC Members had different thoughts. However, it was noteworthy that their comments should be rooted in evidence. He asked them to bear this in mind.

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

- (i) He was very surprised when he heard a police officer say that he did not know Mr. LEE Kwok-chung on 4 August. He requested Mr. LEE Kwok-chung to respond whether his subordinate did not really know him. He asked what sort of signal was sent when the police officer concerned had publicly claimed that he did not know Mr. LEE Kwok-chung. Instructions should be given to the police officer concerned if he really knew Mr. LEE Kwok-chung.
- (ii) The Police had just mentioned the adoption of an intelligence-led policing policy. He asked whether such intelligence included information from immediate crime reporting. If a caller dialed 999 and phoned the report room of Tai Po Police Station immediately upon detection of gambling activities, he asked whether this case would be regarded as an intelligence-led operation. He was aware that under the existing policy arrangements, the Police would handle different types of cases in order of priority.
- (iii) Even though the Police had mounted operations against illegal gambling and instituted prosecutions during such operations, illegal gambling dens had mushroomed recently. Despite seizure of 246 kg of gambling items, gambling operators had replaced such items at an even faster pace. He enquired of the Police whether a review had been conducted on the effectiveness of the 16 intelligence-led operations, as well as the effectiveness and improvement areas of the intelligence-led approach. Given that gambling was a social issue worthy of concern, he enquired of the Police whether consideration would be given to joining hands with the Social Welfare Department (“SWD”) or Caritas Hong Kong which offered gambling counselling services, in a bid to address both the symptoms and root causes of the gambling problem.
- (iv) The Police’s attention was drawn to a case raised by an indigenous villager of Wai Tau Tsuen, who had complained that people often participated in gambling activities at the side lanes opposite to 120 and 76-79 Wai Tau Tsuen outside Wai Tau Tsuen Playground. He believed that the complainant had made a report to the Police as well. If the Police had failed to identify this piece of intelligence, this reflected that there was a need to review their intelligence system.

23. Mr. TAM Yi-pui said that once been designated by TPDO as a shelter, Shap Sze Heung Village Office at Kwun Hang Village was supposed to be a public facility. As it was left unallocated so far, some culprits had taken advantage of this loophole to conduct gambling activities there. As some members of the public had repeatedly requested him to take follow-up actions, he asked the Police to advise these offenders to refrain from participating in gambling activities in public places and to observe proper hygiene.

24. Mr. CHOW Yuen-wai asked whether two operations had been conducted by the Police every month on average given that 16 operations had taken place during the period between January and August. Fellow DC Members had just mentioned at least eight to 10 illegal gambling sites in Tai Po District. He enquired of the Police about the possibility of covering all of these sites during each operation. If the answer was no, some of them might not be raided once a month. In addition, the Police had indicated that given legal proceedings underway, they were not in a position to disclose details of some prosecution cases relating to Cap. 599G. Nevertheless, his questions were whether the Police had instituted prosecutions against gamblers in Tai Po under Cap. 599G and the number of prosecutions instituted, instead of discussing details of individual cases, which had nothing to do with legal proceedings. He asked the Police to stop evading questions on such a ground.

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

- (i) The Police had indicated that members of the public might report gambling cases by phone. Notwithstanding this, he frequently reported illegal parking cases to the police station by phone but not always able to get through. In fact, reports had been made to Tai Po Police Station regardless of illegal gambling or parking cases. Even if callers wished to make immediate reports on illegal gambling, they might not get through at once. Often, members of the public would give up reporting cases due to repeated failed attempts to get their calls answered, reflecting flaws in the crime reporting system. He suggested that additional phone lines for call routing or a voicemail system should be installed at Tai Po Police Station.
- (ii) Illegal gambling not only gave rise to hygiene problems but was also against the law. He wished to know what else needed to be done by the Police after confiscating items seized during arrest operations.

26. Mr. MAN Nim-chi knew for sure that Hong Kong's police officers were not triad members, but opined that they were more despicable than real triad members. On 8 May 2020, it had been found that an anti-triad squad sergeant had allegedly stolen methamphetamine. In November 2008, a rape had taken place in a police station. Judging from this, he could infer that surely Hong Kong's police officers were not triad members.

27. Mr. AU Chun-wah said that as calls to the report room had been left unanswered for a prolonged period of time, members of the public had no choice but to use the 999 emergency hotline instead, rendering the telephone line of the report room useless. He opined that even in the face of heavy workload, incoming calls should not be left unanswered for half an hour. Theoretically, the Police were supposed to have ample manpower resources after switching away from the three-shift system, and thus sufficient manpower should be made available to answer incoming calls. However, the current answer rate of the report room was even poorer than before,

and callers often had to wait for 15 to 30 minutes to get through. From his personal experience, in case of emergency, he needed to call officers of the Police Community Relations Office (“PCRO”) or the duty officer. His request for assistance would be only handled after he had identified himself to the call handler and inform him/her about the situation. People were at a loss when their calls to the report room were left unanswered, but on the other hand, they were blamed for misusing the 999 emergency call system. He asked the Police to improve the situation, and at least they needed to answer calls to the report room to encourage wider use of the report room telephone line.

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

- (i) He learnt from the internet that an elderly person with dementia had been missing last week and taken to the police station by a police officer afterwards. As he preferred not to use the 999 emergency hotline, he called the report room in hope of informing the duty officer about the available information as soon as possible. However, he could only get through at least 15 minutes later. This was not the first occasion on which this happened. Therefore, he considered it a relatively serious problem.
- (ii) He made a correction to the address of the alleged gambling site in Wai Tau Tsuen mentioned earlier, which was actually located at the side lane between 120 and 13-14 Wai Tau Tsuen outside Wai Tau Tsuen Playground. 13-14 Wai Tau Tsuen were typical village houses, but occasionally, chairs and tables would be placed there for the use of villagers during mealtimes or mahjong games. Thus, the place had become a gambling hotspot. He would inform PCRO officers of the location concerned and urged the Police to pay attention to this.

29. Mr. Patrick MO said that occasionally, he had come across individual call handlers with a bad attitude when calling the report room to report illegal parking cases. He pointed out that normally, there were a male and a female call handler in the report room. While the female call handler had displayed a relatively positive attitude, the male call handler was a bit unfriendly. Normally, he would request to obtain a reference number. As a case in point, he recalled that an officer had put the telephone aside for a moment to process his request, but he heard the officer on the other side of the telephone say that he would stick to this practice even if it was a call from the Queen of the United Kingdom, and that of course, he would be very busy if every caller requested to open a case file. Even though that the call handler had spoken very politely on the telephone, obviously he talked in a very unfriendly tone of voice. As a usual practice, after making a report, he would call the police station again to enquire about the progress five to six hours later, but the requested information might not be always available. In another case, in response to his request for a reference number, the officer in the report room said that it would be provided later on. However, he had yet to receive the requested information by the end of the day. Given the

considerable number of cases received by DC Members every day, it was essential to collect the necessary information for future reference.

30. Ms. Stella LIU said that probably due to the epidemic outbreak, some public parks had seen a decreasing number of patrons. Therefore, LCSD had not received any gambling-related complaints about Tai Po Central Town Square recently. She noted the situation of Tai Po Central Town Square mentioned by DC Members earlier and would take follow-up actions accordingly. Since the Police had indicated that joint operations would be launched in due course, LCSD would provide the necessary support. In addition, LCSD had all along conducted surprise inspections, and would proactively arrange joint operations upon detection of serious cases of non-compliance. Given the strong views expressed by DC Members, she would promptly arrange site inspections and joint operations after the meeting.

31. Mr. LEE Kwok-chung responded as follows:

- (i) Given that the Police had already carried out arrest and enforcement operations, he was not prepared to publicly respond to the misunderstandings created during the conversation taken place in Tai Ping Industrial Park on that day. He noted DC Members' comments.
- (ii) The Police always conduct reviews after enforcement operations, including whether the street gambling situation of the locations concerned would somehow or completely improved thereafter. Due to the varying demographic profiles of gamblers at different locations, broken down by age groups, the Police would determine the frequency of operations having regard to the specific circumstances of respective locations.
- (iii) The Police would follow up on the situation of Wai Tau Tsuen. However, it did not mean that he would not follow up on matters relating to Shap Sze Heung Village Office at Kwun Hang Village. He had to point out that the case concerned was about gambling activities in a gambling establishment instead of street gambling. Accordingly, the Police would follow up on the piece of intelligence provided by Mr. TAM Yi-pui.
- (iv) For the time being, he was not able to provide the number of penalty tickets issued to street gamblers by the Police in Tai Po District under public health-related ordinances. As it took time to retrieve the requested information, he was not able to respond at the moment.
- (v) Actually, the Police had resumed the three-shift system. He would look into cases in which incoming calls to the report room had not been promptly answered, in the hope of providing better services for the public.

32. Mr. MAN Nim-chi said that earlier on, he had asked whether TPDO would crack down on illegal gambling activities in collaboration with other departments. He recalled that when he criticised Mr. LEE Kwok-chung at the full council meeting in May, the District Officer (Tai Po) (“DO (TP)”) had requested DC Members not to repeat the abusive language used by police officers they heard from the video clips. At the meeting in January, he had also called on all government departments to dissociate themselves from HKPF as soon as possible. The illegal gambling problem could not be solved by the Police alone, therefore he hoped that TPDO could take the lead in mounting joint operations with various government departments.

33. Mr. YAM Kai-bong said that a certain ethnic group was mad keen on gambling activities, including but not limited to gambling games for fun. He was more concerned about whether triad-controlled money lending or loan-sharking were involved. Gambling was not a purely personal matter because families and the society would also be affected. Hence, he urged the department concerned not to take this lightly. A DC Member had handled a case involving a gambler living in a housing estate, who spent about several thousand dollars on gambling every day. Therefore, it would be logical to assume that the total amount of bets placed at the gambling table would range from several tens of thousands of dollars to more than tens of thousands of dollars, posing a serious problem to families, the local community and the society at large. If triad-controlled money lending activities were involved, this would only let triad gangs and interest groups behind the curtain to flourish. This problem could not be tackled by police officers from the Police’s Miscellaneous Enquiry Sub-unit alone, and such cases should be referred to the Anti-triad Unit for following up. While it was unlawful for elderly persons to place bets of a few dollars for fun, which also created an eyesore, he was more concerned about triad-controlled money lending activities and ringleaders behind the curtain. Therefore, he asked the parties concerned to pay special attention to this. While understanding that the Police had to follow up on a number of areas, he opined that public confidence could be boosted with a rise in law enforcement standards and better effectiveness when there were considerable public grievances against the Police and other departments, instead of suppressing voices of dissent through manpower deployment and law enforcement. HKPF as the largest government department in Hong Kong obtained substantial resources. The former District Commander had mentioned “community policing”, i.e. engaging the local community, the Council and community stakeholders. Persons-in-charge of gambling dens and gamblers were living in housing estates, thus putting pressure on on-site security guards when carrying out their routine duties and during their daily lives. Security guards who merely earned a monthly salary of over ten thousand dollars would not be willing to deal with the gambling problem themselves. Instead, it was necessary for the departments with public powers to deal with the problem through law enforcement. The Police should spare no effort in following up any organised crimes, instead of allowing the problem to recur more than a week later after raiding gambling dens and arresting a few people. The Police should continue to take follow-up actions, instead of taking this lightly.

34. Ms. Eunice CHAN said that TPDO was duty-bound to co-ordinate the work of different departments, such as the on-going implementation of the joint bicycle clearance operations. As such operations involved different departments, in exercise of the powers conferred by law, they would perform their duties under their respective purviews. In some cases, owing to the demarcation of responsibilities in the Government, TPDO would undertake inter-departmental co-ordination when necessary.

35. Mr. LEE Kwok-chung said that the Police had been carrying out joint operations with a view to combating street gambling activities wherever possible. The Police had grave concern over gambling involving illegal money lending and triad gangs. He pointed out that in general, the Police had seized relatively small bets ranging from several tens of dollars to over a hundred dollars in raids against illegal gambling, but there was no evidence showing that street gambling involved the complicated problems of triad gangs or money lending. In addition, gambling activities in unlawful gambling establishments had all along been the Police's crackdown target. The responsible units included the Special Duty Squad, the Anti-triad Unit and the Crime Unit, etc. Officers from different units would be assigned to handle cases having regard to their severity.

36. The Chairman asked the Police to continue to follow up on the gambling black spots mentioned by DC Members and step up enforcement efforts at the locations in Tai Po District where the illegal gambling problem occurred frequently. He had every confidence in the Police's efficiency and manpower deployment because he was one of the persons who had been issued with a penalty ticket for violating the "No-gathering Order" at Tai Ping Industrial Park on 4 August. Within half an hour upon his arrival at the scene on that day, he had already witnessed that more than 50 police officers had been mobilised to crack down on the unarmed non-rioters. He therefore believed that the Police had sufficient manpower to efficiently deal with criminal cases in the district, including the illegal gambling problem. He hoped that likewise, the Police would maintain the same efficiency level and expend the same amount of manpower to deal with the law and order issues referred by DC Members in the future.

37. Mr. CHOW Yuen-wai expressed his utter disappointment at the Police's failure to respond as to whether prosecutions had been instituted under Cap. 599G during the past 16 anti-gambling operations. Given that the Police had not provided a written response, proper preparation should have been made before the meeting. Therefore, it was not the right attitude he expected from the Police. The information he requested from the Police was whether prosecutions had been instituted against gamblers under Cap. 599G during the 16 operations and the relevant data, which was not difficult to obtain. On the day of the Tai Ping Industrial Park incident, when not more than 10 DC Members accompanied workers who had been prosecuted for not carrying their identity cards, some 20 to 30 police officers holding shields had stormed into the report room and ordered them to leave. However, people leaving the report room would be prosecuted for

contravening Cap. 599G. DC Members had been treated this way when they were only performing their duties to assist the arrestees. This was not the right attitude towards DC Members he expected from the Police. It was completely incomprehensible to him that after waiting in the report room for more than half an hour, DC Members had been ordered to leave by police officers with shields when the arrestees were almost ready to be released. Given that Mr. LEE Kwok-chung had complained about DC Members' bad attitude towards him, he wished to draw Mr. LEE Kwok-chung's attention to how his peers and subordinates had treated members of the public.

38. The Chairman said that some DC Members had suffered a deep humiliation during this incident, which would severely undermine the future co-operation between DC Members and the Police. Thus, the Police should conduct a review accordingly.

39. Mr. LEE Kwok-chung said that the Police had issued three fixed penalty tickets under the Prevention and Control of Disease Ordinance during the past 16 anti-gambling operations taken place in Tai Po District. Since the relevant data had not been retrieved before the meeting, he had instantly asked his colleagues to gather the requested information upon receipt of Mr. CHOW Yuen-wai' enquiry at the meeting. He pointed out that given the Police's huge database, the requested information concerned was not readily obtainable. He would provide DC Members with the information wherever possible but thanked them for their understanding that it took some time to prepare it.

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

- (i) He was very dissatisfied with the Police's reply. Given that Mr. Nick LAM had submitted the agenda item on 17 August, the Police had failed to make proper preparation, and could only replied that 16 anti-gambling operations had been carried out, without providing the number of prosecutions instituted against gamblers under Cap. 599G, which was a disrespect for the Council.
- (ii) On the day of the Tai Ping Industrial Park incident, a police officer had talked to him stressing that penalty tickets could be issued retrospectively. As a result, Mr. WU Yiu-cheong had been issued with a penalty ticket retrospectively at another location on the same day. He enquired of the Police whether penalty tickets would be issued retrospectively to persons being arrested during illegal gambling activities under Cap. 599G; if not, whether it meant that the police officer concerned had made a mistake at work. Besides, a large group of PTU officers had stormed into the report room to humiliate DC Members on that day. He asked Mr. LEE Kwok-chung whether he would allow his subordinates to humiliate DC Members.

41. Mr. MAN Nim-chi said that quite surprisingly, the Police had just mentioned that the requested information could not be instantly available at DC Members' request. Given that the paper had been prepared beforehand, rather than putting the blame on others, the Police should have frankly admitted that they had done no proper preparation for this meeting. He would politely address all departmental representatives at the meeting by the titles "Mr.," "Miss" and "Ms.," but he would call Mr. LEE Kwok-chung by his first and last names only.

42. Mr. Richard CHAN concurred with Mr. YIU Kwan-ho's views. He asked the Police to give a detailed account of the policy on the retrospective issuance of penalty tickets under Cap. 599G and the circumstances under which such tickets would be issued retrospectively, so as to address public concerns and enhance public awareness of the Police's strict enforcement of the law and compliance level. Moreover, it was indeed surprising that only three penalty tickets had been issued by the Police during the 16 anti-gambling operations as compared to over 20 penalty tickets issued by the Police during the Tai Ping Industrial Park incident. He opined that the Police should have issued at least eight to 10 penalty tickets during the law enforcement operation at Wai Tau Tsuen. As such, he would raise an enquiry on the related matter at the next meeting. He hoped that this agenda item would be included under "Matters arising from last meeting" for discussion at the next meeting, so that sufficient time would be allowed for the Police to prepare such information as the respective numbers of enforcement operations undertaken and penalty tickets issued at the black spots mentioned by DC Members earlier.

43. Mr. LEE Kwok-chung said that he was not prepared to make any further comment on the Tai Ping Industrial Park incident. He clarified that actually, the Police had issued penalty tickets during three anti-gambling operations, instead of issuing three penalty tickets only. He pointed out that apart from the Police, the Department of Health, the Agriculture, Fisheries and Conservation Department, LCSD, HD, the Home Affairs Department and FEHD, etc. had the power conferred by the ordinance concerned to take enforcement actions under the "No-gathering Order". The Police were just one of the law enforcement agencies.

44. Mr. Richard CHAN said that the illegal gambling site at Wai Tau Tsuen was located next to the public playground under the purview of LCSD. However, FEHD had to pay attention to an unlicensed catering operation there. As such, he hoped that the departments concerned would step up enforcement efforts in this regard. If this agenda item was included under "Matters arising from last meeting" for discussion at the next meeting, he hoped that the departments concerned would provide law enforcement data such as the respective numbers of law enforcement operations undertaken and penalty tickets issued, etc. within two months prior to the next meeting.

45. The Chairman said that this agenda item would be further followed up at the next meeting under "Matters arising from last meeting". He asked the Police to prepare the relevant data and

FEHD to follow up with Mr. Richard CHAN on matters relating to the unlicensed catering operation after the meeting.

(Post-meeting note: FEHD's officers had discovered an unlicensed food business during a site inspection at the premises involved on 16 September. Prosecution had been instituted against the person-in-charge. Accordingly, FEHD had given a reply to Mr. Richard CHAN on 17 September.)

III. Resolution on the arrangement of Tai Po district football teams for the 2020/21 football season

(TPDC Paper Nos. 59/2020, 66/2020 and 67/2020)

46. The Chairman welcomed the representatives of Pak Hei Sports Association ("PHSA") to the meeting for discussing this item. Mr. WU Yiu-cheong had tabled the above paper on 18 August 2020. Despite non-compliance with the requirements for submission of papers as laid down in the TPDC Standing Orders ("Standing Orders"), given the pressing issue, he had exercised his discretion to allow detailed discussion at this meeting.

47. Mr. WU Yiu-cheong briefed DC Members on Paper No. 59/2020.

48. The Chairman said that the Home Affairs Bureau ("HAB") had submitted Paper No. 67/2020 to the Secretariat the day before. Before the meeting, the paper had been circulated to DC Members via email by the Secretariat for their perusal.

49. Mr. HO Shun-yin and Ms. Lily LEE briefed DC Members on Paper No. 66/2020.

50. Ms. Eunice CHAN said that prior to the meeting, HAB had provided further information on the funding support for district football teams and arrangements for participation in the competitions of the Hong Kong Football Association ("HKFA"), including whether the authorisation of district football teams fell within the ambit of respective District Councils ("DCs"), and that it was up to TPDC to consider the arrangements concerned. Yet, club-based participation in HKFA competitions was under the purview of HKFA. As far as she knew, a list of participating football clubs would be finalised by HKFA's Board of Directors annually, while the application for registration in the 2020/21 football league season had been closed on 30 May 2020. TPDC might further follow up with HKFA on the arrangements for fielding a district team and its eligibility for registration as a team under HKFA. Every year, HAB would provide funding for the development of district teams primarily through the District Football Funding Scheme ("DFFS"). As far as she knew, the DFFS was currently under review. She would be happy to

reflect any views expressed by DC Members to HAB on such matters as HAB's funding support for district teams and whether only one district team from each district was eligible for funding.

51. Ms. CHEUNG Kwai-yan said that LCSD would provide venues for district teams in accordance with the booking procedure for use of recreation and sports facilities. For activities recognised or authorised by a DC, a district team could book venues up to 12 months in advance.

52. The Chairman said that PHSa had filed an application for appointment as the district team of Tai Po District before the meeting. He suggested that later on, DC Members should raise enquiries along this direction during the discussion, with a view to deciding whether PHSa could be appointed as the district team of Tai Po District at this meeting.

53. Mr. AU Chun-wah said that notwithstanding that TPDC had not undergone the procedure for appointing a district team in the past, the deliberation of a single option might be considered an unfair practice in the absence of an open recruitment exercise so far. He opined that interested organisations should be encouraged to apply through open recruitment, and shortlisted candidates be invited to give a presentation at the TPDC meeting. Only in this way could procedural fairness be upheld. In the past, although no application had been submitted, hasty decisions made without prior public announcement was unfair to all. Therefore, he deemed it inappropriate to decide on the suitability of PHSa for appointment as the district team at this meeting.

54. Mr. WU Yiu-cheong raised the following views:

- (i) He was confident that given its competitiveness, PHSa could take the place of Wofoo Tai Po in a continuous effort to provide youth training and community football programmes for Tai Po District. While recognising that there was room for improvement procedurally, he said that the current-term TPDC had yet to discuss the procedure for selecting the district team since its inception nine months ago, and DC Members had not raised relevant issues either. As indicated by DO(TP) just now, in view of Tai Po District's desire to participate in HKFA competitions in the upcoming season, there was an imminent need for TPDC to decide on whether to form a district team for Tai Po District. He said that as TPDC had exercised due diligence in observing the procedure laid down by its predecessors, there was no violation of the rules. Besides, to ensure fairness and openness, the last and this meeting had been fully live streamed by some DC Members for public viewing at any time.
- (ii) Tai Po Football Club ("TPFC") had not showed up to answer enquiries at the last meeting, and to date, written or verbal explanations to TPDC to address various doubts expressed by DC Members at the last meeting had remained unseen about two months later. On the contrary, PHSa was still willing to be subject to scrutiny

at the meeting despite that its prospect for appointment as the district team of Tai Po remained uncertain, which illustrated its sincerity. Basically, the authorisation granted to TPFC had been renewed automatically without having to answer questions and attending meetings in the previous terms of TPDC, one of the reasons being, of course, the lack of competition because TPFC was the only local football club capable of implementing large-scale or HKFA-recognised youth training programmes. However, he was absolutely sure about PHSA's competitive edge.

- (iii) DO(TP) had just mentioned that normally, HKFA was supposed to stop receiving applications for the upcoming football season in September this year. He was aware that PHSA had yet to obtain a HKFA membership so far, and that even if PHSA was appointed as the district team of Tai Po by resolution at this meeting, it was still required to apply for a membership thereafter. Due to the epidemic outbreak, HKFA had left the previous football season unfinished. Therefore, it was still unknown whether the competitions for the remainder of the season would be resumed and when the next season would start. Hence, he was of the view that it would take some time for co-ordination work even upon the passage of the resolution concerning the district team. He enquired of DO(TP) about the possibility of assigning officers to assist the future district team in direct liaison with HKFA, so as to facilitate mutual communication.
- (iv) LCSD had just indicated that district teams could book LCSD's venues up to 12 months in advance. However, as far as he knew, supposedly, LCSD's free venues were local football pitches intended for training courses. In that case, it was not possible to make a booking with LCSD 12 months in advance. He asked LCSD to give an overview of the relevant procedures and the previous practices of TPFC. According to the established procedure, the authorisation of a district team was subject to annual renewal. If this was actually the case, he questioned the possibility of booking venues 12 months in advance. He urged LCSD to give a clear explanation to avoid unnecessary misunderstanding.

55. Mr. YIU Kwan-ho agreed that TPFC had never been subjected to scrutiny under the existing system. Despite its conflict with the sponsor, its financial position had not been disclosed either. At the meeting on 7 July, the motion on "given TPFC's refusal to submit to monitoring of its work and performance by TPDC, TPDC would not authorise TPFC in the 2020/21 football season" was carried with 16 votes for it. The outcome had generated extensive media coverage and become widely known in the football sector. Therefore, he disapproved the comment that there was a lack of fairness because other football clubs did not know this piece of information. In the light of the decision made at the last meeting that the football club should be subject to scrutiny by DC Members and members of the public, he asked whether PHSA agreed to make reports at future TPDC meetings annually and come under scrutiny by DC Members, and to leave TPDC to decide whether to renew the district team authorisation on an annual basis. He was of the view that to

build a healthy business, the football club had to be subject to scrutiny by the public and DC Members. This would also avoid the situation where financial information was withheld as in the case of TPFC.

56. Mr. Richard CHAN raised the following views:

- (i) He did not agree that the decision was unfair and hasty. The term “fairness” could be interpreted in its general sense to mean “natural justice”. As a matter of fact, academic literature on the topic of natural justice could be found in the articles published by Hong Kong Bar Association. Mr. Christopher TO, Senior Counsel, had prepaid an award-winning thesis on natural justice when he graduated from the City University of Hong Kong, which clearly explained the meaning of “natural justice”. He recommended reading this highly readable article for a thorough understanding of the topic if there was any doubt about the meaning of “unfairness” or “natural justice”. Following the same logic as explained in the thesis, he did not consider it unfair to put the formation of a district team to a vote at this meeting. Furthermore, as the agenda item was deliberated by DC Members, he did not consider that it had been done hastily.
- (ii) He said that if a comparison was to be made, a comparative study should be conducted on relatively specific items of similar nature. For example, it would be more desirable to draw a comparison between FEHD’s officers who patrolled the street to deal with hygiene problem and police officers on the beat. He considered it more appropriate to compare how TPDC handled football matters in the past and at present. As no mechanism had been put in place to review the annual authorisation in the past, the long-standing practice was far from satisfactory. At the last meeting, TPDC had formally announced that authorisation would no longer be granted to TPFC, which was a relatively open process. Likewise, a football club’s attendance at this meeting to make a pitch was a rather fair and open process. Comparatively speaking, he considered it a rather fair practice.
- (iii) Since the last meeting, more than one football team had sought advice from him. As far as he knew, other football teams had also approached fellow DC Members to conduct lobbying activities and make a pitch. He considered that interested football organisations in Tai Po had ample time to express their views and could make enquiries through various channels, as well as to decide whether to attend this meeting for a chance of being appointed, and therefore this practice was rather open and fair.

- (iv) PHSA had indicated during its presentation that it was a registered charitable organisation. He enquired of PHSA whether it had registered under the Societies Ordinance or incorporated as a limited company.
- (v) At the last meeting, TPDC had resolved not to support the renewal of the authorisation granted to TPFC as the district team of Tai Po. He enquired of LCSD whether TPDC had booked venues; if so, whether the bookings should be cancelled under the existing mechanism. In addition, given that a district team might make priority booking 12 months in advance, he asked whether it meant that no venue booking could be made within 12 months, or bookings could be made one month or one day in advance.
- (vi) It had been indicated in paragraph (i) of the HAB's paper that "Under the DFFS, a football club is required to submit a funding application to the District Office concerned before the start of the upcoming football season". In other words, in practice, TPDC was required to confirm the appointment of a district team before the start of the upcoming football season. As far as Tai Po was concerned, football and people's daily lives were closely intertwined, therefore he hoped that DO(TP) could assign officers to assist in following up, with a view to addressing the community's pressing needs. As it was still unknown when HKFA would start the upcoming football season, there was an imminent need for TPDC to deal with the issue concerned and provide assistance.

57. Mr. Nick LAM said that it would be more desirable to conduct a formal tendering process. However, given the amount of time it would take to complete the process, some activities might have to be postponed. Hence, the idea would only backfire. He enquired whether future support from various departments would be undermined in the absence of a tendering process (e.g. withholding a portion of funds on the ground of failure to conduct a formal tendering process), or whether they would acknowledge the decision made by TPDC instead of refusing to provide support.

58. Mr. CHOW Yuen-wai raised the following views and questions:

- (i) Members of the public and football enthusiasts had grave concern over the issue. He was aware that PHSA had conducted quite many youth training activities and joined the Third Division League in the past. However, quite a number of residents in Tai Po were sceptical about its ties with Tai Po, and some members of the public had even thought that PHSA was the district team of Sham Shui Po. Therefore, he asked PHSA to give an explanation. The district team of Tai Po used to be TPFC, so it was normal for PHSA not to have close ties and so many opportunities for co-operation with Tai Po District for the time being. He asked PHSA how it would co-operate with TPDC in the future and whether it had

prepared any plan or specific proposal, or else, further arrangements would only be made after LCSD had handed over Tai Po Sports Ground to PHSA after it was appointed as the district team by TPDC, so that TPFC would be barred from booking the venues. Venues were a very valuable resource for all football teams. He enquired of TPDO about the possibility of providing other forms of assistance to the district team in addition to the DFFS, so that better youth football training and senior football training could be made available in Tai Po.

- (ii) Earlier on, TPFC had been on the verge of bankruptcy, dropped by its sponsor and accused of wage in arrears, but these problems were resolved all of a sudden. The entire process lacked openness and transparency. According to the HAB's paper, Tai Po District Football Team, the champion of the Hong Kong Premier League ("HKPL") in the last football season, had for no reason experienced a drastic drop in its ranking and a huge financial crisis all at a sudden. He asked whether it was not possible for TPDO to deal with this case; if so, a review should be conducted on how to provide assistance to the new district team in order to give a new impetus for the development of football in Tai Po.

59. Mr. MAN Nim-chi said that it had been indicated in paragraph (iv) of the HAB's paper that the district team was required to obtain authorisation from TPDC. At the last meeting, TPDC had resolved to revoke the authorisation granted to TPFC. Over the past two months, different football organisations had approached DC Members who were willing to keep in touch and discuss with them. It had also been stated in the paper that the 18 district teams had already taken root in various districts across the territory. However, he asked whether HAB had looked into the reasons why each district was only allowed to field a single district team given that it was not possible to create a favourable environment conducive to progress through competition when the district team monopolised the resources. He thanked the persons-in-charge of PHSA for their contributions to youth training, talent team building and district team training. Moreover, it had been stated in the paper that the authorisation of a district team by TPDC was a collaborative effort between TPDC and the district team. He asked DC Members to take note of this.

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

- (i) He did not object to the passage of a resolution by TPDC at the last meeting calling for revocation of TPFC's district team status. However, over the past two months, instead of formally inviting other football clubs to participate in the selection process for appointment as the district team of Tai Po, TPDC had merely make private communication through personal contacts, giving the impression that the process had lacked transparency. Even if it was resolved at this meeting that PHSA was appointed as the district team, still, this might draw criticism that PHSA

was successful in being appointed simply because of its social networking efforts or a friend at court.

- (ii) He considered that it had made no sense for a DC Member to say earlier that PHSA should be appointed as the district team simply because it had shown great enthusiasm by giving a presentation at the meeting. A few months ago, DC Members had rejected the funding proposal submitted by Tai Po District Dragon Boat Race Committee on grounds that the event had been organised by the same organisation over the past few decades and there was a lack of competition. Their self-contradictory behaviours meant to move goal posts to suit their own needs. DC Members might disagree with his comments, but objectively speaking, recruitment was an essential part of public services. The present case was not about identifying a partner for a single project but a long-term representative for Tai Po District. From the perspective of procedural fairness, it was of fundamental importance to let members of the public know that TPDC would exercise impartiality in the process.

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

- (i) He had not heard of PHSA until today, and did not take a stance for or against the proposal either. He would neither support nor reject the proposal because PHSA's presentation at this meeting was procedurally unfair. Given that the application for participating in HKPL had been closed on 30 May, he asked why this remained a pressing issue; and whether HKFA had replied that if the new district team selected by TPDC at this meeting could still make application as well as receive support or even sponsorships from HKFA, HAB and LCSD. He queried why this remained a pressing issue if the foregoing was not true.
- (ii) According to paragraph (iv) of the HAB's paper, a district team authorised by TPDC would be entitled to privileges given by LCSD and HKFA. He asked whether LCSD and HKFA had ceased to provide incentives and sponsorships to TPFC after TPDC had terminated the authorisation granted to TPFC two months ago. The failure of the department and institution concerned to implement the TPDC's decision would give rise to other issues, so he urged the department concerned to respond.
- (iii) Despite that at the last meeting, he had expressed his wish to hold a special meeting to deal with the issue concerned, some fellow DC Members had indicated that there was no such a need. However, they had stated at this meeting that this remained a pressing issue, and that it was necessary to approve PHSA's application for appointment as the district team. Yet, a lot of problems remained to be solved.

Whether to appoint PHSA was one thing, but following up on the problems arising from the revocation of TPFC's district team status was another thing.

- (iv) Public knowledge of the TPDC's revocation of TPFC's district team status at the last meeting was different from whether TPDC had officially approved to issue a notice for recruiting a district team. Revocation of status was not equivalent to inviting all interested organisations to apply for appointment as the district team. For instance, if an owners' corporation ("OC") needed to carry out large-scale maintenance works, it could not automatically assume that all maintenance contractors would submit tenders on their own in the knowledge that the building would undergo maintenance soon. By the same token, the communication between individual maintenance contractors and individual OC members could not be regarded as a formal tender notice. Theoretically speaking, a notice issued by an official institution was required. As the official representative of TPDC was its Secretariat, individual DC Members were in no position to represent the entire TPDC. He opined that the past mechanism was far from perfect. When TPDC was controlled by pro-establishment DC Members, resolutions could be passed simply by raising their hands, and so it was not possible for other DC Members to monitor and observe procedures. If the past mechanism was deemed problematic, improvement had to be made for rectifying the faults, so that regardless of whether TPDC was dominated by the pro-establishment camp or the pan-democracy camp in the future, DC Members could act according to the established mechanism. Only in this way could the procedure continue to function effectively and come under scrutiny. Some fellow DC Members might criticise that his action would impede the progress; nevertheless, until now, if DC Members said that the pro-establishment camp was to be blamed but still adopted past mechanisms and approaches, their actions were no different from the pro-establishment colleagues. It was necessary to address any problems detected. In the past, he had considered this a black-box operation characterised by a lack of monitoring, accounting irregularities and a lack of documented procedures. He questioned how TPDC could be subject to public scrutiny if the situation remained unchanged now. He asked why DC Members could not do better given that each of them was elected to make decisions by ballot. DC Members always criticised the pro-establishment camp for their poor performance due to the lack of procedures and a mechanism, but their present backtracking was utterly ridiculous. Only the Secretariat rather than individual DC Members could represent TPDC. A football team had once indicated to him that it did not know that a presentation could be given to TPDC, otherwise it would have made an application. He asked how TPDC would address this issue and be accountable to the public. He reiterated that he did not object to the granting of authorisation to any football team, but

wished to put in place a sustainable and effective monitoring mechanism as well as a fair, just and open application procedure.

62. Mr. HO Wai-lam said that he had not communicated with PHSA beforehand. Earlier on, TPFC had been a subject of criticism because of its financial problem and black-box operation, so people concerned with the development of football in Tai Po were well aware of the revocation of its district team status. TPDC welcomed applications from any organisations. He opined that this would not cause unfairness to other organisations as long as compliance with the procedure was ensured. If an organisation asked him whether an application could be made, he would definitely refer its enquiry to the Secretariat. Unlike the case in question, OCs were required to conduct open tender exercises under Cap. 344 of the Laws of Hong Kong. He opined that the existing practice complied with the established procedure. TPDC welcomed applications from any organisations, which would be deliberated at its meetings. He did not mind discussing other options for completely improving the existing process. Moreover, he was more concerned about the openness and transparency of PHSA, and hoped that PHSA would make regular reports whenever practicable, enabling TPDC and the public to have a clear understanding of its internal operations and financial position.

63. Mr. WU Yiu-cheong raised the following views:

- (i) He had contacted HKFA to enquire about the arrangements concerning district teams in the upcoming football season. HKFA had given a positive feedback, stating that there was still time to handle the matter. However, owing to the relatively chaotic internal operations of HKFA, he was still waiting for its written reply. Several DCs were making preparation for the recruitment of new district teams with a view to creating a competitive environment for effective allocation of resources. Based on his preliminary understanding, HKFA was willing to provide assistance. He would maintain liaison with HKFA. If approached by DC Members, sometimes HKFA had not replied in a timely manner or even failed to fulfil its performance pledges. Thus, he hoped that DO(TP) or a representative of TPDO would take up a co-ordination role to ensure smooth progress throughout the process.
- (ii) His agenda item entitled “Resolution on the arrangement of Tai Po district football teams for the 2020/21 football season” suggested that regardless of the outcome of the case today, notwithstanding the past decision pertaining to TPFC, the resolution passed would be valid for one football season only. At the last meeting, he and a number of DC Members had questioned that in the past, authorisation had been automatically granted to TPFC without making any report and giving any response. The resolution to be made at present was a major improvement over the past decision, so that automatic annual renewal would no longer be allowed. The new

district team was required to submit an annual report on its financial position, specific operations and performance indicators for youth training, etc. for TPDC's perusal. He agreed that in the future, more stringent eligibility criteria should be adopted for assessing applications for appointment as a district team and renewal of authorisation.

- (iii) It was very easy to characterise the nature of the incident as a “binary opposition” in a self-righteous manner, but TPDC was obliged to tackle practical issues. It was the responsibility of DC Members and TPDC, not the Secretariat, to handle matters relating to annual authorisation of a district team. Given that application for registration in the upcoming football season had been closed, there had to be a better way to deal with issues arising from the district team authorisation. Given that a football team had submitted an application so far, he queried whether its application would not be processed because a new application procedure had yet to be put in place. TPDC was obliged to tackle practical issues. The TPFC's performance report was appended to the HAB's paper upon passage of a resolution to permit public access to this report at the last meeting. The performance targets, including average training hours, average attendances and ranking, etc., were not conducive to promoting football, helping children join professional football teams, community engagement, and so on. As such, he intended to put forth a specific proposal on how to review the district team authorisation in the future and the relevant criteria at the meeting of the District Facilities Management and Culture, Recreation and Sports Committee (“DFMCRSC”) to be held later on, so as to decide whether authorisation should still be granted to the same district team in the 2021/22 football season, or another football team should take its place. Even though TPDC would be held accountable in the future, at present, it was still necessary to deal with matters relating to the upcoming football season. Therefore, the adoption of the established procedure was a viable approach, and one of the options was to invite interested football teams to submit report and give a presentation at meetings. He opined that it was pointless to conduct a polarised discussion. DC Members who always made ambiguous statements in a self-righteous manner would not contribute anything to the discussion in practice.
- (iv) He had asked DO(TP) about matters relating to HAB's provision of funding support for district teams at the last meeting, but she had yet to respond so far. According to its paper tabled at the last meeting, HAB would provide funds in the amount of \$1.65 million, \$550,000, \$385,000 and \$330,000 for each district team playing in HKPL, First Division, Second Division and Third Division Leagues organised by HKFA respectively. He asked whether the former district team would continue to receive a grant or the new district team would receive funding under the DFFS if TPDC appointed a new district team. All along, TPFC had failed to give an account of the latest situation of the football team to TPDC despite

that its management had always been interviewed by different media. According to media reports, TPFC had successfully lined up a new sponsor and could re-join HKPL any time, meaning that TPFC might still apply for a grant of \$1.65 million from HAB. He asked DO(TP) whether she could now respond to those outstanding questions raised at the last meeting after two months had lapsed. He asked whether HAB would continue to provide funding for TPFC or accept the TPDC's decision out of respect for the prevailing policy in the absence of funding criteria at present. According to the paper, HAB had introduced the DFFS in 2011 to provide direct financial support to the 18 district-based senior teams playing in the HKFA leagues. Given that a clear explanation had been given in the past paper, he asked whether DO(TP) could clarify at this meeting the possibility of providing a HAB grant to the new district team if so authorised by TPDC, or whether HAB would, against all odds, continue to provide funding support for the former district team.

64. Mr. YIU Yeuk-sang raised the following views and questions:

- (i) He asked DO(TP) whether she had suggested just now that if there were two football teams called "Tai Po", both of them would receive funding.
- (ii) If no new district team was appointed this year, there would not be any district team to represent Tai Po. He asked whether approval would be given if TPFC made a funding application to HAB or booked LCSD's venues.
- (iii) He enquired of PHSA about the number of jobs to be created for local residents, in particular the number of football players joining the district team, if it was appointed as the district team of Tai Po. In addition, he enquired about the chance of PHSA being promoted across all leagues.
- (iv) DC Members were obliged to monitor the development and operations of the district team. To be eligible for appointment as the district team, prospective teams were required to give a presentation and take part in discussion at the meeting. Every single step was subject to the consent of each DC Member, so as to avoid black-box operation or backroom deals.

65. Mr. SO Tat-leung raised the following views and questions:

- (i) He deemed it inappropriate to decide at this meeting whether PHSA should be appointed as a district team. Despite that probably many sports associations would approach DC Members, he was confident that they would exercise fairness when communicating with various sports associations. However, exchange of views should be transparent enough to keep the public well informed during the decision-making process instead of bypassing TPDC.

- (ii) Application for registration in the 2020/21 league season had been closed on 30 May, but it was still unknown whether Tai Po District could participate in the competitions in the upcoming football season. Therefore, it was not possible for TPDC to make proper planning in a timely manner.
- (iii) Missing the deadline on 30 May was largely due to the failure of Tai Po Sports Association to attend the TPDC meeting, which had caught TPDC off guard. Nevertheless, it could not make a hasty decision because of this. He shared Mr. AU Chun-wah's view that instead of blaming others, one should do better in a more prudent manner.
- (iv) According to the HAB's reply, the district team needed to have the capability of joining HKPL in order to receive funding from HAB. In this connection, he asked how TPDC could ensure that the newly appointed district team had the capability of joining HKPL in order to receive the relevant funding.

66. Mr. CHOW Yuen-wai raised the following views and questions:

- (i) He asked whether each district was only allowed to field one district team. Given that TPFC intended to join HKPL and PHS A would play in the Third Division League, he asked whether the number of district teams in each division would be capped.
- (ii) The current application for appointment as a district team was similar to a district organisation's submission of funding application to TPDC. Quite many organisations and companies were not aware of the eligibility for TPDC Funds and the application procedure. Not until some people had talked to DC Members did they realise that they could make application. At present, DC Members would ask them to contact the Secretariat for further details. Under the established procedure, interested organisations were required to direct enquiries to the Secretariat on their own. Even though TPDC called for applications for appointment as a district team from prospective football teams, it was difficult to have access to all football teams and organisations in Hong Kong. In view of the unprecedented need to address the problems arising from the revocation of TPFC's district team status, it was necessary for TPDC to discuss the number of district teams, as well as how to announce and deal with the matter concerned. Moreover, how much time had to be spent on the development of an open, fair and just procedure was still unknown. TPDC needed to discuss and decide on whether to first deal with matters relating to the recruitment and appointment of a district team in the coming year or to proceed in accordance with the established procedure (i.e. requiring interested football teams to submit applications to the Secretariat). In

fact, PHSA had complied with procedural requirements by attending the meeting and submitting a paper. He opined that one should not blame others so easily as fellow DC Members merely aimed to take forward local football development. After TPFC had lost its district team status, the Secretariat, TPDO and LCSD should have addressed concerns over venue arrangement and re-deployment of resources, and DO(TP) was supposed to answer questions relating to the district team as well.

67. Mr. MAN Nim-chi said that government departments had failed to take any actions after TPDC had resolved at the last meeting to revoke the authorisation granted to TPFC as the district team, and that at this meeting, PHSA had given the impression that it was enthusiastic about taking forward football development in the district, elevating the status of the district team of Tai Po, training young football talents, and so on. As such, he supported the idea that PHSA should come under TPDC's scrutiny with submission of an annual report. Regardless of the future approach to handle the case, after all, TPDC would also be subject to scrutiny by the constituents and the football team. Naturally, a devoted football team would seek TPDC's authorisation for participating in HKFA leagues on behalf of the district. He chose PHSA, not because there was no other option, but rather because he wished to select the best one from a large number of prospective teams, which could earn TPDC's authorisation because of its exemplary performance. He encouraged PHSA to keep up the good work.

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

- (i) TPDC was obliged to allocate resources to enthusiastic people. As football could help people improve physical strength and nurture team spirit, he would support any organisations to promote this healthy sport. He opined that resources could be allocated to different people, and that one way of achieving this goal was to call for funding applications to the TPDC. Given that the district team represented Tai Po District, a different approach to resource allocation was adopted. The district team should have ties with the district. He pointed out that there was an idle football pitch overgrown with weeds at Kwun Hang Village in his own constituency. If wished to develop closer ties with Tai Po and become the district team, PHSA might contact him for the use of the venue concerned, with a view to promoting football in Shap Sze Heung. Having the capability of promoting football in the district and ties with the community already met the definition of "district team".
- (ii) He was of the view that consideration might be given to allowing each district to field more than one district team since different stakeholders in the community could form their own teams. As for the selection of a district football team, a high calibre team could be selected to participate in competitions on behalf of Tai Po

through the organisation of district-based football competitions, so as to encourage wider participation in football development. He did not consider that this resource allocation approach was a black-box operation because enthusiastic people deserved encouragement. He also welcomed other interested football clubs to give a presentation at the meeting.

- (iii) Given the divergent views expressed by DC Members on matters relating to the district team just then, it might not be possible to make a decision at this meeting. He suggested that the Secretariat should issue a notice to inform all interested football teams to give a presentation at the TPDC meeting, and that a decision would be made at the next meeting.

69. Mr. Patrick MO said that apart from monetary support, venue support was also crucial to the success of a district team. As far as he knew, schools with a higher priority in venue allocation could use their preferred venues during school hours. He enquired of LCSD about the current policy on venue allocation and the allocation of venues for use by teams in HKFA leagues at all levels, schools and private organisations in order of priority.

70. Mr. WONG Siu-kin said that the representatives of PHSA had displayed profound sincerity by giving a presentation at the meeting. Running a district-based football team in Hong Kong faced stern challenges. Even with the authorisation, funding and incentives granted by TPDC, a football team could hardly improve its financial performance. The core issue of the current discussion was supposed to be the principles of procedural justice, but too much time had been spent on how to take forward the development of sports and football clubs in the district or how to co-operate with TPDC, instead of such principles. This agenda item aimed to work out future arrangements, but PHSA was the only football team in the district to attend this meeting and submit a paper. Given that the returns might be low, a devoted football team sought the TPDC's authorisation because it cared about its ties with and sense of belonging to the district. He enquired whether a relatively fair recruitment procedure that was accessible to members of the public and user-friendly had been developed by DC Members. DC Members were supposed to understand and comprehend that there was a stark difference between devotion and whether procedural justice was served. DC Members inclined to grant annual authorisation to a football club based in Tai Po and wished to adopt new criteria. To improve the situation, more time should be spent on discussion. It would be more appropriate to publish the written procedure for selecting a district football team from outside through open recruitment.

71. Ms. CHEUNG Kwai-yan responded as follows:

- (i) The booking procedure for use of recreation and sports facilities as laid down by LCSD had been uploaded to its website. Organisations eligible for priority booking might reserve time slots not yet been taken up by activities organised by

LCSD or HAB. Relevant organisations might make bookings up to 12 months in advance in order of priority. Likewise, district football teams supported by DCs might book venues up to 12 months in advance, with the options of half a year or 12 months in advance. According to the booking procedure for use of recreation and sports facilities, other organisations were also eligible for priority booking, with the options of six or three months in advance. Schools (including kindergartens, primary schools and secondary schools, etc.) might book sessions falling within normal school hours, i.e. between 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 7:00 a.m. and 1:00 p.m. on Saturday, in the coming school year (i.e. from September to mid-July of the following year).

- (ii) Due to the epidemic outbreak, quite many LCSD's venues had been closed and no longer be available for public use since late January. As LCSD's football pitches had only been reopened for a short period of time in mid-June, no sessions had been made available for block booking by TPFC. If notified of TPDC's decision to appoint another district football team to represent Tai Po District in the 2020/21 football season, LCSD would accord priority to the district team concerned over bookings up to 12 months in advance in accordance the booking procedure for use of facilities.
- (iii) The allocation of Home Stadiums was co-ordinated by the LCSD Headquarters and HKFA. HKPL teams were entitled to Home Stadiums, whereas district football teams belonging to other divisions such as the First, Second and Third Division Leagues would be accorded priority over bookings up to 12 months in advance in accordance with LCSD's booking procedure for use of facilities. If notified of the designated district football team for Tai Po District in the 2020/21 football season by TPDC, LCSD would accord priority to the district team concerned over bookings within the football season on a first-come-first-served basis.

72. The Chairman enquired of LCSD whether a Home Stadium would not be offered to TPFC in case it lost its district team status but participated in HKPL.

73. Ms. CHEUNG Kwai-yan said that as she had just said, the allocation of Home Stadiums was co-ordinated by the LCSD Headquarters and HKFA, and HKPL teams were entitled to Home Stadiums. Nevertheless, Tai Po Sports Ground might not be designated as a Home Stadium and other football pitches would probably be used.

74. Ms. Eunice CHAN responded as follows:

- (i) She denied saying that there was an imminent need for TPDC to authorise and nominate a district team for Tai Po, as claimed by Mr. WU Yiu-cheong.

- (ii) According to the HAB paper she had mentioned just now, application for registration in the 2020/21 football league season had been closed on 30 May this year. It was understood that a list of participating teams would be finalised by HKFA's Board of Directors. As far as she knew, due to the epidemic outbreak, HKFA had yet to announce details of the 2020/21 football season so far, e.g. football clubs playing in each division, etc., whereas TPFC had already applied for a HKPL membership for 2020/21 by the application deadline.
- (iii) TPDC had resolved at its last meeting that the authorisation granted to TPFC as the district team of Tai Po would not be renewed. As TPFC had applied for a HKPL membership for 2020/21, HAB would provide funding support for district teams participating in relevant HKFA leagues under the DFFS. The related reply had been set out in paragraph (v) of the HAB paper.
- (iv) As Mr. WU Yiu-cheong had just said, he had followed up directly with HKFA on the possibility of fielding another district team to HKFA competitions. As a matter of fact, HKFA was also willing to assist various districts in fielding new district teams. If the football team deemed it appropriate to seek assistance from TPDO, TPDO would co-operate wherever possible.
- (v) A DC Member had claimed that the performance indicators as set out in the HAB's paper were not representative of all of the district teams and thus unable to assist TPDC and HAB in scrutinising funding applications. As she had just said, the DFFS was currently under review by HAB. Should DC Members consider that there were other more effective performance monitoring indicators or have any further views, TPDO would be happy to reflect their aspirations to HAB accordingly.
- (vi) Participating in HKFA competitions did not necessarily mean that the football team would participate in the DFFS under the purview of HAB. Besides, as TPDC had all along provided funding support for youth football training, organisations entitled to make funding applications did not necessarily be the district football team authorised by TPDC. Any organisations or sports associations interested in taking up district-based projects on different sports might seek funding approval from TPDC as well. TPDC might consider relevant funding applications provided that the projects concerned met the requirements prescribed under the Manual on the Use of District Council Funds.

75. Ms. Lily LEE responded as follows:

- (i) PHSA was a society registered under the Societies Ordinance instead of a limited company. If authorised by TPDC, the football club would be more than happy to

come under TPDC's scrutiny and would like to invite DC Members to join its Board of Directors for such a purpose. Different performance indicators would be adopted by the football club. Apart from key performance indicators such as the number of participants and attendance rates, questionnaire surveys could be conducted with a large number of parents and students during youth training courses to gauge their views, their level of satisfaction with different items and comments on coaches. The coaches' performance would not be solely rated in terms of their attendance rates.

- (ii) An open recruitment of football players would be conducted after the formation of the district football team and priority would be given to players living in Tai Po District. A recruitment exercise would also be launched in the district. The football club would also write to schools to publicly invite students to join the youth training team, and those living in Tai Po District would be accorded priority. It was intended to hire residents in Tai Po to assist in the management, administration and procurement of supplies for the football team. Since these part-timers might only be required to work on match days, the staffing cost would be lowered if they lived in the district.
- (iii) Currently, PHSA intended to join the Third Division League. Apart from striving for promotion to a higher division, PHSA would also recommend outstanding football players to take part in HKPL matches on a trial basis or even join a HKPL team. Apart from running its own team, PHSA aimed to nurture local young talents. Therefore, PHSA did not mind recommending high calibre football players to other football teams such as the Resources Capital Football Club, its sister team which had just been promoted to HKPL this year if its own team could not be promoted to a higher division for the time being. PHSA would select suitable candidates and make recommendations to other teams, so as to provide more career advancement opportunities for players. Moreover, top-notch players might be recommended to other teams or the Hong Kong Team.

76. Mr. HO Shun-yin said that PHSA had been taking part in the Futsal League organised by HKFA. He had received a letter from HKFA before May calling for application and asking whether PHSA would participate in the Third Division League. In response, PHSA had expressed its intention to participate in the Third Division League before the deadline. Since PHSA was not a regular member of the Third Division League, it could not participate in competitions until approval was granted by HKFA or even its Board of Directors. According to its established practice over the years, HKFA would not notify PHSA of when its eligibility would be determined even after the deadline. There was indeed an imminent need to process this application because it was still unknown when HKFA would make a decision. Therefore, when it came to his knowledge that application for appointment as the district team of Tai Po District

could be made, he had promptly prepared the proposal in the hope of expressing the intention to co-operate with TPDC.

77. Mr. WU Yiu-cheong raised the following views and questions:

- (i) DO(TP) had just indicated that district teams from the 18 districts could participate on their own in the DFFS under the purview of HAB. He quoted a paper issued by the Legislative Council (“LegCo”) Panel on Home Affairs on 9 January 2015, which stated that “in 2011 HAB introduced the District Football Funding Scheme, under which the Government provides direct supplementary financial support to the 18 district-based senior teams supported by the respective District Councils playing in the HKFA leagues.” In addition, the Government had indicated in a press release on 20 September 2011 that “grants provided to district-based football teams will supplement the funding that teams already receive from District Councils. Teams will be invited to apply for grants for the current football season.” It had been clearly indicated in both government documents that the so-called eligible district-based football teams were the teams authorised by DCs. After all, facts should not be distorted. DO(TP)’s reply had given him the impression that if TPDC was not able to authorise a new district team today (or even the team could be formed), HAB would still provide the funding originally intended for the new district team to its preferred team such as TPFC. He asked DO(TP) to make a clarification and replied as to whether the two aforesaid documents were no longer valid.
- (ii) The DFFS had been mentioned in a paper issued by the Legislative Council Panel on Home Affairs on 11 November 2019. Apart from encouraging various DCs to provide funding support for their recognised football teams, LCSD would provide respective teams with facilities free of charge for training purpose in every football season. It was also clearly indicated in the paper that these football teams were recognised by DCs. He asked whether HAB and LCSD had different views and interpretations of the DFFS. He queried why HAB and DO(TP) were not able to point out that the essence of the DFFS was funding approval to football teams authorised by DCs given that LCSD had stated that football teams recognised by DCs were entitled to free facilities. Seemingly, DO(TP) had informed TPDC that if there was no new district team and TPFC would continue its operation in the upcoming football season, the funding of \$1.65 million would be allocated to TPFC in full. He wished to know whether his interpretation was correct.

78. Ms. Eunice CHAN said that the DC Member concerned had misinterpreted that the DFFS funding from HAB would automatically be allocated to TPFC due to TPDC’s failure to grant authorisation to a new district team. What she had earlier said was, according to paragraph (v)

of the HAB's paper, application for membership in HKFA leagues in 2020/21 football season had been closed on 30 May this year, and HAB would provide funding support for district teams playing in HKFA leagues at all levels under the DFFS. She resolutely denied saying that the bureau concerned would allocate funding to its preferred football team, as claimed by Mr. WU Yiu-cheong, and rejected such an allegation.

79. Mr. WU Yiu-cheong said that even though DO(TP) had cited paragraph (v) of the HAB's paper, she had not answered his question of whether HAB would provide funding to TPFC participating in future matches.

80. Ms. Eunice CHAN said that as far as she knew, the DFFS was under review by HAB. In response to a DC Member's enquiry at the last meeting as to whether consideration would be given by HAB if more than one football team in a certain district sought to participate in the DFFS, TPDO had sought advice from HAB on this issue, and in response, HAB had indicated that the DFFS was under review at present. If DC Members had any views on the DFFS, e.g. only one team should be authorised to seek funding approval from HAB, or applications could be made by more than one football team, TPDO could relay such views to HAB accordingly. Under the established practice, only one district team was allowed to participate in the DFFS.

81. Mr. WU Yiu-cheong said that DO(TP) had indicated that the DFFS was under review currently, meaning that the Scheme remained unchanged so far. He asked whether the district teams mentioned in the paper included TPFC under the existing policy, and whether TPFC was eligible for funding.

82. Ms. Eunice CHAN said that the target participants of the DFFS was district-based football teams participating in HKFA competitions.

83. The Chairman asked DO(TP) whether she could ask HAB immediately whether it had determined TPFC's eligibility for funding when the latter made an application before 30 May in the capacity of the district team before revocation of its status.

84. Ms. Eunice CHAN said that according to paragraph (v) of the HAB's paper, TPFC had submitted an application for registration in the 2020/21 football season before the deadline. At the time of application, TPFC's district team status had not been questioned. Hence, HAB would provide funding support for the district team playing in any HKFA league under the DFFS in accordance with paragraph (v).

85. The Chairman asked whether HAB would continue to provide funding to TPFC solely based on its status at the time of application, without paying heed to TPDC's decision to revoke its district

team status in July given that TPFC's status was different before and after the deadline. He asked whether DO(TP) could make a clarification.

86. Ms. Eunice CHAN said that as far as she knew, HKFA had to take into account continuity in planning fixtures. After the closing date of application in May, HKFA had planned fixtures for the upcoming football season, including eligible football teams. Accordingly, a football team's eligibility to participate in competitions or for funding would depend on its status on deadline day when an application was under consideration.

87. Mr. Richard CHAN raised the following views:

- (i) It had been indicated in paragraph (iv) of the HAB's paper that "In accordance with the Rules of HKFA, Member Clubs that are representing in the 18 districts must be endorsed by respective DC for their participation in the League", which was a clear indication of the need for a district team to obtain DC authorisation to play in HKFA leagues. However, TPFC had not obtained authorisation for the 2020/21 football season from TPDC. Also, it had been clearly indicated in paragraph (v) of the paper that HAB would provide financial support to district teams playing in various divisions of HKFA leagues, meaning that whether or not a grantee organisation was a district team was the core issue. Thus, he hoped that TPDC would inform HAB through official communication that TPFC was not the district team of Tai Po, hence HAB should refrain from providing any form of financial support to TPFC. Availability of funding support for football teams in the capacity of district team only was crystal clear. Given that TPFC was no longer a district team, it could not receive funding. Therefore, it was not necessary to seek clarification from HAB.
- (ii) Now that the DFFS was under review by HAB, he would like to invite the representatives of HAB to attend future TPDC meetings to listen to and seek DC Members' views on matters relating to the review of the DFFS.
- (iii) He indicated to LCSD that as TPFC was no longer a district team, it was not entitled to the same privileges as before, and that LCSD should not offer any preferential treatment to it either.
- (iv) A DC Member had mentioned earlier how to address malpractice of the pro-establishment camp in the past. In this connection, he would like to raise a topic on "procedure" and "bureaucracy". Regarding procedural issues, just now, he had explained the meaning of "procedural justice", so he would not go into details. The persistent bureaucratic culture had always drawn public criticism. He cited an example of red tape. When a dangerous tree was about to fall. In the first place, the District Lands Office, Tai Po would be enquired whether the tree was

within the area under its purview. Upon completion of formalities, the District Lands Office, Tai Po would indicate that other departments were responsible for the tree concerned. The tree eventually collapsed and inflicted casualties. Such a practice in compliance with all procedural requirements was faultless, but the bureaucracy structure was not conducive to solving imminent problems. He questioned the need to retain the bureaucratic culture rather than addressing the community's pressing needs. While the procedure had to be taken into account, DC Members should give some thought to striking a balance between procedure and bureaucracy, with a view to addressing the community's pressing needs and responding to genuine operational issues.

88. Mr. YIU Yeuk-sang realised the true reason why there was no need to establish a new district team in haste was that HAB had already decided to provide financial support to TPFC. Therefore, it was absolutely not necessary to make discussion. He suggested that the meeting should simply proceed to matters relating to tender exercise. There was no need to hurry.

89. Mr. LAU Yung-wai, the Vice-chairman strongly objected to DO(TP)'s comment. It had been clearly indicated in paragraph (v) of the HAB's paper that HAB would provide financial support to district teams under the DFFS. A football club had, in the name of the district team of Tai Po, sought funding approval earlier on. So far, HKFA had yet to announce the outcome, and there was no guarantee that the application concerned would be successful. Given application pending approval, the football club had yet to be eligible to participate in competitions. Given that the DFFS was applicable to eligible teams only, and coupled with the fact that TPFC's eligibility was pending confirmation so far, he did not understand why HAB would provide financial support to TPFC. Subject to funding availability, it was imperative for HAB to provide financial support to eligible football teams. As TPFC was no longer a district team authorised by TPDC, it was hoped that DO(TP) would take appropriate actions.

90. Mr. WU Yiu-cheong raised the following views and questions:

- (i) He shared the Vice-Chairman's view that such a practice was tantamount to the HAB's announcement that funding approval for the upcoming football season had been granted to TPFC. The reason why TPFC had been very definite about its eligibility for HKPL in the upcoming football season during media interviews was that the funding from HAB was one of the income sources in its budget. HAB would continue to provide funding support for TPFC even in the face of accounting irregularities, alleged underhand dealings, unpaid wage claims, etc. because matters relating to financial position, match fixing, money laundering, underhand dealings or embezzlement of public funds would not be included in the DFFS performance report for public scrutiny. Instead, only the number of training hours

and attendances were used as performance indicators, regardless of how chaotic its internal operation was. As a majority of the 18 current-term DCs were controlled by democratic district councillors, he looked forward to rectifying the situation of unequitable distribution of resources.

- (ii) DO(TP)'s earlier response served to remind DC Members that if the new district team missed the opportunity to play in the 2020/21 football season because no resolution was reached at present, HAB would continue to solely fund TPFC without reviewing the DFFS, and that if the formation of a new district team was approved, HAB would review the DFFS and fund both district teams eventually. In other words, TPFC would receive funding from HAB irrespective of the outcome. Despite that DO(TP) had indicated that she could reflect DC Members' views to HAB, in view of the outcome of DC Members' expression of views to government departments on several occasions, his experience told him that she had just talked nonsense.
- (iii) The Secretary for Home Affairs ("SHA") was a pro-establishment figure. Backed by HAB, pro-establishment DC Members had made baseless allegations just now, saying that other DC Members had failed to observe the procedure. Mr. CHEUNG Hok-ming, President of TPFC, and Mr. Eric TAM, a former DC Member, were pro-establishment figures. Upon establishment of the football club in 2002, they had formed an interest group in an underhand attempt to guarantee approval for applications for subsidies and funding from HAB and TPDC. As their self-interest was being threatened at present, they would definitely raise objection and use procedure as an excuse to hinder the progress. To be eligible for HKFA competitions, the new district team needed to obtain TPDC's authorisation at the meeting, but the voting power was held in the hands of HKFA. In fact, HKFA was also controlled by pro-establishment figures, not to mention its internal corruption.
- (iv) The current predicament faced by DC Members was that every decision to be made today would certainly have political implications. He shared Mr. Richard CHAN's earlier comment on the bureaucratic culture, and opined that the bureaucratic mentality should not be allowed to influence DC Members in making political decisions in accordance with public expectations. The Council was a political discussion platform. For now, DC Members were facing a key practical issue, i.e. how to rectify the situation where pro-establishment organisations could take whatever they wanted from TPDC and HAB, engaged in underhand dealings and acted in collusion. This was exactly what the constituents expected from the current-term TPDC. After all, the Administration and Finance Management Committee ("AFMC") had been set up and all designated organisations (including TPFC) had been deleted during the review on the Manual on the Use of District

Council Funds for more effective allocation of resources, so as to avoid tilting the balance in favour of certain organisations. For one thing, HAB would grant funding approval to TPFC without let or hindrance as a result of the belated formation of the new district team for playing in HKFA competitions after the application deadline. Yet, another practical issue was that AFMC would receive another funding application for youth football training in the next football season from TPFC. He had doubts over the justifications for rejecting the funding application if TPDC could not provide an alternative option wherever possible under the existing system given that youth football training involved students, parents and coaches.

- (v) At the last meeting, he had deemed it necessary to improve the approval procedure for designating the district team. However, identification of more appropriate selection criteria and procedural improvements would not happen overnight, and decisions took time to make. If it was necessary to observe the existing procedure as a result of the failure to formulate a comprehensive one, TPDC should exercise its powers to the best of its ability in order to enhance the openness and transparency of the existing procedure. However, still some practical issues had to be addressed, e.g. how to ensure that resources would be put in right places in Tai Po District in the upcoming football season under the principle of equitable distribution of resources, instead of continuing to allocate resources to unrecognised organisations. This was a political decision that TPDC needed to be made at this moment. Politics was indeed an indispensable part of the Council which was obliged to tackle the problem of unequitable distribution of resources. As such, he hoped that DC Members would understand that flaws in the existing procedure and system were inevitable, but the most important priority today was to figure out how to enhance the existing procedure and achieve the prescribed objectives in a fair, impartial and open manner, with a view to solving practical difficulties. This was also the reason why he was pushing for a decision on the designation of a new district team to be made today. Carrying the hopes of the constituents on their shoulders, DC Members should not engage in polarised discussions in the Council. To solve practical issues, it was necessary for DC Members to use political wisdom when formulating solutions.

91. The Chairman said that DC Members who had spoken just now had two different perspectives: one party wished to finish the selection of a new district team at this meeting, while the other party had put forward procedural considerations. He disagreed that raising procedural issues was tantamount to bureaucracy and unwillingness to give a helping hand. For discussions in the Council, rule by the voice of many was always better than rule by the voice of one man alone. Hence, he opined that the earlier discussion was healthy. There were some things that could withstand challenges through debate. So, he would deal with the related matters later on.

92. Mr. AU Chun-wah commented that it turned out that giving justifications or views in the Council would be regarded as making a mountain out of a molehill, and that refusal to support would be criticised as a “binary opposition”.

93. Mr. WU Yiu-cheong clarified that he had not spoken just now, and that he had neither named names or conveyed such a message. If he was the person whom Mr. AU Chun-wah was referring to, Mr. AU Chun-wah should indicate which part of his speech conveyed such a message before making an accusation.

94. Mr. AU Chun-wah said that Mr. WU Yiu-cheong had mentioned the word “binary opposition” twice in his recent speeches. He pointed out that support might not be given to Mr. WU Yiu-cheong’s arguments, and that there was nothing wrong with giving justifications to support his own arguments. However, it appeared that dissenting voices were not allowed in the Council.

95. Mr. WU Yiu-cheong said that he had already clarified just now that he had not meant to convey such a message, and asked the Chairman to make a ruling. If Mr. AU Chun-wah still considered that he meant to say so, he should recite the corresponding parts of his speeches.

96. The Chairman said that as Mr. AU Chun-wah had pointed out the argument concerned, it was not necessary to make a ruling.

97. Mr. WU Yiu-cheong said that Mr. AU Chun-wah had used the extended sense of the term “binary opposition” in a number of interpretations. He requested the Chairman to make a ruling as Mr. AU Chun-wah had twisted his intention without quoting the original sentences.

98. Mr. AU Chun-wah said that he could not remember Mr. WU Yiu-cheong’s exact wording, and it was something like “refusal to support was dichotomy but giving support was fine”.

99. Mr. WU Yiu-cheong said that he had already clarified that he had not meant to convey such a message, and asked Mr. AU Chun-wah to stop interpreting his speeches.

100. The Chairman asked Mr. WU Yiu-cheong to repeat his earlier comments.

101. Mr. WU Yiu-cheong said that there was no reason to ask him to repeat his comments as he did not know which part of his speech had been offensive to Mr. AU Chun-wah. He asked Mr. AU Chun-wah to specifically quote which sentences had been offensive to him, so that he could make a clarification. He was willing to apologise for any misunderstanding this might have caused.

102. Mr. AU Chun-wah said that if so, audiotapes of the meeting should be played.

103. The Chairman deemed it unnecessary.

104. Mr. AU Chun-wah said that he was unable to recite Mr. WU Yiu-cheong's comments. If Mr. WU Yiu-cheong considered that he had been slandered, he could listen to the audio recording. According to his understanding, Mr. WU Yiu-cheong had opined that refusal to support was "binary opposition", while there was no need to debate if DC Members pledged support or held the same stance. Despite divergent views, DC Members should raise their views accordingly. After all, it was not a must for them to fulfil the condition of holding the same stance, view and outlook in order to speak in the Council. Democracy should accommodate diversity, and there was nothing wrong with holding different views. He asked why it was not possible to insist on putting in place a better procedure. If fellow DC Members opined that he was hindering the work progress, they could inform the public that AU Chun-wah had prevented them from forming a football team of Tai Po, enabling the public to make a judgement. They could also openly criticise his obstruction of work. He asked whether the DC Member concerned could insisted that he had not say so given that his speeches had been recorded.

105. Mr. Richard CHAN said that he had not heard of the comments concerned in the Council.

106. Mr. AU Chun-wah said that the DC Member concerned had said so on other occasions but not in the Council.

107. Mr. Richard CHAN said that private conversations should not be disclosed in the Council because in doing so, other DC Members would be involved. Hence, he asked for a clarification.

108. Mr. AU Chun-wah said that HAB, HKFA and LCSD had the responsibility to send representatives to TPDC meetings to give a detailed account of the sequence of events, current practice and future arrangements. In the past, HAB had sought to form district teams in the hope of developing and promoting football at the district level, but eventually made a mess of its plans. The bureau concerned was unwilling to attend the meeting, and it was only the day before that it had submitted a written reply, thus preventing DC Members from raising follow-up questions to it through the Secretariat. Given that the matter concerned was beyond the work portfolio of DO(TP) as the highest-ranking government official present at the meeting, she should not be compelled to respond. However, DO(TP) was obliged to relay all enquiries raised and dissatisfaction expressed at this TPDC meeting to the above three units/institution. Given that the bureau concerned had the responsibility to attend the meeting, by giving an explanation with submission of a paper, it had been allowed to evade follow-up questions from DC Members. He did not mean to blame DO(TP), but considered that there was room for improvement. If the

bureau/departments concerned were to send subject officers to attend future meetings on issues relating to TPFC or the district team, these persons should be familiar with the subject, in the know and aware of the entire arrangement in order to answer DC Members' questions. Also, time should not be wasted on unproductive discussions. According to the paper submitted by the bureau concerned, relevant funding had been set aside under the existing mechanism.

109. Mr. Richard CHAN realised that HKFA did not quite understand its own Rules when he had earlier suggested that TPDC should issue a letter to HAB. Therefore, he wished to indicate in the letter that as TPFC was no longer a district team, it was ineligible to play in the league on behalf of Tai Po, and that it no longer met the TPDC's eligibility requirements for appointment and authorisation. Even though TPFC had already submitted an application, HKFA had yet to make a final decision before announcing the fixtures for the upcoming football season. TPDC should resolutely indicate to HKFA that TPFC had lost its district team status, and thus was ineligible to play in the league. Given that it had been mentioned in paragraph (v) of the HAB's letter that "district teams participating in HKFA League at all levels", TPFC was ineligible.

110. The Chairman asked the Secretariat to make a record of the relevant comments. If he subsequently ruled that TPDC would write to the bureau/department and institution concerned, such viewpoints had to be included.

111. Mr. YIU Kwan-ho raised the following views:

- (i) "Binary opposition" and "polarised discussion" referred to different things in the Council. Adults should know how to differentiate "opposition" from "discussion". He looked forward to healthy discussions in the Council, and said that it was logical for fellow DC Members representing their constituents' preferences to express views in the Council after listening to different views.
- (ii) Like the previous meeting, DO(TP) had repeatedly said at this meeting that she would relay the comments to HAB. He asked whether DO(TP) had relayed the comments made by DC Members at the previous meeting to HAB; if so, he wished to know HAB's reply.
- (iii) Given that TPDC had not established a specific procedure for forming a district team in the past, the current-term TPDC should be left to decide which one should be appointed as the district team. That was what "establishment of a procedure" meant. Some DC Members said that in the absence of any eligibility requirements, PHSA's attendance at this meeting had violated procedural justice. He questioned the basis of procedural justice and asked whether discussion had been held. Instead, he considered it more important to discuss matters relating to the tender procedure, such as the period of time allowed for submission of tenders,

communication channels and fairness standard, and whether PHSA's attendance at this meeting was fair.

112. Mr. CHOW Yuen-wai recognised the need for healthy discussions in the absence of clear instructions from TPDC on the recruitment of a district team so far. Given inadequacies in the existing procedure, DC Members who wished to make improvements should put forward specific proposals and options for TPDC's discussion. A sensible, fair and comprehensive approach should be adopted in recruiting the district team. It was already September, but TPDC had yet to come up with a new proposal at the 5th TPDC meeting. Therefore, DC Members or the football club concerned should not be subject to overly harsh criticism because they had already observed the existing handling procedure. During multi-faceted discussions in the Council, DC Members who opposed to certain practices should not unreasonably make a mountain out of a molehill and be suspicious of the motives. It was inappropriate to disclose private conversations or group chats at the meeting because personal conflicts should be solved on private occasions. Given that no better procedure or option had been proposed after discussing for more than two hours, it was high time for DC Members to think about whether to shelve discussion on the current issue. As he was not sure how long it would take to come up with a better procedure, he asked the Chairman to suggest a more desirable approach, e.g. taking a vote.

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

- (i) He was a newly-appointed district councillor who had taken office about eight months ago. As far as he knew, the Chairman was a seasoned district councillor serving on TPDC for years. Regarding previous negotiations on matters relating to the granting of authorisation to TPFC as the district team of Tai Po, he enquired whether TPFC had been granted authorisation by TPDC every year just because the pro-establishment camp had opted not to follow the established procedure with a high hand even though the opposition camp in the minority tried hard to reason with pro-establishment DC Members.
- (ii) The pro-establishment camp had failed or forgotten to observe the established procedure in the past. He asked whether TPDC was obliged to refine the process given that DC seats were now dominated by the democrats. Now that the representatives of PHSA were present at the meeting and TPDC had previously resolved not to grant authorisation to the former district team, he asked the Chairman to give views on how to make a decision. In the past, quite a number of matters had been left unsettled because democratic DC Members were in the minority. He asked whether the procedure should be strictly followed in dealing with these matters given that democratic DC Members were in the majority at present, and who should be blamed for the lack of procedure. He guessed that DO(TP) might snigger. Given that the matter concerned had yet to be fully

discussed, there were divergent voices either in support or opposition of it. Notwithstanding this, he questioned whether TPFC's continued participation in HKFA competitions satisfied the principle of justice given that TPDC had resolved to revoke the authorisation granted to TPFC at the previous meeting.

114. The Chairman said that over the past 21 years or so, there had been fewer cases of authorisation as long-standing as TPFC. Over the past year or so, TPDC had nominated representatives to serve on the committees under SWD and the Hospital Authority, etc. As a matter of fact, the relevant organisations had written to TPDC for nomination updates on a regular basis. Nevertheless, HKFA had not asked TPDC to provide updates ever since TPDC had been invited to field a team (i.e. TPFC) or to support the district team for the first time. At the outset, HKFA had initiated contact with TPDC. Given that HKFA had not changed its practice so far, TPDC had neither raised queries nor provided updates. Quite a number of problems had been detected this time. After gaining control over TPDC, the democratic camp should now be able to overturn quite a number of prior decisions. Even though the last-term TPDC had resolved to appoint TPFC as the representative of Tai Po District, the current-term TPDC had the right to overturn the decision.

115. Mr. MAN Nim-chi said that he had great respect for the Chairman as the most senior member serving on TPDC since 1999. He hoped that the Chairman could explain once again whether TPDC had renewed the authorisation granted to TPFC annually without making a resolution because democratic DC Members had failed to strictly follow the procedure or the opposing voices of the democratic camp in the minority could not become the mainstream views even though they had tried hard to reason with pro-establishment DC Members. He wished to know whether nobody had ever mentioned the matter concerned, or someone had raised this issue and lobbied hard for this, but their efforts had been in vain. After all, these were completely different scenarios. He queried why the 21 DC Members from different camps had to bear the consequences together because someone had failed to strictly follow the procedure in the past, and asked whether compliance with the procedure should take priority over development in view of PHSA's commitment to run a football club in order to promote the development of football in Tai Po. He asked how TPDC would deal with this unprecedented case.

116. The Chairman said that the issue concerned had never been raised previously and by far, no football club had been forced to wind up due to wage in arrears. Frankly speaking, putting aside political factors, TPFC's operation and participation in the league had yet to reach problematic levels over the past decade or so, so as to find justification for overturning the prior decision and starting all over again. Nevertheless, the wage arrears incident happened this year was indeed unbearable. Coupled with other problems like accounting irregularities, etc., it was worth overturning the prior decision and starting all over again. Regarding the question of whether the current-term TPDC controlled by the democratic camp should adopt the previous practice, he

considered it necessary to kick the bad habits. He had talked to individual DC Members before the meeting and asked whether it was acceptable to complete part of the process within a relatively short period of time, instead of dealing with the matter two months later. After the democratic camp had taken control over TPDC, they would still follow a part of the process, instead of discussing the mechanism at the meeting in a bureaucratic manner two months later and waiting for another two months to make a decision. At the outset, neither had he supported the designation of a district team nor PHSA in giving a presentation at this meeting. Nonetheless, he respected fellow DC Members' views by providing an opportunity for them to discuss the issues concerned. He also hoped that fellow DC Members would understand his stance.

117. Mr. YIU Kwan-ho said that some DC Members had always stressed the importance of procedural justice. He asked which part of the process PHSA had failed to comply with when it gave a presentation at this meeting in the hope of obtaining authorisation; and whether it was fair to make PHSA a target of criticism thereafter if this was not the case. Besides, if two weeks were allowed for submission of tenders, this would still give rise to a lot of problems. He questioned whether this time frame was fair. He asked the Chairman how to deal with it.

118. The Chairman said that the matter would remain unsettled infinitely if DC Members keep on debating and raising enquiries. He put forward two suggestions. The first option was to simply put Mr. WU Yiu-cheong's motion to a vote to indicate whether to support PHSA to play in a HKFA league on behalf of Tai Po District. Some DC Members who had earlier expressed their wish to conduct an open recruitment exercise might cast dissenting votes. However, it did not necessarily mean that they were against PHSA, instead, they just wished to invite more prospective teams to participate in the selection process. The second option was to conduct two rounds of voting. The first round of voting aimed to make a decision on whether to vote for or against the designation of a district team at this meeting. If the result of the first round of voting was in favour of it, a second round of voting would be held to decide whether to support the designation of PHSA as the district team.

119. Mr. Richard CHAN raised the following views:

- (i) While quite many DC Members considered that the procedure involved the question of fairness, he shared Mr. YIU Kwan-ho's view that PHSA's attendance at the meeting had not caused unfairness to other potential candidates. As far as the territory was concerned, TPDC had in July sent the message on the revocation of TPFC's district team status in a fair and open manner. As TPDC had yet to establish subsequent handling procedure, everyone could express their views on this. Those who were concerned about the matter might investigate and probe into the matter by visiting the TPDC website and searching other public domain resources. In this case, it was fair to all because no one had been prohibited from

giving a presentation at TPDC meetings. A DC Member had opined that TPDC should take the initiative to inform members of the public of the acceptance of applications. However, the passive approach was that the former district team had been dismissed by TPDC, so as encourage wider participation. A DC Member had pointed out that approaching individual DC Members did not in fact amount to approaching TPDC. However, he was of the view that in July, TPDC had conveyed a consistent message of the revocation of TPFC's district team status to members of the public. DC Members had the obligation to give an account of the situation when members of the public had their own interpretations or sought advice from DC Members. DC Members should not bureaucratically ask assistance seekers to contact the Secretariat direct, but should help them understand the situation. The Secretariat was not the employer of DC Members, and would only implement TPDC's decisions, follow its instructions and assisted in its operation. After an individual football club made an enquiry to an individual DC Member, it was up to the football club concerned to decide whether or not to table a paper at this meeting eventually. If deemed procedurally unfair, he asked whether this should be attributed to the fact that no DC Member had moved a motion on the procedure in question at the TPDC meeting in July. If this was the case, it was really difficult to deal with procedural issues raised now. He recalled that when the Court handled a case many years ago, he was one of the three adjudicators who faced the government representative of the prosecution and the defence counsel. The defence counsel filed an application at that time. He asked the government representative of the prosecution if he would raise an objection, but he said that he had no objection. If someone objected to the application, a judgment could be made, but if no one objected to the application, he could not make a judgment, and thus had no choice but to approve the application. The same logic applied to the current case. Given that no one had raised enquiries on the procedure when TPDC revoked TPFC's district team status in July, people who raised enquiries on the procedure at this meeting had indeed failed to comply with the procedure.

- (ii) He considered that the two rounds of voting as proposed by the Chairman was desirable. In fact, the bureaucratic structure would sometimes hampered DC Members' efforts. At the meeting, some DC Members had criticised that the current practice did not comply with the procedure, without putting forward any procedural options for discussion and voting. It was also a violation of procedure and made no sense. Now that everyone knew that TPDC had revoked TPFC's district team status in July, if a football club did not make an application after turning to a DC Member for guidance, it had done so of its own accord. He believed that no DC Member would indicate to advice-seeking football clubs that they were not allowed to attend meetings or table papers, instead, they would

suggest that the football clubs should contact the Secretariat for details of the application procedure. At present, an application was under consideration at the meeting. Just like the case he cited earlier, if one party made an application but the other party had no objection, the application had to be approved.

120. Mr. WU Yiu-cheong said that if a vote was to be taken, opinion givers were obliged to specify their preferred handling approach. He respected the views on the procedure raised by some DC Members, and did not mean to convey the message as claimed by Mr. AU Chun-wah just now. He did not have the ability to stop other DC Members from speaking either. Before taking a vote, it was necessary to understand what would be put to a vote. As a case in point, some DC Members had earlier proposed that an open recruitment exercise should be conducted, without discussing such details as time frame, target participants and method. Voting was only possible when there was a specific proposal. He was concerned about the unpredictable consequences brought about by the voting. If a vote was to be taken, it was necessary to come up with two procedural options before making a decision.

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

- (i) He asked if the Secretariat had thereafter informed HKFA, HAB and TPFC in accordance with the Chairman's instruction as stated in paragraph 161 of the minutes of the last meeting. If an attempt was made to establish a procedure at this meeting, he wished to know how long it would take and full details, so that the entire procedure would satisfy the principles of justice, fairness and equity.
- (ii) He asked whether PHSA would be prevented from representing Tai Po despite that it sincerely attended this TPDC meeting in an endeavour to take forward the development of football as a result of the suspension of TPDC meetings since July due to the work-from-home arrangements amid the epidemic, or for other reasons, and what sort of message would be sent if PHSA eventually obtained the authorisation after the application deadline was extended by one day at the request of DC Members. He wished to put every step of the process to a vote, so that fellow DC Members would understand that the procedure was fair, just and open, without hindering the development of football in Tai Po.

122. The Chairman was concerned about the possibility of confirming details of the tender process within today if specific proposals raised by DC Members were to be put to a vote. Before that, maybe a decision on whether a district team would be formed should be made today, and then an agenda item be raised for detailed discussion on the eligibility requirements and selection criteria at the relevant upcoming meeting (i.e. the DFMCRSC meeting to be held on 11 September) on an ad hoc basis.

123. Mr. MAN Nim-chi said that there was non-compliance with the procedure as mentioned by the Chairman just then, and that it so happened that TPFC had been involved in a wage arrears incident in May this year, thus giving PHSA an opportunity to attend today's meeting. Earlier on, he had clearly stated his stance on the need to conduct an annual review on PHSA's performance report or matters relating to football team management to avoid recurrence of wage arrears incidents similar to that of TPFC. He and Mr. WU Yiu-cheong were also firmly committed to conducting an annual review with respect to any football teams that sought to represent Tai Po instead of PHSA only. In the past, no review had been conducted by the previous terms of TPDC because no one had proposed to do so, and TPFC had not faced unpaid wage claims either. These, coupled with the successful track record of Wofoo Tai Po, had given a misleading impression that TPDC needed not review authorisation matters. He disagreed with this. In case of unforeseen circumstances, he was of the view that TPDC could be allowed to put the authorisation of a new district team to a vote next year in a way that DC Members regarded as an open, fair and equitable treatment during the recruitment process. Immediately after TPDC had made a decision at its meeting in July, PHSA had put in a lot of efforts in the hope of expressing its intention to take forward the development of football in Tai Po and enthusiastically taken part in today's discussion. He denied the issue of fairness because there was no procedural flaw. As not too many people were willing to pursue a career in football nowadays, PHSA was indeed a viable option.

124. Mr. Richard CHAN deemed it necessary to deal with procedural issues stringently, saying that the suggestion made by the Chairman just now did not comply the procedure. Given that PHSA had put forward a request at this meeting, failure to address such a request would constitute non-compliance with the procedure in view of unavailability of alternatives. As a case in point, when the Court heard a case, if one party raised a question, the other party had to express consent, raise an objection or raise a counter proposal before a ruling could be made. Given message consistency, nobody had received a message to prohibit the submission of proposals to TPDC. Given that TPDC had never indicated at its meeting in July that such a request was not allowed, the current request complied with the procedure. Over the past two months, not even a single DC Member present at the meeting had proposed an open tender exercise. Therefore, the request made by PHSA at this meeting complied with the procedure, without causing unfairness to other potential candidates. Instead, the unexpected request for a new procedure right now would constitute non-compliance with the procedure. If more emphasis was to be placed on procedural justice without paying heed to the hindrance of the bureaucratic system on efforts to address livelihood issues, the procedure proposed by the Chairman just now did not uphold procedural justice. TPDC should strike a balance between procedural justice, the bureaucratic system and measures to address livelihood issues. He shared Mr. MAN Nim-chi's view that the Chairman as a seasoned district councillor was worthy of receiving appreciation and recognition for balancing the views during the discussion of this agenda item. However, he still refused to

support the Chairman's earlier proposal to make further discussion at the DFMCRSC meeting on 11 September.

125. The Chairman said that at the meeting, he had listened to the views expressed by DC Members from both camps in the hope of identifying a solution. After all, he needed to consider the views from individual DC Members because there was no such thing as absolute right and wrong. Mr. Richard CHAN's objection to his suggestion was a view, and he would respect the views expressed by each DC Member.

126. Mr. YIU Kwan-ho said that it did not make much sense to jump to a conclusion when the conditions of tender were still unclear. He called on fellow DC Members to propose their preferred choice of fair and open tendering mode, including the period of time allowed for submission of tenders, tendering method and the target participants. As the district team vacancy had remained open since DC Members had voted against the authorisation granted to TPFC at the TPDC meeting in July, anyone might make an application. He did not understand why the PHSA's application had violated procedural justice.

127. Mr. TAM Yi-pui said that given a succession gap in youth football training in the district at present, failure to make a timely decision would leave the gap unbridged. He suggested making a tentative decision by taking a vote at this meeting. If other interested football teams (except TPFC whose credibility was queried by TPDC) missed this opportunity, they might make an application prior to the upcoming TPDC meeting to be held two months later for discussion. If no application was submitted by other football teams during the said period, the voting result of this meeting would be deemed a final decision. Such a practice would neither violate procedural justice nor deny young talents of the opportunity to receive timely training due to bureaucracy. He considered that PHSA present at this meeting should be given the opportunity because of its ability to take responsibility.

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

- (i) In the wake of the Severe Acute Respiratory Syndrome (commonly known as the "SARS") in 2004, Mr. Patrick HO, the then SHA, had initiated the formation of district-based football teams for participating in the HKFA leagues at all levels, so as to enhance social cohesion at the district level. Therefore, TPFC had been set up by TPDC and its line-up had been confirmed only thereafter. Mr. CHEUNG Hok-ming, the then Chairman of TPDC, was the President and Mr. CHU King-yuen, the then Chairman of the Agriculture, Fisheries, Commerce, Industries, Tourism and Recreation Affairs Committee ("AFCITRAC"), was the Chairman of TPFC. Apart from district-based football teams, any football teams or sports associations with sufficient funding and competitiveness would be entitled to

participate in HKFA competitions. As regards the question on whether TPDC would definitely identify another football team or football club to fill the vacancy upon revocation of the authorisation granted to TPFC as the representative of Tai Po, no information was available at that time. As a case in point, if a chef de cuisine was dismissed by a Chinese restaurant, it did not necessarily mean that all eligible chefs de cuisine would be aware of the vacancy until the restaurant issued an announcement or invitation. He was concerned about whether all interested parties had obtained the relevant information. Therefore, it was necessary for TPDC to publicly announce the availability of a district-based football team vacancy.

- (ii) In response to a DC Member's allegation that pro-establishment DC Members were among the ones with a vested interest, he said that he had never benefited therefrom. As a matter of fact, the then Chairman of TPDC and Chairman of AFCITRAC had offered annual sponsorships in the name of an individual person, and built a consensus on how to deal with the related matters at TPDC meetings. At that time, TPFC had done pretty well and trained up quite many talented players. Maybe for this reason, quite a number of concealed problems had been left undetected until the previous year. It was impossible to identify the root causes of these occasional problems. He enquired about the possibility of ensuring fair treatment wherever possible at the outset in the face of negative impacts of such problems in the past, so that the performance of the players of the new team was convincing enough for the honour of representing Tai Po District. Without any intention to hinder the progress, he raised the views concerned just for fellow DC Members' reference.

129. Mr. MAN Nim-chi asked whether TPFC's staff had ever approached TPDC to express the intention to obtain authorisation after TPDC had revoked TPFC's district team status in July. He respected the views of Mr. LI Yiu-ban as a veteran district councillor, who had told the history of TPFC. He asked Mr. LI Yiu-ban why he, as an advocate of logical reasoning, had stressed the importance of using logic only after the revocation of the authorisation granted to TPFC, without having reviewed its performance or requested it to submit a report over the years. He agreed that matches had been suspended owing to some unforeseen circumstances such as the epidemic outbreak. Apart from TPFC, some other organisations wished to promote the development of football in Tai Po currently. He asked why these organisations were not allowed to participate. Some DC Members had undertaken to conduct an annual review on the performance report of the district team with the aim of remedying the situation in which the district team authorisation was immune from scrutiny in the past. However, there was indeed an imminent need to promote the development of football during the transition period. He wondered why TPFC did not contact TPDC if it was eager to continue to participate in the competitions, and asked whether it was because TPFC was backed up by the pro-establishment camp, say, Mr. CHAN Ping, Mr. Eric TAM

and Mr. CHEUNG Hok-ming were the incumbent President and Deputy Presidents. It was not his intention to offend any pro-establishment DC Members who were also senior district councillor but holding opposing political views. If TPFC wished to continue to run the football business, even putting aside the issues of labour disputes and overdue debts, it was still obliged to make a report and obtain authorisation at the TPDC meeting before it could continue to participate in competitions in the capacity of a district team. He looked forward to holding an in-depth discussion with Mr. LI Yiu-ban on the matter concerned.

130. Mr. LI Yiu-ban said that he had just indicated that apart from offering annual sponsorship and serving as Honorary President, he was not affiliated in any way to TPFC, and that he did not speak on behalf of TPFC either. He considered that even if TPDC conducted an open recruitment exercise, TPFC would probably not apply again. Apart from TPFC, other football clubs might be interested in representing Tai Po. This was his only concern, and the question of whether TPFC would lose the opportunity or could make an application was the least of his concerns.

131. Mr. CHOW Yuen-wai said that the debate would never come to an end if DC Members continued to repeat the arguments already made. Those disagreed with taking a vote today were supposed to put forward proposals on the so-called “better procedure”. He considered that a better procedure might not be drawn up even if DC Members continued the discussion after deciding not to take a vote. He deemed it necessary for DC Members to put forward detailed proposals on procedural matters and put them to a vote separately, instead of entangling themselves in this agenda item.

132. Mr. Richard CHAN raised the following views:

- (i) He thanked Mr. LI Yiu-ban for speaking up. As a witness to history, Mr. LI had set a good example by providing useful information. If DC Members from the rural sector or the pro-establishment camp could share selflessly and serve the community, they would be excellent role models. According to the information just given by Mr. LI Yiu-ban, it was the consensus of TPFC that the Chairman of TPDC would take up the post of President of TPFC. However, it struck as odd to him that TPFC had not enforced such a consensus for the new-term TPDC. In the past, TPFC had identified players and carried out practical work only after formation of a team. To some extent, such a practice could not only strike a balance between procedure and bureaucracy but also address public needs in the wake of the SARS outbreak.
- (ii) He disagreed with Mr. LI Yiu-ban’s argument by analogy with a chef de cuisine. Despite its long history, there was no guarantee that TPFC would continue to exist. However, it had been clearly indicated in paragraph (iv) of the HAB’s letter that according to the HKFA’s Rules, DCs were required to form their own district teams.

As district teams were authorised and appointed by DCs, the analogy was rather inapt. Therefore, he hoped that DC Members could strike a balance between procedure and bureaucracy in the course of consideration, with a view to addressing the community's pressing needs. Despite that he was not familiar with PHSA, if individual football clubs opted not to make an application after turning to DC Members for guidance, TPDC was supposed to address the aspirations of other football clubs which proactively expressed their interest in obtaining authorisation. In that case, he shared Mr. CHOW Yuen-wai's view that it was not possible to discuss non-existent proposals if DC Members were not able to put forward specific proposals.

133. Mr. WU Yiu-cheong thanked Mr. LI Yiu-ban for telling the history of TPFC. He pointed out that as just indicated by Mr. LI Yiu-ban, all football teams could participate in HKFA competitions. However, district teams were not formed on their own initiative, rather, they could enjoy privileges offered by HAB and LCSD under the prevailing government policies. Regarding the phenomenon of tilting the balance in someone's favour he mentioned earlier, the formation of TPFC could actually be attributed to the fact the scales of policy tilted in favour of district-based football teams. He did not doubt the sports achievements made by TPFC, but what interest groups had done would not be entirely bad. Nonetheless, interest groups were interest groups after all. MTR Corporation Limited ("MTRCL") was a case in point. Many operational aspects of MTRCL did an injustice to stakeholders, such as arbitrary fare increase under the Fare Adjustment Mechanism. Yet, it was undeniable that MTRCL had done pretty well in terms of railway development by providing convenient railway services to Hong Kong people. Despite its good performance in some aspects, it was still an interest group that aimed to reap benefits in the absence of checks and balances. This was exactly the same problem faced by TPDC. DC Members requested TPFC to attend the full council meeting in July to give an account of the matter, but TPFC had given up this opportunity of its own accord and refused to communicate with TPDC so far. Hence, he strongly doubted TPFC's sincerity to maintain co-operation with TPDC and come under scrutiny. However, owing to the fact that district-based football teams were a policy output, they were still entitled to privileges under the prevailing policies so far. Therefore, there was no reason why they could be immune from scrutiny. This also answered a number of questions raised during the earlier discussion. He shared the view expressed by a DC Member earlier that steps should be taken to avoid being trapped in an inescapable predicament during future discussion on recruitment process and procedural justice. He was also looking into details of the recruitment model, so as to help TPDC remove the obstacles to the district team's participation in competitions in the upcoming football season to be started shortly. He requested to come up with a specific proposal before continuing the discussion or taking a vote.

134. Mr. YIU Kwan-ho said that DC Members were categorised into two groups, namely ex-officio members and elected members. As a case in point, even though an ex-officio member

had tendered resignation the year before, it was not possible to choose an elected member to fill the vacant seat concerned through a by-election, and vice versa. To make changes, it was necessary to design a new system. He questioned the basis of the procedure if someone criticised that the practice did not comply with the procedure when there was no conclusion drawn during discussion. He was suspicious of some DC Members' intention to reject the application made by PHSA at the meeting on the ground of procedural injustice. Given that the issue of procedural injustice had never been raised before, it was indeed unjust if a decision on the adoption of another decision-making process was to be made today.

135. Mr. Patrick MO said that no conclusion could be drawn so far because DC Members held different views. He shared the views expressed by Mr. CHOW Yuen-wai and Mr. TAM Yi-pui, who looked forward to drawing a conclusion at this meeting. If not feasible, the matter could be referred to DFMCRSC for further discussion at its next meeting. As the meeting schedule of DFMCRSC had yet to be confirmed for the time being, if no other football clubs had submitted an application or expressed interest between today and the date of the upcoming TPDC meeting, DFMCRSC should be left to decide the granting of authorisation to PHSA as the district team at its next meeting, so as to settle the matter once and for all.

136. Mr. HO Wai-lam asked relatively senior district councillors like the Chairman, Mr. AU Chun-wah and Mr. YAM Kai-bong whether TPDC had encountered similar cases in the past, the reasonable period of time allowed for submission of open tenders and availability of relevant information. To uphold procedural justice, it was necessary to conduct public consultation on the revocation of the authorisation granted to TPFC because quite many residents in Tai Po might wish to maintain the status quo. Hong Kong was now confronted by a regime which did not care about procedural justice. It had been indicated in paragraphs (iv) and (v) of the HAB's paper that only the district teams authorised by DCs would receive funding. For now, it was highly probable that HAB would grant funding approval to a football club that engaged in black-box operation, faced financial crisis problems and unpaid wage claims. Therefore, DC Members should, as soon as possible, consider whether to endorse any proposal.

137. The Chairman said that not many DC Members were in favour of his earlier proposal on further discussing the matter at the DFMCRSC meeting to be held on 11 September. He opined that unless another four to five hours were spent on the discussion at this meeting, it would be difficult to put forward a new proposal instantly and reach a consensus on inviting more football teams. If DC Members disagreed with his proposal, he suggested taking a vote at once to decide whether to support the proposal on the appointment of PHSA to participate HKFA competitions on behalf of Tai Po District.

138. Mr. WU Yiu-cheong said that in accordance with the Standing Orders, if a motion was to be put to a vote, the same motion could not be moved again within half a year after the voting. He enquired about the applicability of such a rule if a vote was to be taken now.

139. The Secretary said that the provision that was more aptly fit the aforesaid circumstance was Order 24(2) of the Standing Orders, which read “Where the Council has made a decision on a subject matter, no further discussion on the matter shall be proposed within six months unless with the consent of the Chairman or more than half of the members of the Council”. In other words, the same motion could be moved for discussion again within half a year subject to the consent of the Chairman or half of all DC Members.

140. The Chairman said that he would respect any decision made today. A DC Member had just now proposed to grant provisional authorisation at this meeting and to hold further discussion if other football teams expressed interest in making an application before the next meeting. He disagreed with the proposal concerned as it might waste the effort made by PHSA in the interim, which was unfair and would create chaos. Therefore, he hoped that the decision made at this meeting would not be altered within a short time, and the matter concerned would be dealt with in the coming year or quarter accordingly.

141. Mr. YIU Yeuk-sang said that DC Members would like to have a better understanding of PHSA before voting. Its sister club was preparing to join HKPL and fielded teams to youth football matches as well. He opined that instead of the ranking of the football team, what mattered most was whether it could inspire passion for football in teenagers in Tai Po District. The representative of LCSD had earlier said that venues would not be available until 12 months later. If the motion on authorising PHSA was not endorsed at this meeting, probably it could not be endorsed until January or February next year, meaning that youth football courses or training could not begin until January or February 2022. He called on DC Members to consider whether they could afford to wait another year before such courses or training commenced. He asked whether there was a need to deny an organisation that volunteered to give a presentation at the TPDC meeting of the opportunity to make a pitch if no procedure had been put in place before the TPDC meeting in July or even earlier. He asked whether PHSA would be allowed to give a presentation again.

142. The Chairman asked DC Members to put the proposal on “The authorisation of PHSA by TPDC to be the district football team playing in HKFA competitions in the 2020/21 football season on behalf of Tai Po District” to a vote. DC Members agreed to vote by open ballot, and the result was as follows:

For:	9 votes	Mr. Richard CHAN Mr. HO Wai-lam Mr. MAN Nim-chi Mr. WU Yiu-cheong Mr. YIU Yeuk-sang	Mr. CHOW Yuen-wai Mr. Dalu LIN Mr. TAM Yi-pui Mr. YIU Kwan-ho
Against:	0 vote		
Abstain:	11 votes	Mr. LAU Yung-wai, the Vice-chairman Mr. AU Chun-wah Mr. Nick LAM Mr. LI Yiu-ban Mr. SO Tat-leung Mr. YAM Kai-bong	Mr. AU Chun-ho Ms. Olive CHAN Mr. LAM Yick-kuen Mr. Patrick MO Mr. WONG Siu-kin
Present without voting:	1 vote	Mr. KWAN Wing-yip, the Chairman	
<u>Absent without voting:</u>	<u>0 vote</u>		
Total:	21 votes		

143. The Chairman declared that the above proposal was endorsed.

144. The Chairman announced a recess until 3:15 p.m.

145. The meeting was resumed thereafter.

146. The Chairman asked the Secretariat to, based on Mr. Richard CHAN's proposal, inform HKFA, LCSD and HAB in writing that TPDC had revoked TPFC's district team status and resolved at this meeting to appoint PHSA as the district team of Tai Po, and requested the bureau/departments and institution concerned to refrain from providing venues and financial support to TPFC because it had already lost its district team status.

(Post-meeting note: The letter stated in paragraph 146 was issued on 11 September 2020.)

IV. TPDC Members' request to increase roadside display spots

147. The Chairman said that this agenda item had been discussed at the EFAC meeting held on 15 July. At that meeting, the committee members suggested referring this item to the full council meeting for discussion.

148. Mr. LAU Yung-wai said that at the first meeting of the current-term TPDC, Members had

already requested an increase in the number of banners that could be displayed from 10 to 15 regarding item 2(b) of the “Management Scheme for the Display of Roadside Non-commercial Publicity Materials Implementation Guidelines” of the Lands Department (“LandsD”), with a view to allowing more members of the public to access community information provided by Members, and also enhancing transparency and public participation. At the DC meeting held on 7 January, Members present at the meeting unanimously agreed to the request. As at today, it had been over half a year but no reply had been received from LandsD, which was deeply disappointing. The request concerned was a facilitation measure, which could enable more local residents and members of the public to learn about the operation of TPDC and facilitate TPDC’s dissemination of community information. It was hoped that LandsD could give a clear reply at this meeting.

149. Mr. Alex KWOK said that after TPDC had raised the above request in January, the District Lands Office, Tai Po (“TPDLO”) gave Mr. LAU Yung-wai a reply in writing in February and the item was discussed again at the DC meeting held in May. At the meeting, TPDLO had been well informed of the request of Members and referred the request to LandsD after the meeting. Nonetheless, as of today, TPDLO had still been waiting for the instruction of LandsD. TPDLO would give a reply to TPDC immediately upon receiving the instruction of LandsD.

150. Mr. YAM Kai-bong said that Members had raised the request for months and he was deeply disappointed about the reply of TPDLO. The suggestion would give the public a better understanding of Members’ work and promote district administration, which was what public opinion representatives should do. In view of the LegCo Election originally scheduled for 6 September, the Government had withheld all roadside display spots. Nonetheless, the Government had cancelled, or better say, postponed the election forcibly on the ground of the epidemic. The Central Government had announced the postponement of the election in early August. To his knowledge, no judicial reviews related to the postponement of the election had to be dealt with so far. He asked when LandsD would return the display spots. The matter concerned should involve administrative procedures only. Did LandsD use the epidemic as an excuse to withhold the display spots of Members so as to prevent the public from obtaining the community information they should have?

151. Mr. Alex KWOK said that LandsD did not have such thought. To his knowledge, LandsD was handling the issue as expeditiously as possible. TPDLO would return the designated spots to Members as soon as possible upon receiving the instruction of LandsD.

152. Mr. YAM Kai-bong enquired whether TPDLO could exercise discretion to allow Members to put the banners back to the original display spots.

153. Mr. Alex KWOK said that in view of the LegCo Election, LandsD had earlier passed the designated spots to the Registration and Electoral Office (“REO”) for the display of publicity

materials by the candidates. The approval of designated spots did not fall under the purview of LandsD, therefore no commitment could be made.

154. The Chairman enquired whether this meant that TPDLO could not handle the unauthorised banners displayed at those spots.

155. Mr. Alex KWOK said that the removal of unauthorised banners never fell within the purview of LandsD. He did not have anything to add in this respect.

156. The Chairman enquired whether the procedures for handling the unauthorised banners were currently not applicable, i.e. TPDLO first carried out verification and then referred the cases to FEHD.

157. Mr. Alex KWOK said that the approval of designated spots did not fall within the purview of LandsD currently, accordingly the matter was not relevant to the Management Scheme for the Display of Roadside Non-commercial Publicity Materials. Moreover, the handling of unauthorised banners did not fall within the remit of LandsD, and in fact, FEHD was responsible for the follow-up work in this respect.

158. Mr. LAU Yung-wai said that Mr. Alex KWOK had indicated that the approval of designated spots did not fall within the purview of LandsD currently. He believed that there was no reason to wait indefinitely, so he hoped that TPDLO would provide information on the increase of roadside display spots at the meeting to be held in November, and respond as soon as possible. Members had followed the requirements of the relevant guidelines of LandsD all along, and the actual number of designated spots was subject to the advice of individual DC to TPDLO. In short, Members had an effective voice in proposing the number of designated spots, which would be followed up by TPDLO, rather than determined by TPDLO. The host-guest relationship between Members and TPDLO should be clarified by the latter.

159. Mr. AU Chun-wah said that the Government had cancelled the LegCo Election for some time. Even if the department concerned failed to return the banner spots, LandsD had the responsibility to recover the relevant spots from them; otherwise, it would be extremely unfair to Members. Members had the rights to use roadside display spots and hoped that the department concerned would respect them. As the department responsible for the management of roadside display spots, LandsD had the responsibility to recover the relevant locations from REO. If District Lands Officer was of the opinion that the matter was not within his scope of duties, he might discuss with District Officer (Tai Po) to decide who was responsible for dealing with the matter with REO. Regardless of which department was responsible for the matter, it had to be handled by the Government and they should not shirk responsibility to each other. In addition, as early as in the previous two terms of TPDC, he had proposed allocating the locations which

could be assigned as designated spots during the election period to Members, but the proposal was ultimately not dealt with. The current-term TPDC had been in operation for several months, and Mr. LAU Yung-wai once again raised the relevant item. The Transport Department (“TD”) had said that it would deal with the proposal of the increase of designated spots at footbridges, but Members had not received a reply so far. Even if the departments had implemented work-from-home arrangement earlier, it did not mean that there was no need to work. He asked whether TPDLO would not grant approval for the relevant locations to Members because of the objection from TD.

160. Ms. Olive CHAN said that LandsD did not need to wait until the meeting in November to respond, it could provide a written reply to Members before the meeting. TPDLO only needed to consult LandsD about the matter, so even a one-month period is sufficient. If two months later, i.e. at the meeting held in November, Members were informed by TPDLO that LandsD still had not replied, then they would have to keep waiting for the reply. The approach was undesirable and she hoped that TPDLO would ask LandsD about the matter. At present, no designated spots were available for Members to display banners, so that residents could not have access to community information. In addition, she had applied for new designated spots earlier, and staff of TPDLO had also been present for inspection of the display spots together. She hoped that TPDLO would give an early reply as to whether her application was approved.

161. Mr. Alex KWOK responded as follows:

- (i) Upon receiving the instruction of LandsD, TPDLO would immediately notify TPDC in writing, and had absolutely no intention to wait until the meeting in November to reply. As for the designated spots that had been withheld earlier because of the election, TPDLO was also checking with LandsD to see when they could be returned to Members for use.
- (ii) As for Ms. Olive CHAN’s application for change of designated spots, TPDLO would contact her to report the situation after the meeting.

(Post-meeting note: TPDLO had contacted Ms. Olive CHAN and approved her application for change of designated spots in early October.)

162. Mr. KWONG Ka-yin said that Mr. AU Chun-wah had mentioned the matter about display spots on footbridges at the meeting before. Based on his understanding, the staff of TD contacted Mr. AU Chun-wah after that meeting, and noted that the display spots mentioned were not facing the roadway, but the internal faces of the footbridges. As TD had not received any relevant application, it advised Mr. AU Chun-wah to contact TPDLO to find out the situation. Generally speaking, upon receipt of an application, TPDLO would forward the application to different government departments and consult them on the application. Being one of the departments

consulted, TD would review the display spots from the perspective of traffic and transport safety, e.g. whether the vision of motorists or pedestrians would be affected, etc.

163. Mr. AU Chun-wah said that no staff of TD had ever informed him of what Mr. KWONG Ka-yin said just now, but only kept saying that the matter was being handled. Besides, he was bedazzled at TD's claim that it had never received requests from any departments for its comments regarding the display spots on footbridges. He asked whether it was due to TPDLO's false claim that the application concerned had been rejected by TD or any other reasons. He requested TD and TPDLO to clarify the fact. He submitted the application not only during this DC term, he was not a new DC Member either. Did it mean that his past applications had disappeared without a trace, and the engineers of TD in the past pretended that they had not received the notification from TPDLO, or did TPDLO reply to him that the application had been rejected without forwarding the application instead? This was a very serious problem, as such response was received after several months of processing, and TPDLO did not even take the initiative to reply. The departments were supposed to be able to reply despite the implementation of the work-from-home arrangement. He said that the departments must reply at future EFAC meetings. The Government was now bypassing DCs, but it did not mean that the departments could treat DCs in the same way.

164. Mr. MAN Nim-chi said that given the differences in topography in different constituencies, the locations of display spots varied among Members. He had once suggested designating an additional display spot on the footbridge connecting Fu Heng Estate with Tai Yuen Estate. During the LegCo Election and the 2015 DC Election, some locations were designated as authorised publicity spots. Therefore, he could not understand why TPDLO was unwilling to increase the number of display spots allocated to Members from 10 to 12 or 15 after the elections. Besides, the selection of locations as display spots was also a problem. He understood that the departments had to follow the established guidelines and directions, but taking his constituency as an example, he said that the pedestrian flow was extremely low in both of his display spots located at the cycle track and the footpath opposite to Tai Po Government Offices, as well as the railings at the two sides of Po Heung Bridge. On the contrary, no display spots were provided at the intersection of On Chee Road and On Cheung Road, as well as Fu Heng Estate, where the highest pedestrian flow was found within his constituency. The representative of TPDLO had not reflected Members' comments raised at the meeting in January to the supervisor. Moreover, Members of rural constituencies were also faced with the same problem. Despite the extensive area of the rural constituencies, only 10 display spots were provided. TPDLO had followed the guidelines in handling the matter, but the guidelines were rather obsolete, and not humanised at all. He asked whether TPDLO would handle the matter with discretion and note his views.

165. Mr. Alex KWOK responded as follows:

- (i) Regarding Mr. AU Chun-wah's question about changing the designated spots, he was unable to provide information for the time being. He would deploy officers to contact Mr. AU Chun-wah after the meeting.
- (ii) Regarding the handling of the change of designated spots, under the current arrangement, each TPDC Member had ten designated spots while each rural Member had 12. If Members considered that there was a better designated spot, they might exchange an old one for it. The newly proposed designated spots must comply with the requirements of the Management Scheme for the Display of Roadside Non-commercial Publicity Materials. Upon receiving an application from a Member to change a designated spot, TPDLO would consult the relevant departments. Subject to the departments' consent, the Member could change the location of the designated spot.

(Post-meeting note: The officers of TPDLO, having contacted Mr. AU Chun-wah and confirmed the location of the newly proposed designated spots, were currently consulting the relevant departments.)

166. Mr. MAN Nim-chi said that he knew that the location of the designated spots could be changed. For example, he pointed out that Fu Heng Estate was located in his and Mr. HO Wai-lam's constituencies. If he wanted to apply for a spot in Mr. HO Wai-lam's constituency, he needed to obtain Mr. HO Wai-lam's consent before he could exchange for it. He believed that a more flexible approach could be adopted. For example, Members could be allowed to discuss the matter without completely following the procedures in a formulaic manner. He understood that the department had to follow the guidelines, which would only make things difficult, and hence he hoped that TPDLO would note the views.

167. Mr. LAU Yung-wai suggested including the item in the agenda of the next meeting as a matter arising from this meeting.

168. The Chairman agreed to the suggestion and asked Mr. Alex KWOK to contact the relevant Members after the meeting to learn about the spot locations that Members wished to add and to assist them in handling the requests for the change of the locations.

V. 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. 64/2020 and 65/2020)

169. The Chairman welcomed Mr. LEE Ka-chim, Assistant Division Commander (Operations) (Tai Po) of HKPF, to the meeting for this agenda item. The agenda item was discussed in the meeting of the Planning, Housing and Works Committee (“PHWC”) held on 14 July and referred to the full council meeting for discussion at the suggestion of PHWC. He said that he had raised the agenda item. After water-filled barriers were placed and fences were erected on the fence walls of Tai Po Police Station and the New Territories North Regional Police Headquarters, the nearby residents and members of the public who often passed by told Members their worries that the water-filled barriers and fences would threaten the lives of the pedestrians. HKPF did not send representatives to that meeting, and the Architectural Services Department (“ArchSD”) had responded at that meeting. He hoped that HKPF would address the concerns and views of Members and the residents. The written replies of TPDLO and ArchSD had been set out in Paper Nos. 64/2020 and 65/2020 respectively.

170. Mr. LEE Ka-chim responded as follows:

- (i) Since June last year, there had been more than 1 000 demonstrations, processions and public gatherings in Hong Kong. Many of them had turned into violent incidents. The LegCo Complex, district police stations and disciplined services quarters were also under attack. Under this circumstance, HKPF had set up the above-mentioned facilities in the hope of protecting those who were working at the police stations, including civilian staff, ordinary police constables and members of the public who made reports at police stations, in order to ensure public safety and order.
- (ii) Since June last year, Tai Po Police Station and the New Territories North Regional Police Headquarters had been attacked by petrol bombs for three times, which underlined the need for the relevant measures.
- (iii) HKPF understood the public’s concern that the above facilities would cause safety problems. The relevant measures had not led to dangerous situations in the past year so far.
- (iv) For the time being, HKPF would continue to maintain those protective measures until peace was completely restored in society, before considering the next step, such as lifting those measures.

171. Mr. YIU Kwan-ho raised the following questions:

- (i) In its written reply at an earlier meeting, HKPF said that the placing of water-filled barriers had been approved by other government departments. He asked whether other government departments had examined the request and reviewed the safety issue before HKPF placed the water-filled barriers.

- (ii) He did not agree with HKPF that the facilities concerned would not pose danger. The water-filled barriers would disperse when blown by strong wind. The photos he displayed at the meeting showed that among the six water-filled barriers near the entrance of the vehicular gate at the New Territories North Regional Police Headquarters, some of them, with more than half the size exceeding the building area, had a high risk of collapse. How could HKPF ensure that those water-filled barriers would not pose danger? In case the water-filled barriers had fallen by accident and caused injury to people, whether HKPF would take full responsibility?

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

- (i) In the paper of TPDLO, it was stated that “the rights or powers of any public officer under any other law”. He asked Mr. Alex KWOK what type of people would not be subject to the restriction of other departments in a way similar to HKPF that no application was needed for placing items. In addition, as stated in the paper, “the approval of LandsD is not required in general”, he asked under what circumstances the approval of LandsD was required for placing items. He quoted an example that if Members placed a stall outside the police station to teach the public the concept of policing and police-community relations, would they be driven away? If so, could TPDLO send a letter to HKPF saying that Members would not be required to make an application to LandsD in general?
- (ii) ArchSD did not send any representative to the meeting. At the PHWC meeting in July, a Member had asked whether the facilities added by HKPF could resist strong wind. The photos shown by Mr. YIU Kwan-ho earlier had demonstrated that the water-filled barriers at a height exceeding the height of an adult would be blown by wind, the water-filled barriers were also blown by wind when the Tropical Cyclone Warning Signal No. 8 was issued in Hong Kong last month, but luckily no pedestrians and other road users were affected. He asked the department what indicators were used to assess the impact of the facilities on pedestrians and other road users. In the event of an accident, who would be held accountable? In addition, in ArchSD’s paper, it also stated that “the management department can make a request to them for arrangement”, but Members were unable to make an enquiry at the meeting.
- (iii) HKPF was responsible for the management of Tai Po Police Station and the New Territories North Regional Police Headquarters, did it mean that it had unlimited power and arbitrary addition was allowed? Even if the risk assessment of ArchSD was passed, did it mean arbitrary addition was allowed but the public could not do so? HKPF had earlier said that a reply had been made, but he was not certain whether the letters prepared by ArchSD and TPDLO had been approved by HKPF.

Just as what he had mentioned at the meeting in January, if the departments did not distance themselves from HKPF, Members would unavoidably blame the departments.

173. Mr. TAM Yi-pui said that at the PHWC meeting, he had asked HKPF about the cost of works for erection of fences and placing water-filled barriers as well as the source of funding but HKPF had not given a response.

174. Mr. Richard CHAN said that the information about HKPF could not be checked on the Government website, so he enquired about the rank of Mr. LEE Ka-chim at HKPF. In addition, he asked how the cock-shaped ornament on the fence wall could protect the safety of police officers.

175. Mr. Alex KWOK said that Members would like to know that apart from the exemption for HKPF, under what circumstances TPDLO would not take enforcement actions under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). He gave examples to illustrate that the placing of rubbish bins on the streets by FEHD, the placing of recycling bins by the Environmental Protection Department and the fencing off of highways for maintenance works by the Highways Department (“HyD”) would not be regarded by TPDLO as illegal occupation of government land. In the written reply of TPDLO, it was clearly stated that the use of government land by government departments for official duties would not constitute illegal occupation of government land covered by the Land (Miscellaneous Provisions) Ordinance. Regarding the simile used by Mr. MAN Nim-chi, he pointed out that if Members wished to set up stalls for non-profit-making activities, they could make applications to LandsD which had set up designated locations for Members’ application.

176. Mr. MAN Nim-chi said that according to the responses given by TPDLO and HKPF, he considered that in the reply of TPDLO, it had admitted that the daily official duties of HKPF included, among others, worries that the police station and report room would be attacked by petrol bombs and other objects respectively, and that police officers’ lives would be threatened as they accessed police stations and thus they would be frightened and ashamed for the rest of their lives.

177. Mr. LEE Ka-chim responded as follows:

- (i) Regarding the issue of the red water-filled barriers as shown in the photo provided by Mr. YIU Kwan-ho earlier, HKPF was aware that water-filled barriers placed at height would be subject to the risk of collapse in the event of strong winds, so the water-filled barriers had been removed earlier.
- (ii) The works concerned were undertaken by ArchSD and the information about the cost was currently unavailable.

- (iii) He was at the rank of Chief Inspector of Police.
- (iv) During the social movement in the past year, the cock-shaped ornament was damaged unfortunately. Since the public might have certain views about the ornament, HKPF had removed it afterwards.

178. Mr. YIU Kwan-ho pointed out that the content of Paper No. PHW 23/2020 was different from what HKPF had just said. It was mentioned in paragraph 5 of the paper that “at the end of last year, HKPF made an application to ArchSD for erection of fences at the external walls of Tai Po Police Station and the New Territories North Regional Police Headquarters and placing water-filled barriers outside police stations.....to ensure that the security measures would not pose danger to the external walls, users and pedestrians”. However, HKPF had just admitted that the red water-filled barriers would pose danger. It meant that HKPF disregarded the safety of pedestrians by placing the water-filled barriers at that location even though HKPF was aware of the danger.

179. Mr. MAN Nim-chi said that in his opinion, the daily routine of the police officers in Tai Po Police Station at present was to worry about being thrown petrol bombs. He did not comprehend why, in the presence of both Mr. LEE Kwok-chung and Mr. LEE Ka-chim, the question on the placing of water-filled barriers had to be replied by Mr. LEE Ka-chim. He asked what questions regarding the police station’s facilities would be replied by Mr. LEE Kwok-chung. The question was raised at the PHWC meeting as early as May, but Mr. LEE Ka-chim had to be sent to respond again three months later when Mr. LEE Kwok-chung was also present. He opined that an officer’s rank would have a great impact on the quality of replies. A lot of police officers drove away seven Members at Tai Ping Industrial Park on 4 August. There was a case that a chief commander in white uniform did not know Mr. LEE Kwok-chung, though he did not remember who the police officer was.

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

- (i) HKPF had just said that the unsightly and obstructing water-filled barriers would be removed when peace was restored in society. Since the enactment of the National Security Law, stepping up of enforcement of the Public Order Ordinance and implementation of the group gathering ban, which could be raised to the higher plane of principle, there had been a considerable increase in the power of HKPF. He asked what “when peace was restored” meant, and whether objective criteria could be provided. Such questions, which were of a higher level, should be addressed to the District Commander of Tai Po Police District.
- (ii) HKPF said that the water-filled barriers would not cause obstruction and that there was not any problem. HKPF and other departments also opined that the fences erected on the fence walls were safe. He pointed out that a number of police cars,

including large vehicles and Emergency Unit vehicles, always occupied the roundabout between On Po Lane and the vehicular entrance of the police station. If HKPF was worried about great danger outside the police station and attacks, why were such vehicles not parked inside the police station? There was a case that a member of the public, after taking photos of the police cars, was taken to the police station by a group of police officers and required to be picked up by family member. He did not want to be taken to the police station by police officers and picked up by family member, so he did not dare to take photos of the situation. However, if HKPF needed photos for reference, he could provide photos taken further away. If HKPF was worried about great danger outside the police station and needed to erect fences to build a high wall for resisting enemies, he opined that all police cars should be parked inside the police station. The site in question was located on the road towards Yuen Shin Park. A wheelchair user had complained that while passing by the above location, the way was blocked by the two police vans and one to two Emergency Unit vehicles parking there. The wheelchair user had no choice but to use other roads eventually as the wheelchair could not go through.

181. Mr. Richard CHAN said that HKPF's remarks just now acknowledged that a cock-shaped ornament had been hung at a place where it should not be there and was thus removed. In other words, the ornament was an unauthorised installation rather than a natural product, and had to be installed manually, which was not an easy task. He asked who put up the ornament, who granted authorisation and, after removal, whether the person concerned was held criminally liable, or the case would not be pursued further when the offender was an officer in the police station. If HKPF had opened a file for the purpose of investigating this matter, he would like to know the case number, the investigation details, and whether anyone had been subject to disciplinary action. If Mr. LEE Ka-chim was unable to respond, Mr. LEE Kwok-chung was asked to respond for him.

182. Mr. AU Chun-ho said that as long as frontline anti-riot police officers still shoved pregnant women, assaulted elders and called a stag a horse, peace would never be restored in society as the Police wished. Had the Police considered the weather condition when setting up the water-filled barriers and fences? For example, what impacts would be brought by tropical cyclones at the intensity of Typhoon Mangkhut with wind speed of 300 km/hour? Had the Police and the departments concerned considered whether the fences could withstand such strong winds, and also whether the fence walls could bear the loading of the fences? In addition, would the fences be struck by lightning? If members of the public were injured by the fences blown down by strong winds and their vehicles were damaged when passing by a police station when they were on their way to work during typhoons, which department should be held liable?

183. Mr. MAN Nim-chi said that he had enquired ArchSD at a PHWC meeting about how they assessed the bearing capacity of fence walls (including whether they would conduct risk

assessment regarding the thickness of fence walls, reinforcement bar structure and aging condition of fence walls, etc.) after receiving applications for erection of fences submitted by the Police. However, ArchSD had not made any replies in the paper. He considered that representatives of ArchSD should be invited to the meeting once again or a letter should be sent to ArchSD to once again request them to respond. As mentioned in the paper provided by ArchSD, they had considered the bearing capacity of the fence walls. He was not a professional engineer, so he would like to know how ArchSD calculated and assessed the bearing capacity of the fence walls.

184. Mr. TAM Yi-pui said that resolving differences in society could help cut down the expenditure on maintaining stability, so he would like to ask the Police about the project cost. The representatives of ArchSD said at the last PHWC meeting that they would provide the information, but they still had not done so.

185. Mr. LEE Ka-chim responded as follows:

- (i) The current situation had really improved when comparing with the worst period. Hence, the Police had removed the red water-filled barriers according to actual needs.
- (ii) The cock-shaped ornament had such a long history that its origin could not be traced even through looking up the literature. Nevertheless, it had been removed already.
- (iii) After the hoisting of Typhoon Signal No. 9 earlier, it was found that the facilities concerned could resist strong winds. According to the paper provided by ArchSD to the Police in respect of the bearing capacity of the facilities, the engineers of ArchSD had participated in the design of the facilities and their bearing capacity met the safety standard. Thus, the Police tended to believe that the facilities such as fences and water-filled barriers could resist typhoons.

186. Mr. YIU Kwan-ho said it was stated in the paper of the last meeting that the water-filled barriers would not cause any danger to the public. However, they admitted at this meeting that the water-filled barriers would cause danger, meaning that the Police had submitted a false document to TPDC at the last meeting, or they had lied at this meeting. He enquired how TPDO would handle the matter if the paper concerned was a false document. In addition, the Police had just said that the current social environment had become safer, therefore some facilities could be removed. To his understanding, the Police had placed facilities such as the water-filled barriers to safeguard their lives, meaning that the Police attached greater importance to their own safety than that of members of the public in Hong Kong.

187. Mr. AU Chun-ho would like to know if any departments could answer from which department members of the public could make a claim for compensation if they were injured or their vehicles had been destroyed when the fences collapsed.

188. Mr. LEE Ka-chim said that the Government would assume relevant responsibilities if accidents involving civil proceedings occurred. Besides, since the society was rather peaceful at the moment, the water-filled barriers placed at height had already been removed.

189. Mr. YIU Kwan-ho said that what the Police said this time was obviously different from the information in the paper they provided last time, even though the Police did not admit it. He would like to know how TPDO would handle the matter when a government department submitted a false document to TPDC.

190. Mr. LEE Ka-chim said that he did not agree to Mr. YIU Kwan-ho's allegation.

191. Mr. Richard CHAN said that Mr. LEE Ka-chim should supposedly respond to the differences that Members had raised, but he did not. Moreover, he asked whether the operation at Tai Ping Industrial Park on 4 August was led by Mr. LEE Ka-chim.

192. Mr. LEE Ka-chim said that the operation was led by him that day.

193. Mr. Richard CHAN asked Mr. LEE Ka-chim whether he was a Superintendent at that time.

194. Mr. LEE Ka-chim said that he was an Acting Superintendent at that time.

195. Mr. Richard CHAN enquired about the period of the acting appointment of Mr. LEE Ka-chim as Superintendent. In the past, members of the public could obtain the details of police officers from the organisation chart of the Government, but such information was no longer available. As such, he asked how such information could be obtained.

196. Mr. LEE Ka-chim said that the period of acting appointment was an internal affair of HKPF which would not be disclosed.

197. Mr. Richard CHAN said that Superintendents were gazetted senior police officers. In the past, HKPF was required to gazette such information in the Government Gazette for public information. He opined that such information was not simply the internal affair of HKPF. He asked Mr. LEE Kwok-chung whether the situation was true.

198. The Chairman asked whether Mr. LEE Ka-chim was the one in white shirt who engaged in a war of words with Members at Tai Ping Industrial Park that day.

199. Mr. LEE Ka-chim said that he had talked about how the incident was handled at the scene that day, and he had no particular points to add. He reiterated that the operation was indeed led by him that day.

200. The Chairman asked whether the police officer who had a confrontation with Members that day was Mr. LEE Ka-chim.

201. Mr. LEE Ka-chim said that the operation was led by him that day, and he had nothing more to add.

202. Mr. LEE Kwok-chung said that the representatives of HKPF should respond to questions in relation to this agenda item but were not required to provide further response to questions beyond this agenda item.

203. Mr. CHOW Yuen-wai said that as mentioned by Mr. LEE Ka-chim just now, given that the current situation had become peaceful, the water-filled barriers placed at height had been removed. Given that the situation had become peaceful and Tai Po was rather peaceful with no protest in the past six months or so, or even in the past year, when would HKPF remove other water-filled barriers? The disturbance in society was a result of HKPF's operations. For example, on 4 August, while Members were waiting for the arrested members of the public at the report room in the police station and providing assistance, they were driven away by about 30 police officers with anti-riot shields. Upon being driven away, Members had to walk out of the group of water-filled barriers, which were neither in use by HKPF at that time nor for protecting the police station but just making it hard for people to leave. In a more severe situation, the water-filled barriers could even deter Members from leaving, resulting in a scuffle or even fall and injury. So far, he found the water-filled barriers outside the police station not serving any purpose apart from surrounding the police station, making it more difficult for members of the public and Members to enter and leave the police station. HKPF should establish objective criteria for the time, duration and circumstances under which the water-filled barriers would be removed.

204. Mr. WU Yiu-cheong said that as mentioned by Mr. LEE Ka-chim just now, some of the barriers would be removed when the society was peaceful. Mr. LEE Ka-chim attended the meeting today to give an explanation of the facilities outside the police station, meaning that he could decide when the society was peaceful and HKPF was not under threat anymore, as well as when the facilities could be removed. However, in the operation led by Mr. LEE Ka-chim on 4 August, Members at the scene could not comprehend the peace perceived by Mr. LEE Ka-chim. In some cases, HKPF even provoked disputes, causing disturbance in society. Thus, he hoped that Mr. LEE Ka-chim would further respond to the questions that the Chairman had just raised, but not evading them. He also hoped that Mr. LEE Kwok-chung would not defend him, as Mr. LEE Ka-chim had said that he did not know who Mr. LEE Kwok-chung was.

205. Mr. YIU Kwan-ho said that in his opinion, District Officer (Tai Po) must not evade his question. Now that a government department was suspected of furnishing a false document to TPDC, would District Officer (Tai Po) simply ignore it? He requested the Chairman to instruct the Secretariat or District Officer (Tai Po) to provide assistance regarding the false document that HKPF furnished. Furnishing false documents was a criminal offence. After all, an offence was an offence without doubt.

206. Mr. LEE Ka-chim said that the response on facilities such as fences, etc. provided just now was still effective. He had nothing more to add. He had no particular points to add regarding the operation on 4 August either.

207. The Chairman asked whether Mr. LEE Ka-chim had acknowledged tacitly that the one who had a confrontation with Members on 4 August was he himself.

208. Mr. LEE Ka-chim said that there had been different views over whether a confrontation had happened, and that the operation was led by him that day.

209. Ms. Eunice CHAN said that if Members, the Chairman or TPDC decided at the meeting that TPDC would further follow up on certain issues and specifically mentioned in what manner they would like the issues to be followed up, TPDO would provide assistance whenever practicable.

210. The Chairman said that regarding the query on false statement raised by Mr. YIU Kwan-ho just now, what Mr. LEE Ka-chim had said earlier was contradictory to HKPF's written reply. As such, he questioned whether it was a lie. He asked the Secretariat to assist in drafting a letter to the Commissioner of Police for clarification of which statement was accurate. He asked Mr. YIU Kwan-ho to discuss with him and the Secretariat after the meeting how the matter should be followed up.

211. Mr. AU Chun-ho said that he had no intention of attacking anybody, but he opined that Mr. LEE Ka-chim should reflect on the reason why he had a confrontation with various Members when he just took up office. No matter what happened, the former Assistant Division Commander had adopted a gentle and tactful approach in handling matters, resulting in the building up of police-community relations. He opined that with a direct confrontation, it was hard to build up police-community relations. As such, he suggested that Mr. LEE Ka-chim should learn from the former Assistant Division Commander.

212. The Chairman said that the wind strength and direction of the last typhoon warning signal no. 9 did not cause a significant impact on Hong Kong without the collapse of trees, but this did not mean that the fences and water-filled barriers outside the police station could withstand typhoon

warning signal no. 9. It was sheer luck. This did not mean that they could withstand super typhoons. By that time, not only the fences but also the entire fence walls would collapse, which really warranted attention. It was a pressing issue which could not be handled in a bureaucratic manner. HKPF must respond to it as those facilities would also affect public perception towards HKPF. A number of members of the public asked them why HKPF needed those external objects to protect its own safety. Hong Kong citizens had long relied on HKPF to safeguard their lives and safety, what other external objects or water-filled barriers could they use to protect themselves? Political issues needed to be resolved by political means through the Chief Executive and the Central Government. However, he opined that the facilities in the police station should be removed as soon as possible for the sake of pedestrian safety and safeguarding the dignity of HKPF. With the possession of arms and the use of the law as tools, would HKPF feel ashamed if it still relied on water-filled barriers for protection?

213. Mr. LEE Kwok-chung responded as follows:

- (i) He absolutely disagreed that HKPF would feel ashamed of placing water-filled barriers. Most of the police stations which had been under attack over a period of time in the past had currently set up facilities such as water-filled barriers to ensure safety of its employees working at the police station. This was what a responsible employer should do. He absolutely respected the personal views of individual Members or elected representatives, but he wanted to reflect that every employer should provide a safe environment to employees. This was the basis behind the decision to set up such facilities.
- (ii) He absolutely did not agree with Mr. YIU Kwan-ho who accused HKPF of furnishing a false document because the conclusion drawn was not supported by facts. He found out from records that paragraph 5 of the paper in July 2020 only emphasised that the water-filled barriers were placed outside the police station, whereas the water-filled barriers removed as mentioned by Mr. LEE Ka-chim earlier were mostly within the police station. In response to social conditions, HKPF opined that the risk had been reduced, so it had removed the water-filled barriers within the police station. HKPF was still reviewing the conditions outside the police station and would decide when to take the next step after taking into account actual circumstances. HKPF noted the community's views reflected by Members just now and would make changes in the light of the actual circumstances based on the assessment of prevailing risks and social conditions and notify Members by then. He hoped that Members could have a more comprehensive interpretation of the responsibilities of police officers in safeguarding the law and order in the community. Their efforts over this period, as well as good overall law and order situation in Hong Kong, were indeed tangible. He did not want to become the subject of debate. He would also like to take this

opportunity to provide additional information more comprehensively and to give the true picture.

214. The Chairman understood that HKPF needed to safeguard the lives and safety of its employees, but Members were also required to safeguard pedestrians' lives and safety. Therefore, it was necessary to further discuss the item at the meeting. Even if the discussion at this meeting was not fruitful, it was necessary to further follow up the item at the next meeting.

215. Mr. YIU Kwan-ho asked why his question for Mr. LEE Ka-chim earlier was responded by Mr. LEE Kwok-chung instead. HKPF placed water-filled barriers outside the police station rather than within the police station. Even if HKPF won the debate, it still meant that HKPF had acknowledged that its security measures would cause danger to the pedestrians, and that HKPF regarded the lives of police officers more important than the lives of Hong Kong citizens. He did not agree that placing water-filled barriers at the location in question was not dangerous.

216. The Chairman said that TPDC would write to the Commissioner of Police and include the item in the next meeting as a matter arising from last meeting.

(Post-meeting note: The letter mentioned in paragraph 216 was issued on 6 October 2020.)

VI. Follow-up proposal for the recommended outline development plan of the site of former Tai Po Jockey Club Swimming Pool on On Pong Road

(TPDC Paper No. 63/2020)

217. The Chairman said that the item had been discussed at the Healthcare, Education and Social Services Committee ("HESC") meeting held on 13 July and was referred to the full council meeting for discussion at the suggestion of HESC. The Secretariat had invited FHB to send a representative to attend this meeting for discussion of the agenda item, but FHB indicated that it was unable to attend the meeting and submitted its proposal in writing. FHB had contacted him before the meeting and hoped to meet as soon as possible. A meeting was arranged to be held at the Conference Room of TPDC on 8 September. All Members had been informed before this meeting. The written reply was included in Paper No. 63/2020 for Members' reference.

218. Mr. YAM Kai-bong said that it had already been over one month since HESC suggested including the item in the agenda of the full council meeting for discussion. However, it was undesirable that FHB was still unable to discuss the item at this formal meeting. The meeting to be held on 8 September was not a formal TPDC meeting. The matter was handled in such a manner out of frustration. He believed that TPDC would further follow up the matter and hoped

that Members would attend the meeting to discuss issues including the development of the site for better planning.

219. Mr. LAU Yung-wai suggested including the item in the matter arising from last meeting and asked FHB to give a presentation at the next full council meeting.

220. Mr. AU Chun-wah noted that apart from FHB, other departments would also attend the meeting to be held on 8 September. He hoped that TD would provide more information on parking spaces, road alignment and study on traffic flow, etc. as soon as possible to come up with a better plan together. As TD officers frequently said, it was hoped that the plan would also alleviate traffic congestion and solve the problem of illegal parking on On Pong Road and On Tai Road. He accepted the approach for handling, but it was still necessary for the department to provide relevant information in a timely manner.

221. Mr. YAM Kai-bong said that HESC suggested referring the item to the full council meeting for discussion because some departments, such as TD and LCSD, would not attend the HESC meeting. He would like to know which departments, apart from FHB, would send representatives to attend the meeting on 8 September. If it was just a meeting chaired by FHB without responses to traffic issues from other departments, it was not possible to deal with those issues at the meeting.

222. The Chairman said that FHB indicated that ArchSD was unable to send a representative to attend this meeting. The representatives of FHB, ArchSD, LCSD and TD would attend the meeting on 8 September. He also told District Officer (Tai Po) that he hoped that TPDO would send a representative to attend the meeting for coordination.

223. Mr. MAN Nim-chi said that a car park was planned to be provided within the building on the development site. Despite the resident intake of Po Heung Estate in 2015, some of the parking spaces of its car park were presently closed due to structural problems to avoid vehicles being soaked in water. He hoped that the development plan would also solve the problem of illegal parking in the vicinity and enhance the structural design of the car park as well as the entire building. He hoped to have a more detailed discussion on the issue at the meeting on 8 September.

224. The Chairman said that the matters to be discussed at the meeting on 8 September would be rather preliminary, such as number of parking spaces and layout of car park, while structural, technical and construction issues would not be discussed in detail. Members would discuss such issues in depth at future working meetings or when the departments made regular reports. It was expected that the meeting would last for three hours from 2:00 p.m. to 5:00 p.m. that day and focus on discussing matters such as layout of facilities, facilities to be included and, in particular, parking spaces. He asked the Secretariat to provide information to the Members newly joined this DC term before the meeting so that Members would have an idea about the building before the meeting.

VII. Request for explanation concerning the setting up of “Fire Eye Laboratory” at Tai Ping Industrial Park

(TPDC Paper Nos. 62/2020, 62a/2020 and 62b/2020)

225. The Chairman said that Mr. MAN Nim-chi had submitted Paper No. 62/2020 on 24 August. Although the requirement on paper submission under TPDC Standing Orders was not met, in view of the urgency of the matter, he exercised discretion to allow discussion of the paper at this meeting. The Secretariat had invited representatives of FHB, the Centre for Health Protection (“CHP”) and FEHD to attend the meeting for discussion of this agenda item, but FHB replied that it was unable to attend the meeting. Its written reply was included in the above papers. Moreover, CHP also indicated that it was unable to attend the meeting due to its engagement in anti-epidemic work. FHB would give a consolidated reply.

226. Mr. MAN Nim-chi went through Paper No. 62/2020.

227. The Chairman asked the Planning Department (“PlanD”), TPDLO and other departments to respond to Paper No. 62/2020.

228. Ms. Jessica CHU said that Tai Ping Industrial Centre was zoned “Other Specified Uses (Business)” on the Tai Po Outline Zoning Plan (“OZP”). According to the information available to PlanD, such uses were research, design and development centre, which were always permitted in the “Other Specified Uses (Business)” zone and required no application to the Town Planning Board. However, the Notes of the OZP also specified that any uses must conform to any other relevant legislation, the conditions of the Government lease concerned, and other Government requirements, as may be applicable.

229. Mr. Alex KWOK said that according to the lease, Tai Ping Industrial Park was used for industrial and godown purposes and was covered by the scheme proposed by the Government in 2018 to revitalise industrial buildings for selected non-industrial uses. Thus, the use of Tai Ping Industrial Park for setting up Fire Eye Laboratory at present did not constitute a contravention of the lease conditions. Before the implementation of the policy on revitalising industrial buildings for selected non-industrial uses by the Government in 2018, such laboratories were required to apply to LandsD for exemption. However, no application was required under the relevant scheme.

230. Mr. KWOK Chun-sum said that the laboratory was not under the purview of FEHD. According to the record, there were licensed food factories approved to supply lunch boxes and engaged in frozen meat processing at Blocks A and B of Tai Ping Industrial Park. To prevent the spread of COVID-19, FEHD had issued letters to food business operators and food handlers on

9 January and 6 July to remind them to adopt precautionary measures, including maintaining strict personal, food and environmental hygiene, as well as ensuring cleanliness of premises and food safety. The letters were also included in the paper submitted by FEHD.

231. Ms. Eunice CHAN said that the setting up of the laboratory belonged to the policy area of FHB which was under the responsibility of the relevant department. TPDO had no role to play in the process of setting up of the laboratory.

232. Mr. YAM Kai-bong said that PlanD had just mentioned that it was not a problem to set up the laboratory at the industrial building. However, laboratories were divided into different grades and levels, he asked whether it was not a problem for Wuhan National Biosafety Laboratory of the Chinese Academy of Sciences (“P4 Laboratory”) to set up a laboratory and depot at the industrial building to carry out research and testing. Those laboratories would require a high level of biosafety and might incubate bacteria and virus, or put in place anti-leakage measures. He was worried whether a laboratory of this grade and level could meet the needs. FEHD would issue different licences to different categories of the catering industry, were there different grades for laboratories? Despite that it was the highest level of laboratory in the motherland, in a building aged more than 40 years with shared use of drainage facilities with other factory users, he asked whether it was risk-free to use the shared lift for access and delivery of specimens as well as treatment of medical and biological wastes. The situation had aroused public worries and concerns. President TRUMP, the United States Imperialist and Dictator, said that the pneumonia might originate from Wuhan P4 Laboratory due to leakage. As P4 Laboratory of the highest level in China might leak virus and cause chaos in the world, the relevant party said that there was no problem with the laboratory without consultation and understanding. Had the department further assessed the impact brought about by the work of this level of laboratory on the environment and the factory users nearby, workers and the stakeholders? Laboratories were divided into different categories, there were also laboratories in secondary schools but those laboratories were substantially different from the highest level of laboratories, which could not be generalised as laboratories. He knew that Hong Kong Government and the Central Government could justify the implementation if insisted. Although Members had taken repeated follow-up efforts through looking up land lease, OZP and other action to get an understanding of the laboratory, no satisfactory result could be obtained. No matter what Members did today or had done before, they hoped to convey public worries and comments to ease the mind of those working there. He hoped to know whether there were different levels of standards for laboratories and how to handle the matter based on the planning standards.

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

- (i) Other than written replies, he hoped that departmental representatives could respond to questions at the meeting. As a DC Member of the constituency

concerned, he had contacted various departments by telephone for follow-up action after receiving residents' enquiries, but no department could respond. As the departments dare not respond or were not in a position to respond, he then sought the assistance of District Officer (Tai Po) to know whether TPDO could perform a liaison role. FHB had provided a written reply and FEHD had explained the information related to food safety. He considered that the departments relevant to the setting up of laboratory included DH and CHP.

- (ii) On the first week of July, CE announced that four types of people (including taxi drivers and staff of the residential care homes for the elderly) would first undergo testing. He and Mr. HO Wai-lam had inspected Fu Heng Sports Centre which was used as a testing centre at lunch time just now. Upon arrival, they were scolded by people wearing face shields with abusive language, but they had no idea who the people were. He simply asked the parties concerned whether they could notify their supervisor to deploy staff to strictly maintain social distancing. No matter it was a public testing institution operated by the Government or a private organisation such as Fire Eye Laboratory, Members were simply concerned with access and queuing issues. The Government had announced in mid-July that the LegCo Election this year would be cancelled, and seriously said that queuing up for voting would increase the risk of infection. However, from what he had seen today, the queue for testing was not monitored. Why did the Government allow queuing up for testing but not queuing up for voting?
- (iii) The reply just given by PlanD mentioned Tai Ping Industrial Centre, but he referred to Tai Ping Industrial Park, he asked whether it was an oral mistake made by the departmental staff. He also hoped to know the planning details and standards for the construction of Tai Ping Industrial Park in 1970.

234. Mr. Richard CHAN said that as set out in the Guidelines on Biosafety in the Clinical Laboratory ("Biosafety Guidelines") prepared by the Public Health Laboratory Services Branch under CHP of DH, biological agents were recommended to be handled in Biosafety Level 3 or 4 laboratories, which meant that the government officers present at the meeting did not have relevant skills for handling. In the written reply of FHB, the Government understood that the laboratory of Sunrise Diagnostic Centre ("Sunrise") at Tai Ping Industrial Park had passed DH's External Quality Assessment Programme ("EQAP"), yet it seemed that EQAP was completely different from the above requirement in the Biosafety Guidelines. He hoped to continue to follow up the matter and appealed for the assistance of District Officer (Tai Po) to ask FHB about the connection between passing the external quality assessment and the Biosafety Guidelines, including when the laboratory passed the assessment, made an application and was assessed. It was reasonable for TPDC to request the information. In FHB's reply, it was stressed that under the Supplementary Medical Professions Ordinance, a company carrying on the laboratory business in Hong Kong shall have at least one director registered in the chemistry profession. However, it was learnt that none

of the directors of Sunrise had such professional qualification. Did it mean that the written reply was to tell Members that Sunrise which had set up the Fire Eye Laboratory at Tai Ping Industrial Park had violated the Supplementary Medical Professions Ordinance? If so, was it possible for District Officer (Tai Po) to assist in following up the matter? In addition, he asked Mr. LEE Kwok-chung whether the matter was related to HKPF and whether HKPF would take enforcement action.

235. Mr. TAM Yi-pui said that the Supplementary Medical Professions Ordinance had laid down the requirements for directors, which were to clarify the responsibility in the event of accidents. From a professional point of view, laboratories were required to meet professional requirements, including the recognition and accreditation of the International Organization for Standardization (“ISO”), the accreditations related to laboratories were ISO 17025 and ISO 15189. Recognised laboratories with ISO 17025 accreditation were those with general laboratory accreditation, while ISO 15189 was a higher-level accreditation applicable to medical laboratories. He hoped to know whether the Fire Eye Laboratory at Tai Ping Industrial Park met the above two standards. The website of Sunrise did not provide information in this regard, likewise, the website of Beijing Genomic Institute or BGI Tech Solutions did not indicate that the laboratory at Tai Ping Industrial Park had such accreditations. The accreditations were internationally recognised. If a laboratory were to set up, there must be certain accreditation to persuade the public that the operations of the laboratory met international standards, which would not put the neighbouring community in danger. Hence, if the Government intended to acquire the service, he considered that there should be a higher level of caution. If the Government could relax the requirements, why was there neither participation of local laboratories nor consultation?

236. Mr. LEE Kwok-chung said that HKPF had not received any report or information about Tai Ping Industrial Park so far. If there was any information, HKPF would take follow-up action.

237. Ms. Eunice CHAN said that some Members had just asked for further information and clarification about FHB’s reply. If Members hoped to obtain further information about the questions raised at DC meetings, TPDO and the Secretariat would take follow-up action after the meeting as they did in the past. On the previous agenda item, Members also asked whether TPDO had obtained further information on the issues of TPFC from HAB. She pointed out that HAB issued the reply this time in response to the letter from TPDO in the capacity of TPDC. The reply of HAB in response to TPDC’s letter at the last meeting had been tabled at this meeting. At each DC meeting, if Members made any suggestions or requests for follow-up action, or hoped to obtain further information, TPDO and the Secretariat would take follow-up action as they were in the past. TPDO noted the enquiries from Members about FHB’s reply, and would continue to follow up with the department concerned after the meeting. The relevant information, if received, would be passed to Members as soon as possible for their reference.

238. Ms. Jessica CHU said that the location was within the Tai Po OZP and currently zoned “Other Specific Uses (Business)”. As she had just said, even though the uses were always permitted under OZP, there must also be compliance with other relevant legislation or applicable government requirements. As most Members enquired about hygiene and environmental matters, she believed that it would be more suitable for FHB and DH to respond. Regarding the levels, planning was related to general land uses without classification into Levels 1, 2 and 3. From the perspective of PlanD, the use was permitted in “Other Specific Uses (Business)” zone, but must conform to any other relevant legislation and applicable government requirements.

239. Mr. MAN Nim-chi said that he had just asked whether TPDO would continue to assist TPDC to invite the departments to respond as it was in the past. He had intense feelings on the day of 4 August. When seven Members and more than 10 staff members were besieged by anti-riot police officers and hoped to contact District Officer (Tai Po) for co-ordination, they failed to get in touch with her eventually and did not receive any assistance. He considered that when there were demonstration activities in the district and members of the public or Members were arrested, it was not a problem that District Officer (Tai Po) was not present. However, he considered that TPDO did not put enough efforts to invite government departments. On that day, officers from the Police Public Relations Branch also co-ordinated with Members but their efforts were in vain. Mr. LEE Ka-chim was bossy and deployed nearly a hundred anti-riot police officers at the scene, there were also about 50 police officers equipped with a shield at the report room to drive away Members. All these gave him the feelings that District Officer (Tai Po) was not willing to provide assistance. Many members of the public would walk past the location and use the shared lifts in the building, it was understandable that the people working there raised great objection and felt furious, and hoped to express their opposing views to the seven Mainland experts, it was a pity that Members and more than 10 staff members were charged violating the group gathering ban and summonsed. At that time, he very much hoped that District Officer (Tai Po) could co-ordinate the matter but in vain. The objective fact was that they did not receive the assistance from District Officer (Tai Po), but she might think that she had no obligation to provide assistance. He had the feelings that District Officer (Tai Po), as the highest level of government officer in TPDO, did not pay serious attention to Members, in particular the safety of Members, whether they were arrested or the reasons for arrests.

240. The Chairman said that District Officer (Tai Po) had replied him on that day, but he and other Members were at the police station. If Members could reach District Officer (Tai Po) at an earlier time, there would have been a quicker reply. Moreover, he had asked District Officer (Tai Po) earlier whether the Fire Eye Laboratory operated in Tai Ping Industrial Park.

241. Ms. Eunice CHAN said that TPDO and the Secretariat had been committed to facilitating the operation of TPDC, particularly the discussion at TPDC meetings. Accordingly, follow-up action had been taken seriously on every item and issue of a meeting. As regards invitation of

relevant departments to attend meetings, situations varied among different policy bureaux. For example, as today was the first day the community testing centres started to conduct tests, FHB was unable to send a representative to attend the meeting. However, it did not mean that TPDO had not contacted them. She hoped that Members would show understanding. TPDO had indeed spent considerable time on each item to contact relevant policy bureaux and invite them to attend meetings. Even if a department was unable to send a representative to a meeting, it was still hoped that a written reply would be provided so that Members could have a grasp of the situation and development. At an earlier time, the Chairman had instructed her to follow up the matter. Follow-up actions had already been taken, and the information obtained had been passed to Members.

242. Mr. MAN Nim-chi said that he only partially agreed to the response provided by District Officer (Tai Po) just now. He agreed that District Officer (Tai Po) had exerted effort, but he only partially agreed that she had been committed to co-operating with the Secretariat and TPDC. He remembered that at the meeting in January, District Officer (Tai Po) took the lead to withdraw from the meeting with departmental staff, which had affected Members' level of trust in some Secretariat staff and Senior Liaison Officers. Moreover, in accordance with the minutes of the TPDC meeting in July, District Officer (Tai Po) had said that she would consider withdrawing from the meeting temporarily. Based on the above, he only partially agreed that District Officer (Tai Po) had endeavoured to complete the work. As far as he remembered, District Officer (Tai Po) did not maintain good relationships with Members intentionally. Nevertheless, he hoped that co-operation could be maintained in the future.

243. Mr. Richard CHAN said that in order to prevent report room officers from saying that the matter was out of HKPF's purview when he made a report, he hoped that Mr. LEE Kwok-chung would clarify whether HKPF was responsible for taking law enforcement actions in respect of the Supplementary Medical Professions Ordinance. He opined that report room officers should know Mr. LEE Kwok-chung. If he was informed at the meeting that HKPF was responsible for taking law enforcement actions in respect of the Ordinance, he could convey to the report room officers that they were required to handle the matter. Moreover, he would like to send a letter to FHB to request clarification on whether applying the relevant reply to Sunrise would breach the law.

244. Mr. LEE Kwok-chung said that HKPF must take further action if powers were vested in police officers to conduct investigations and take enforcement actions under the laws of Hong Kong. As regards an individual piece of legislation, if it was more suitable for another department to conduct investigation than police officers, HKPF would make a referral. Hence, the informant needed not worry which department would be the most suitable for investigation.

(Post-meeting note: The letter to FHB mentioned in this agenda item was sent on 6 October 2020.)

VIII. Strong opposition to the Government's setting up of five COVID-19 testing centres in Tai Po District which endangers public safety

(TPDC Paper No. 68/2020)

245. The Chairman said that Mr. CHOW Yuen-wai had submitted the paper on 31 August. Although the requirement on paper submission under TPDC Standing Orders was not met, in view of the urgency of the matter, he exercised discretion to allow discussion of the paper at this meeting.

246. Mr. CHOW Yuen-wai said that he was more concerned about the present situation of the testing centres regarding the operation, including whether adequate protective and cleansing measures were adopted by testing personnel and whether testing was performed by qualified healthcare personnel. No representative from DH was present at this meeting. He proposed inviting District Officer (Tai Po) to inspect the testing centre on 6th floor of this building before its closure today to have a grasp of the operation of the centre on the first day of testing. It would be better than being just an armchair strategist in the meeting room.

247. Mr. HO Wai-lam said that he had conducted a site visit to Fu Heng Sports Centre during lunch break just now. Upon arrival, they observed that there was a long queue in which appropriate social distancing was not maintained. The testing centre staff did not maintain order to instruct people in the queue to maintain social distancing. Members tried to make enquiries with the staff, but the staff were rude. He asked why there was no openness and transparency when Members and the public made an enquiry to the testing centre personnel. Members did not attempt to challenge or obstruct the testing. Instead, they just hoped that the staff would maintain order so that social distancing could be maintained in the queue, which was a necessary measure. Moreover, the testing centre staff did not wear staff badges which made identification difficult. He would like to know the recruitment criteria of the testing centre personnel and whether they were deployed by other departments. He said that they were very rude. He also wanted to invite District Officer (Tai Po) to inspect the testing centre at Tai Po Complex to check whether the situation there was the same as in Fu Heng Sports Centre.

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

- (i) The identity of the personnel responsible for testing and maintaining order at Fu Heng Sports Centre could not be ascertained. Inspection of facilities in the district in the capacity of a Member nearly put his personal safety at risk, though fortunately he had held his nerve. He had enquired about the details of the testing programme from the testing centre personnel but no response was given.
- (ii) After protesting on the ground floor of Tai Po Complex the day before, Members inspected the testing centre at Tai Po Complex. No people could provide any

information, not even the staff doing the venue set-up. Same as Fu Heng Sports Centre, the testing centre had only one access to serve as both entrance and exit. Other facilities such as restaurants, wet market and catering establishments were located below the testing centre. He asked how the Government decided the sites for testing centres; whether it was based on the number of confirmed cases in a district or other reasons.

- (iii) Out of a population of about 300 000 in Tai Po District, there were not more than 100 infection and confirmed cases in total. Despite a fewer number of confirmed cases than other administrative districts, five testing centres were set up in Tai Po District. The number of testing centres in Wong Tai Sin with a larger number of infected cases was only slightly more than that in Tai Po District. He asked what criteria were adopted by the Government for determining the number of testing centres.
- (iv) While not being able to enter the testing centre, Members only wanted to know whether manpower was available for maintaining social distancing. However, the person who claimed to be a staff member only responded evasively. Without causing any obstruction, Members were accused of “making troubles” by the people in the queue. Had the Government assessed whether the manpower of the testing centres was enough? If not, why was there a need to set up five centres in Tai Po District? He would like to ask DH whether it was appropriate to spend lavishly on a testing programme that could not ensure the safety of participants who needed to wait in queues in which social distancing was not maintained.

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

- (i) He saw a stop sign stating “Kwong Fuk Estate to Tai Po Hui” outside Tai Po Complex. As such, he asked whether the vehicle was arranged by TPDO to provide convenience to members of the public to undergo testing or by other organisation and, if the vehicle was arranged by other organisation, why could a stop sign be erected without authorisation and vehicle be arranged for members of the public?
- (ii) There had been media reports today on the disposal of clinical waste at testing centres as general waste. A testing centre had been set up in Tai Po Complex. He asked whether the testing centre would share the same lift with other users of the Complex for waste disposal and how the waste of the testing centre would be treated.
- (iii) If a member of the public was verified by DH as a confirmed case upon having undergone testing at the testing centre in Tai Po Complex, had the Government assessed the risks involved when a confirmed patient entered the Complex and had

contacts with other people?

- (iv) If a number of false-positive cases were found in the testing programme, had the Government considered whether DH could bear such pressure?
- (v) Most of the testing personnel were deployed by the Hospital Authority (“HA”). There was hearsay that healthcare students, nurses and group heads, who must be doctors, had been engaged at hourly rates of, respectively, \$300, \$400 and \$900. Had the Government considered that deploying staff to conduct testing would bring huge pressure to HA? Did the daily work of those testing personnel need to be performed by others?

250. Mr. Nick LAM said that the Government always accused the media and the public of misunderstanding and smearing the Government. However, had the Government pondered why many members of the public would rather trust the media than the Government? It was because of the lack of transparency and frequent lies of the Government. Same as the story of “crying wolf”, it was very reasonable for members of the public to be suspicious of a regime without integrity, even though it had told the truth at times. If the Government respected representatives of public opinion, Members should have been invited to visit the testing centre venues and briefed on the procedures. In case there was any misunderstanding by then, he would make clarification for the Government. He urged the Government to stop putting the blame on other people as all problems were caused by the lack of transparency of a totalitarian government.

251. Ms. Olive CHAN said that two specimen collection points were available in Macau at present, respectively, the Nucleic Acid Test Station at Macao Forum and Macao Taipa Ferry Terminal. Both of them were far away from residential areas. In contrast, the testing centre in her constituency was set up at Tai Wo Sports Centre, which was only 20 metres away from the residential area and located near Tai Wo MTR Station with clinics and secondary and primary schools in its vicinity and connection to a shopping mall. She asked why the testing centre had to be located in such a crowded area, and whether the Government had considered the safety of the residents. As of today, testing centres had been set up by the Government and commenced operation without consultation with Members and residents. Did the Government aim at fighting the virus or spreading the virus? She hoped that the department would, after listening to public views, suspend the operation of testing centres and relocate the centres to places far away from residential areas. Moreover, in Macau, transfer service was provided for carrying residents to the testing centres. She opined that the Government could follow the relevant arrangement.

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

- (i) A number of Members raised the problems with the arrangement of testing centres, for example, the staff of testing centres could not be recognised without name badges and uniforms. He asked whether TPDO knew which department was the

contact point of testing centres.

- (ii) He was quite worried about the testing centre located at Tai Po Complex. Since there was no alternative route to visit the testing centre but to take the lift, it meant that a large number of people would gather at the ground floor of the building and line up to take the lift. Fortunately, the library had not yet reopened. If it was reopened within two weeks, members of the public would have to share the lift in addition to sharing the lift lobby for lining up and waiting for the lift. There might be physical contact when people stayed at the same confined space. After that, they might line up outside the sports centre to enter the testing centre and leave the building in the same way which would increase the crowd flow and the chance of infection. Healthy persons might contract the virus from the infected patients around them, and there would also be risks of cross-infection since visitors needed to use the same lift for accessing the 2nd to 4th floors. He asked whether the building management office had taken any special measures such as changing the queuing arrangement and arranging hourly cleansing and disinfection. Since the management of Tai Po Complex and the sports centre was different, had there been any coordination beforehand? It was hoped that the department would take the initiative to inform Members of any work that had been carried out rather than giving responses after enquiries were made by Members. The department should come up with some plans as soon as possible if there were none so far. Tai Po Complex and the other four testing centres in the district might have the same problem that the queues for testing did not maintain social distancing. For the pro-democracy primaries, social distancing was maintained at the polling station at Tai Po Plaza and there was no cluster of infection related to the primaries. It would be a laughing stock if clusters of infection related to testing centres appeared because of insufficient safety measures. He asked the department responsible for relevant areas and the management committee of this building to give a response.

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

- (i) Members had seen shuttle buses carrying members of the public from Kwong Fuk Estate to Tai Po Hui Sports Centre. He asked whether an application was required to provide the shuttle bus service, whether an application had been submitted to TD, and whether the department concerned had approved the application. A stop sign containing the information about the destination of the shuttle bus was posted at the roadside. Was it considered a bill? Would FEHD take enforcement actions?
- (ii) LCSD was responsible for management of sports centres while the staff inside testing centres exercised public powers to manage and use the venues to serve

members of the public. In short, they were public officers. According to what the two Members had said, they would like to visit the testing centres for monitoring the work of public officers but failed to do so. He had reasons to believe that someone had committed an offence of falsely pretending to be a public officer, so he asked whether HKPF would take enforcement actions. Members would like to know whether those persons were public officers but they were obstructed. In order to prevent crimes, he asked HKPF to send officers to accompany Members to verify whether those persons were public officers, otherwise the personal particulars of members of the public would be exposed to persons with unknown identities who were not wearing any staff badges inside government venues. According to the District Councils Ordinance, it was Members' duty to give advice to the Government. He therefore considered further expressing relevant views to the Government after the temporary motion was carried afterwards. It was inappropriate and undesirable that DCs were not consulted before launching a large-scale testing programme. Members advised the Government in accordance with the legislation, so he hoped that the Government would listen to opinions and adopt the good advice.

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

- (i) He opposed the implementation of the testing programme, as well as the use of the five venues in Tai Po District as testing centres. The aim of the testing programme was to identify asymptomatic patients in the community to break the invisible transmission chains; however, as mentioned by Members, the venues for the testing programme might also be places of invisible transmission. The Government's follow-up actions (including community disinfection and transport arrangement for persons under quarantine) after identifying patients through the testing programme was incomprehensive. Even if confirmed cases were successfully identified through the testing programme, say 1 000 patients, it would be meaningless if there were insufficient quarantine spaces. The public housing estates in his constituency generally lacked proper management. For example, the residents living downstairs were not informed of the confirmed cases upstairs. Neither did DH inform the tenants living downstairs how to handle the situation, nor deploy staff to clean the pipes. Besides, the current practice of non-disclosure of the residential addresses of confirmed cases resulted in a lack of transparency, even the staff of FEHD who were responsible for disinfection did not know the addresses of the confirmed cases. They would merely carry out disinfection in the common parts of the housing estates, which could not break the invisible transmission chains and achieve the intended purpose of the testing programme. He said that if the Government wished to implement the testing programme, it should take concrete

actions after identifying asymptomatic patients through the testing programme to break the transmission chains with reference to the practices of Germany and Korea, but such work was not underway in Hong Kong at the moment.

- (ii) He was more concerned about the accuracy of testing methods in the testing programme, and said that the example of Sweden had illustrated that inaccurate testing would cause misleading results and even more serious consequences. He was very surprised that many professionals were trained in Hong Kong, but the Government had never considered consulting the professionals in the sector when devising the testing programme. The Government sought services from Mainland contractors whose recognition was questioned by Hong Kong people without consulting the professionals in the laboratory sector. Not only was it unfair to the practitioners in Hong Kong, but also the resources in Hong Kong were not optimised. From a professional perspective, there were quite many controversies over the testing programme. Citing the comment of a biologist from the Chinese University of Hong Kong, he pointed out that the current number of confirmed cases in Hong Kong had not reached the criterion for carrying out universal testing. It would be necessary to do so only when the daily number of confirmed cases reached 0.01% of the total population in Hong Kong (i.e. at least 700 people). However, the largest daily number of confirmed cases was only about 100, and it had decreased to the level of 20 to 30. Given the relatively small number of confirmed cases, the testing programme might not be able to identify many asymptomatic patients. The effectiveness (i.e. the number of asymptomatic patients identified) of such a large-scale programme which required considerable resources was in fact very limited, as in the case in Wuhan. He said that the provision of resources should be enhanced, including quarantine and community cleansing work, and inter-departmental communication should be improved. FEHD and DH under FHB should improve the co-ordination, particularly for rural areas where considerable problems were found.

255. Mr. YIU Kwan-ho said that a sign of the feeder bus was erected in the area of the Housing Department (“HD”), and hence he enquired whether it was permitted by HD. Besides, railings were also placed on the road, which was a blackspot of illegal parking. He asked who placed the railings there. When a bunch of flowers was regarded as refuse, why could those railings be placed on the road?

256. Mr. AU Chun-ho said that it did not matter anymore whether Members opposed the setting up of the testing centres. He asked whether the Government hoped to identify asymptomatic patients or to produce a transmission chain. He cited Mr. MAN Nim-chi’s and Mr. HO Wai-lam’s statements a while ago that the situation of the testing centre at Fu Heng Sports Centre was very chaotic. Just then he came across an online news report that the cotton buds used for collecting

specimen at a testing centre, after being put in plastic rubbish bags and disposed of at the rubbish bins outside the centre, were taken out randomly by scavengers later on. He asked whether the rubbish of the testing centres could be disposed of at will or were to be dealt with in a particular way.

257. Mr. KWONG Ka-yin said that the New Territories Regional Offices of TD had not received any relevant applications for feeder buses.

258. Ms. Eunice CHAN responded as follows:

- (i) In connection to Mr. YIU Kwan-ho's question, TPDO had not arranged transportation to and from the testing centres.
- (ii) Many Members had put forward quite a number of pragmatic suggestions on the operation of the community testing centres in Tai Po District, such as improving the queuing arrangement, maintaining social distancing among the people queuing up, and arranging cleaning and disinfection of communal facilities (e.g. lifts and lobbies). TPDO would convey the suggestions to the relevant departments.
- (iii) The testing centres had commenced operation, which involved the personal data of a large number of participants, rendering it impossible for Members to inspect. Regarding the queuing arrangement at public facilities of particular concern to Members, such as common parts like the lobby of the building, she suggested visiting the lobby together later to see what improvements could be made, and she would convey them to the relevant departments.

259. The Chairman said that the venues of the testing centres in the district were all under the management of LCSD. He wondered whether LCSD relied solely on the organiser to take charge of the control of the flow of people and the disposal of rubbish, holding itself aloof.

260. Ms. Stella LIU said that although the testing programme was not co-ordinated by LCSD, the department was involved in it. As regards the control of the flow of people, the four testing centres in the district at LCSD's venues were all sports centres, and there were about ten testing stations in each of them. Ten specimen collection stations were set up in the main arenas of those sports centres, and thus, the social distancing maintained was absolutely adequate. She recalled that the standard distance should be 1.5 to 2 metres. It was mentioned in the newspapers and the news reports on the radio and television that great importance was attached to sufficient ventilation at the testing centres, and the air-conditioning system must be able to provide at least six changes of air per hour, which was the fundamental standard. A testing centre could be put into use only after it was assessed and considered suitable by the staff of DH and the Electrical and Mechanical Services Department ("EMSD"). To ensure proper social distancing among the people in the testing centres, the staff on duty also had to make sure that the people queuing up maintained social

distancing and persuade them to make an online booking in advance if there were too many people waiting in line. As she attended the DC meeting this morning, she could not conduct an on-site inspection. A code of practice was made available at each testing centre, which was staffed with a centre team and a supervisor.

261. The Chairman said that Members would inspect Tai Po Hui Sports Centre in due course. He asked whether the officers-in-charge or persons-in-charge of LCSD's venues would not handle any problems that occurred in the testing centres and leave them to the organiser instead.

262. Ms. Stella LIU said that given that a testing centre was staffed with a dedicated team, the team would be in charge of the entire centre. If Members had any improvement suggestions related to the queuing arrangement in the testing centres at sports centres in the Tai Po District, they could let her know. However, since specimen collection for testing was being carried out in the testing centres at present, it would not be appropriate for Members to enter the centres for inspection. In addition, as advised by DH, the testing centres would implement various infection control measures. It was hoped that no other people would enter the testing centres, but Members were welcomed to give advice outside the centres.

263. The Chairman said that Members had inspected the testing centre at Tai Po Complex the previous day. Members were afraid of getting infected even though they did not reach the testing location right after stepping out of the lift. There were two floors in Tai Po Hui Sports Centre. Space should be available at the lower floor for Members' access, and thus did not involve privacy issues. As the area of the testing centre just covered the main arena beyond the glass door of the upper floor, Members could conduct inspection outside and consult the organiser about its operation. There were media reports that members of the public might undergo testing on the spot without making booking. Therefore, Members could be assigned to get tested on the spot.

264. Ms. Stella LIU said that she was not in favour of arranging a visit to the testing centre. If Members wanted to participate in the testing programme, the testing centre could arrange testing for them.

265. The Chairman said that Members would conduct tacit inspection at appropriate locations.

266. Ms. Stella LIU said that since the testing centre would take over the entire venue, she could not reply on behalf of the supervisor of the centre.

267. Mr. YAM Mun-ho said that an SWD officer had served as chairman of the management committee of Tai Po Complex for the recent two years. After learning that Tai Po Hui Sports Centre would be used as a testing centre, the department had already carried out a number of tasks through the management committee, such as erecting signs in the lobby and discussing with

security officers how to effectively separate the flow of people. People who went to the floors above the 5th floor would use the lift on the left of the lobby. Given that the library had not been re-opened, most of the people using that lift were participants undergoing testing. The other two lifts were for accessing the 2nd to 4th floors. A FEHD's contractor was responsible for the cleaning of the common areas of the building. They had notified FEHD that they would step up the cleaning of public areas such as lifts and lift lobbies as far as possible during this period. Daily preventive measures (such as temperature monitoring and provision of hand sanitiser) were going on. The department had reminded colleagues to pay attention to improve the people flow in the lobby and would convey any improvement suggestions to the management committee.

268. Mr. Allan CHAN said that he was currently awaiting reply from departmental officers. Based on the photos provided by Members, the location was by the roadside, and HD should not have arranged for resident bus service. The vehicle might be arranged by a certain organisation to pick up and drop off passengers by the roadside next to Kwong Fuk Estate. The department would review how to deal with the sign.

(Post-meeting note: The sign had been removed on the day.)

269. The Chairman asked whether HD could instruct the management company not to place any stop signs there and take follow-up action on boarding and alighting at that location or occupation of the roadway there.

270. Mr. HO Wai-lam said that LCSD had said that Members could reflect comments on the management and queuing arrangement to the officer-in-charge. However, the officer-in-charge had not responded to his comments just now. These were very pragmatic issues, and it was hoped that LCSD would reflect to the officer-in-charge. Besides, he asked District Officer (Tai Po) whether the staff of testing centres were deployed by different government departments.

271. Mr. YIU Kwan-ho said that easy-mount frames, which were printed with the information of a certain political figure, were placed near the feeder bus stop, and flags were also erected there this morning. He asked whether HD had permitted these people to use the places concerned. If TD said that no applications were received from the feeder bus provider, then which department should be responsible for enforcement actions? In case of an accident, who should be responsible? If someone was infected on the bus and continued to spread the disease to the entire community, then who should be responsible?

272. Mr. AU Chun-ho said that he would like to add on Mr. YIU Kwan-ho's speech. As the banner of the feeder bus was printed with the information of Ms. WONG Pik-kiu, the former Chairman of TPDC, he assumed that the vehicle was arranged by her. If it was the case, why was the estate management office so co-operative with the erection of railings on the road? He asked

why the estate management office had provided co-operation in the arrangement concerned.

273. Mr. Richard CHAN said that HKPF had not responded to his earlier question on which department was responsible for the enforcement against illegal carriage of passengers for reward with non-commercial vehicles (commonly known as white licence cars) in the district without prior application. Besides, LCSD reserved the right to enter and inspect the hired venues and such right should not be given up. Had LCSD already given up the right because of the special arrangement this time? Just now LCSD said that entry of the testing centres was not recommended in the guidelines of DH. He asked where the guidelines came from, and whether the guidelines could override LCSD's right. If not, it would be meaningless. If LCSD had the relevant guidelines, he hoped that the guidelines could be passed to the Secretariat for distribution to Members for their reference.

274. Mr. HO Wai-lam said that Members had requested for a contact point. He said that it was very important, therefore he would like to know whether there was a contact point for the testing centres. Besides, the epidemic had persisted for a long time, but it was still very difficult for Members to find the contact person of DH at times. Some confirmed patients had been waiting for a week at their residence, but were still not admitted to the hospital. This aroused anxiety of many members of the public, who asked Members whether the persons concerned had gone out while they were waiting for hospitalisation. He said that no contact point was available so far. Despite that the Government had depicted a very substantial policy, much information remained undisclosed. A lot of information could only be released by the official authority, but was not available through other direct channels.

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

- (i) The Chairman had a site inspection to Tai Po Hui Sports Centre with Members the day before. He considered that LCSD officers were simply informed of the use of LCSD's venues beforehand without knowing what parties would use the venues for what purposes. In the event that testing centre personnel accidentally damaged the basketball stands in the venue, he asked whether the government department would deal with the matter internally or LCSD which was tasked with venue management would take up the responsibility. When the LCSD's venue officer-in-charge and manager gave an explanation the day before, they closely followed the advice of the personnel who claimed to have authorised access to the testing centre. Members hoped to inspect the actual queuing situation but were disregarded. As the venue fell under the purview of LCSD, the department was informed of the hire of venue, but who would be responsible for the cleaning, maintenance and future repair of the venue?
- (ii) He and Mr. HO Wai-lam had just visited Fu Heng Sports Centre during lunch time,

but failed to verify the identity of the people at the venue. There was a female speaking Cantonese with accents in Tai Po Hui Sports Centre who repeatedly shouted at others and accused Mr. Richard CHAN of kicking her leg. Mr. CHAN might gently touch the shoe bottom or upper, but was accused of kicking her down intentionally. She even attempted to emotionally blackmail the Members at the scene to give the perception of pity and innocence, so that the outsiders criticised and blamed Mr. Richard CHAN. He hoped to reflect the situation he had seen at the venue the day before and today to government departments and called for improvement. The Government granted approval for queuing up for testing but not queuing up for voting in mid-July, which he did not understand the differences between the two.

276. Ms. Stella LIU said that the department would reflect the situation witnessed by Mr. HO Wai-lam at Fu Heng Sports Centre today to the officer-in-charge and pay attention to social distancing. The testing personnel were serving or retired civil servants to be assisted by other staff, such as the staff of the contractor for deep cleaning who were outsourced workers, as well as the staff responsible for transportation and setting up of computer systems. As the programme was carried out in a tight timeframe, LCSD officers would provide assistance as far as practicable. The objective of the programme was to break the transmission chain. Media reports, overseas information and local experts all said that the global situation of COVID-19 was not stable, no matter in hot or cold regions, there was still an outbreak of the epidemic. She believed that the introduction of the testing programme would provide useful information to experts.

277. Mr. LEE Kwok-chung said that HKPF did not have any information so far which revealed that the passenger service vehicle was a white licence car. If there was evidence to show that the vehicle had carried passengers for reward without a passenger service licence issued by TD, HKPF would certainly take follow-up action.

278. The Chairman asked HKPF to deploy officers to inspect the situation.

279. Mr. Richard CHAN said that HKPF had not yet responded to the question he just raised about falsely pretending to be a public officer. TD had clearly said that no application had been received, there was prima facie evidence that white licence car was in operation. Hence, he urged police officers to ascertain whether the operation of shuttle bus involved an illegal act. Furthermore, HKPF had not responded to the question he raised at the previous round of discussion so far.

280. Mr. LEE Kwok-chung said that to his understanding, all the staff working in the testing centres were employed by the Civil Service Bureau (“CSB”). If Members had any doubt about the identity of the staff working at the venue, they should make an enquiry with CSB.

281. Mr. Richard CHAN said that those who exercised public powers were public officers, but it was unable to verify whether the parties having exercised public powers were public officers at present. They were simply suspected to be public officers whose identity was not able to be verified. Members had not been treated politely earlier, and even felt that their personal safety was under threat. In this case, he asked whether an offence of falsely pretending to be a public officer had been committed. Could Mr. LEE Kwok-chung be requested to deploy officers to assist in verifying whether those people were public officers for the sake of crime prevention?

282. Mr. LEE Kwok-chung said that if Mr. Richard CHAN had reasonable doubt that any person had falsely pretended to be a public officer, HKPF would certainly take follow-up action, while the underlying rationale and the grounds for suspicion had to be taken into account. As far as he understood, there was an officer-in-charge of the venue, other officers should work with the officer-in-charge to handle the venue information, whether the person concerned was a public officer could be ascertained through simple verification. HKPF would not follow up on wild speculations, but if Mr. Richard CHAN could provide justifications rather than personal speculation, HKPF was willing to follow up and investigate the matter.

283. Mr. Richard CHAN thanked HKPF for its willingness to provide assistance. Based on the description by Members earlier, the person concerned was not willing to provide any information but was discharging the duties of a public officer. In this regard, he hoped that HKPF could provide assistance by deploying officers to accompany Members to check whether the person concerned was a public officer.

284. Ms. Stella LIU said that to her understanding, when a venue had turned into a testing centre, the staff there would be civil servants or retired civil servants, while other parties would be qualified healthcare personnel. She learnt that the identity of all the staff entering the testing centre had to be verified, while the officer-in-charge and colleagues would be required to conduct verification. Registration was also required for the members of the public who had made an online booking for testing.

285. Mr. Richard CHAN said that as the person concerned was not willing to have her identity verified, it would mean that non-public officers could enter the testing centre. When Members made an enquiry, there was no reply. If HKPF was unable to deploy officers to accompany Members, LCSD could instruct the venue staff to inform Members whether the person concerned was a staff member there for verification purpose. It would be a simple approach for identity verification as in the case of police officers wearing warrant cards. He emphasised that this approach was to safeguard public interests for the sake of crime prevention.

286. Ms. Stella LIU said that as far as she knew, testing centres would not be open arbitrarily to

the general public in order to maintain social distancing and reduce crowd gathering. It would be desirable to make an advance booking for testing to facilitate the management of the flow of people. Members had raised the inadequacies identified on their afternoon visit to the testing centre, which she could reflect to the officer-in-charge of the venue.

287. Mr. HO Wai-lam asked whether staff identity cards could be produced for identification of staff members.

288. Ms. Stella LIU said that the testing centre was not a general public place, administrative and healthcare personnel were not required to wear name badges, while the staff names would not be displayed. During the testing, the officer-in-charge of the venue would verify the identity of the personnel concerned.

289. The Chairman asked LCSD to deploy officers to handle the matters raised by Members regarding the particular sports centre for easier communication, because the centre staff were more sensitive to the monitoring and concern of Members. He invited Ms. Stella LIU from LCSD, TPDO and police officers to have a site visit to Tai Po Hui Sports Centre with Members to inspect the situation.

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

- (i) On the day of 4 August, a person working in a particular building took the lift on the ground floor and was requested by the police commander at the scene to produce staff card, which was extremely unreasonable. Staff cards should be very important to Mr. LEE Kwok-chung and his supervisors or subordinates. To avoid suspecting the person to be illegal worker, triad gang member, illegal immigrant, offender, discharged prisoner or other person, he made the request and hoped that the department would give a reminder and reflect the case.
- (ii) Based on the on-site observation by him and Mr. HO Wai-lam, the hirer of LCSD venue was very bureaucratic and inflexible. At that time, he requested to communicate with the centre staff, but the centre staff said that they could only give a response within the testing centre, but people not undergoing testing would not be allowed to enter the testing centre. He considered that the testing personnel should be identified. If there was no identification, it would trigger further trouble.
- (iii) HKPF had just said that if Members found any suspected offence, they could make a report to the Police, but he considered this statement intriguing. In his view, if there was a report that a person queuing up outside the testing centre chanting “Liberate Hong Kong”, he believed that more than a hundred anti-riot police officers would turn up in less than five minutes. The Police would not verify whether someone had been chanting. It was

reasonable for Members to cast doubt over the identity of the people at the testing centre when their identity was not known. The LCSD venue hirers claimed to use the venues for testing purpose, but they seemed to have supreme powers, and Members were unable to verify their identity. Just as the social movement over the past year, there were many masked people holding batons and pepper spray whose identity could not be ascertained so far. It would be no difference to prisoners if the persons were unmasked but had an identification number only.

291. Mr. YIU Kwan-ho said that it was a great problem when the department learnt of the operation of the suspected white licence car without addressing the problem. The vehicle bore the wording Tai Po Hui and Kwong Yan House or from Kwong Yan House to the sports centre at Ting Kok Road. He did not know whether the vehicle was fee-charging, therefore it would require Police's investigation, but the Police refused to offer assistance. Even if the vehicle was not a white licence car, road occupation should not be allowed. If the Police did not carry out investigation, did it mean that consent was given to the situation?

292. The Chairman asked the Police to deploy officers to follow up on white licence cars.

293. Ms. Eunice CHAN responded to the question of Mr. HO Wai-lam, and said that healthcare personnel in the testing centre were responsible for specimen collection, they were mainly recruited through medical centres, associations and organisations. For other supporting and administrative staff at the venue, they were recruited from serving and retired civil servants. The testing programme was of a large scale and involved a number of departments, irrespective of the selection of venues and staff recruitment. For example, CSB was responsible for recruiting testing centre staff, while the hygiene conditions, ventilation, air exhaust and air changes in the selected venues were relevant to DH and EMSD. If Members had any views on the operation of testing centres, TPDO was willing to assist in reflecting the views to the departments and the testing centres. As the testing centres were in operation, the specific and practical suggestions on their operation provided by Members would be of utmost importance to improve the operation of testing centres as appropriate.

294. Mr. CHOW Yuen-wai read out his motion as follows:

“TPDC strongly opposes the Government's setting up of COVID-19 testing centres in Tai Po and requests the Government to expeditiously abolish the arrangement and consult residents”. The motion was moved by Mr. CHOW Yuen-wai and seconded by Mr. YIU Kwan-ho.

295. No Member moved an amended motion.

296. The Chairman asked Members to vote on Mr. CHOW Yuen-wai's motion. Members

agreed to vote by open ballot, and the results were as follows:

For:	16 votes	Mr. KWAN Wing-yip	Mr. AU Chun-ho
		Mr. AU Chun-wah	Mr. Richard CHAN
		Mr. CHOW Yuen-wai	Mr. HO Wai-lam
		Mr. Nick LAM	Mr. Dalu LIN
		Mr. MAN Nim-chi	Mr. Patrick MO
		Mr. SO Tat-leung	Mr. TAM Yi-pui
		Mr. WU Yiu-cheong	Mr. YAM Kai-bong
		Mr. YIU Kwan-ho	Mr. YIU Yeuk-sang
Against:	0 vote		
Abstain:	0 vote		
Present without voting:	0 vote		
Absent without voting:	5 votes	Mr. LAU Yung-wai	Ms. Olive CHAN
		Mr. LAM Yick-kuen	Mr. LI Yiu-ban
		Mr. WONG Siu-kin	
<hr/>			
Total:	21 votes		

297. The Chairman announced that the motion was carried.

(Post-meeting note: TPDO had forwarded Members' suggestions about the operation of Community Testing Centres in Tai Po and the motion set out in paragraph 294 above to CSB on 3 September 2020.)

IX. Reports of Committees under TPDC

(TPDC Paper No. 60/2020)

Healthcare, Education and Social Services Committee

298. Mr. CHOW Yuen-wai reported that HESC had held its 4th meeting in 2020 on 13 July 2020. Members noted the contents of the report.

Planning, Housing and Works Committee

299. Mr. AU Chun-wah reported that PHWC had held its 4th meeting in 2020 on 14 July 2020. Members noted the contents of the report.

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

300. Mr. LAU Yung-wai reported that EFAC had held its 4th meeting in 2020 on 15 July 2020. Members noted the contents of the report.

Traffic and Transport Committee

301. The Chairman reported that the Traffic and Transport Committee had held its 4th meeting in 2020 on 10 July 2020. Members noted the contents of the report.

District Facilities Management and Culture, Recreation and Sports Committee and Administration and Finance Management Committee

302. The Chairman said that DFMC and AFMC were unable to hold meetings in July due to the epidemic, there was nothing to report.

X. Any other business

(I) Meet the Public Scheme of TPDC

303. The Secretary said that when the current DC term commenced, TPDC agreed to resume Meet the Public Scheme. Subsequently, however, in view of the epidemic, the scheme had not been launched so far. At the last full council meeting on 7 July, TPDC agreed to resume Meet the Public Scheme. Nonetheless, after the meeting, the epidemic had worsened again, at that time the Secretariat asked Members whether they agreed to suspend the launch of the scheme in August by means of paper circulation, and Members agreed to the suspension. As August had passed and TPDC meeting could be held in September as scheduled, Members' views on the arrangement for Meet the Public Scheme were sought.

304. The Chairman suggested that the scheme would be launched in the middle or latter half of this month or October tentatively subject to the development of the epidemic.

305. Members agreed to the Chairman's suggestion.

(II) Invitation to TPDC to support 918 Hong Kong Sign Language Day
(TPDC Paper No. 61/2020)

306. The Chairman said that the Hong Kong Society for the Deaf would organise 918 Hong Kong Sign Language Day with details set out in the above paper. He asked whether Members agreed that TPDC would become a supporting organisation of the said activity and authorise the organisation to display TPDC's emblem on publicity materials of the activity.

307. TPDC agreed to become a supporting organisation of the said activity and authorise the organisation to display TPDC's emblem on publicity materials of the activity.

(III) Proposed changes to the time of committee meetings

308. Mr. AU Chun-wah said that he had earlier discussed with the Secretary of PHWC that if a meeting was arranged on the Monday of the third week of an odd month, it would be incompatible with the operation of the Secretariat. Hence, he suggested that PHWC meeting be changed to be held on Tuesday on the third week of November and the arrangement for the meetings for the coming year would be dealt with in November or January next year.

309. The Secretary said that the Secretariat had a preliminary discussion with the Chairmen of Committees about the arrangements for the meetings in November and made preliminary suggestions as follows:

<u>Meeting</u>	<u>Meeting Date and Time</u>
TTC	6 November, 9:30 a.m.
HESC	9 November, 9:30 a.m.
EFAC	11 November, 9:30 a.m.
DFMC	13 November, 9:30 a.m.
PHWC	17 November, 9:30 a.m.
AFMC	19 November, 9:30 a.m.

310. The Secretary continued that the suggestions were preliminary in nature and the Chairman and the Chairmen of Committees could further discuss with the Secretariat after the meeting.

(IV) Suggestion for government departments to regularly submit reports to TPDC

311. Mr. AU Chun-wah said that as it was unable to convene a meeting of the Security and Constitutional Affairs Committee, the matters relevant to the committee would be referred to the

full council for handling. He suggested requesting HKPF, the Fire Services Department (“FSD”), the Immigration Department, the Customs and Excise Department and the Independent Commission Against Corruption to regularly submit information and statistics of the operations carried out within two months in between meetings to full council meetings. HKPF could make reference to the papers submitted to the Fight Crime Committee, FSD could make reference to the papers submitted to the District Fire Safety Committee, while other departments not participating in the relevant committees could make reference to the approach of the relevant committees. He hoped that the departments concerned could submit papers for the meeting in November to facilitate discussion.

312. TPDC agreed to the suggestion.

(V) Problem of abandoned motorcycles in Tai Po District

313. Mr. AU Chun-ho said that Mr. AU Chun-wah had mentioned at the last meeting that a motorcycle had been placed in the vegetation next to the pedestrian crossing from Tai Yuen Estate to Fu Heng Estate near New Territories Women & Juveniles Welfare Association Christian Remembrance Of Grace Primary School in Tai Yuen Estate for more than one year. He had raised the matter in March, but after more than half a year, the problem had not been solved so far. He did not understand what difficulty would be encountered by the department in dealing with a motorcycle. It simply showed that departments shifted the responsibility to each other. He asked when the department would remove the motorcycle. If the department had still not dealt with the motorcycle at the next full council meeting, he would move the motorcycle to the conference room.

314. The Chairman asked whether TPDLO could assist in co-ordinating TD and HKPF in dealing with the matter.

315. Mr. Alex KWOK said that if the motorcycle was located on the road which HyD was responsible for repair, HyD would deal with the matter. If it was not located on the road which HyD was responsible for repair, TPDLO would be responsible for the matter.

316. Mr. AU Chun-ho said that the department had given the same reply at the last meeting, he did not wish to listen to it again. The department simply needed to remove the motorcycle, otherwise he would move the motorcycle to the conference room.

317. Mr. Alex KWOK said that the departmental staff would contact Mr. AU Chun-wah after the meeting.

(Post-meeting note: TPDLO staff had contacted Mr. AU Chun-wah and confirmed that the motorcycle had been removed.)

318. Mr. AU Chun-ho said that the department would say every time that the Member concerned would be contacted after the meeting, but the motorcycle had not been removed all along.

319. Mr. AU Chun-wah said that over the past half a year, HyD had replied that the matter was not under its purview. Members originally intended to move the motorcycle to the conference room today, but finally decided to give additional time to the department. If TPDLO said that the matter should fall under the purview of HyD, the matter should be referred to District Officer (Tai Po) for handling. The problem had persisted for more than half a year, but responsibility was shifted among departments. There was also an abandoned motorcycle near the location, but TPDLO had swiftly removed the vehicle. As the motorcycle to be dealt with this time involved the delineation of responsibilities of HyD, but HyD said that the matter did not fall under its purview, it ended up that half a year had been wasted. Every time the department said that contact would be made and the matter was being handled, TPDLO had co-ordinated the matter for half a year but the matter had remained unresolved. He asked what the department had done for the matter concerned.

320. Ms. Eunice CHAN thanked Members for their concerns and awareness of district affairs. She had just learnt of the case, and had no opportunity to go through the information before the meeting. It might appear to be simple to handle a matter, but involve a number of departments which had their own constraints. She agreed that it was unsatisfactory that the problem had been dragged on for too long because of the constraints of different departments. TPDLO had an undeniable responsibility in the matter and hoped to play its function to co-ordinate the departments concerned to understand the situation and report to Members and TPDC at the next meeting.

321. Mr. AU Chun-ho asked whether a time limit would be set for handling the matter. He did not wish to wait for two more months after two months and ended up that it would take almost a year to deal with an abandoned motorcycle.

322. The Chairman asked District Officer (Tai Po) to have a site inspection before the next EFAC meeting and report the progress at the EFAC meeting, as well as make arrangements for on-site discussion among TD, HyD, TPDLO, HKPF and LCSD for immediate follow-up.

(Post-meeting note: As the abandoned motorcycle had been removed, there was no need to arrange site inspection.)

(VI) Matters concerning application for display of posters by DC Members

323. Mr. AU Chun-ho said that Mr. AU Chun-wah had received a letter from HD on 25 August which stated that his application for display of a poster was not approved because the poster contained messages that were insinuating, defamatory or criticising individual persons. The content of the poster mentioned that the third wave of the epidemic was brought about by persons exempted from quarantine. Depicted in the poster was an unknown person whose eyes were covered. An HD officer replied that the poster showed the facial appearance of Professor CHAN Siu-chee, Sophia, JP, Secretary for Food and Health. However, he did not think that the person in the poster was Professor Sophia CHAN, but rather she looked more like his mother. He also did not understand how the poster contained elements that were insinuating, defamatory or criticising. It only stated the fact. As regards another unapproved poster, it was alleged of containing commercial elements as it stated the names of ParknShop supermarket and Wellcome supermarket. He pointed out that the Government Notice was cited in the poster. If approval was not granted for the display of the poster, how could Members inform members of the public of government measures?

324. Mr. Allan CHAN said that HD had set out the criteria for vetting and approving applications for putting up posters. Upon review, the officers of HD considered that the person in the poster was Professor Sophia CHAN. Hence, they opined that the poster contained elements that made insinuation about Professor Sophia CHAN and thus did not approve the application. Moreover, as the other poster stated the names of supermarkets which contained commercial elements, it was not approved either.

325. Mr. AU Chun-wah said that Members had no authority to delete or amend Government Notices. The names of ParknShop supermarket and Wellcome supermarket were stated in the Government Notice. They were not added or deleted by him. If Members deleted the names of the supermarkets, how could they cite the messages contained in the Notice? Did it mean that only the Government could use the names of the supermarkets but not Members? The Government should amend the content of the Notice so that no publicity would be made for ParknShop supermarket and Wellcome supermarket. Therefore, the responsibility did not lie in Members. Moreover, Professor Sophia CHAN had acknowledged that the source of the third wave of the epidemic was unknown. Dr. LAW Chi-kwong also said that no one had mentioned the situation at meetings, so he did not know about it. Only the senior officials did not know about it. Members simply cited what they had said and stated the fact rather than making insinuation. HD was exercising political censorship. Members dare not amend what the Government acknowledged internally and the Government Notices. Would HD be held responsible if there was a difference in meaning after making an amendment? If so, he would act in accordance with the wishes of HD and amend the content of the poster according to HD, but the Director of Housing should be liable for that.

326. The Chairman said that the enquiries raised by Members just now were justified, particularly the part involving names of supermarkets. When Members gave a briefing on their routine work, they would also mention private organisations such as the Kowloon Motor Bus Company (1933) Limited and MTR, etc. Should they not be mentioned? This issue was politically sensitive, so it was hoped that HD would follow up. He invited Mr. AU Chun-wah to raise the matter at the next PHWC meeting for follow-up.

327. Mr. AU Chun-ho said that HD staff at Tai Wo Estate told him that the poster would be approved if the eyes of the person in the poster were covered in a tactful manner. However, why was approval still not yet granted even after he had covered the eyes of the person in the poster? Approval was not obtained for every poster that involved the facial appearances of Government officials. Such posters were withheld by the management offices and could not be put up.

328. Mr. Allan CHAN said that further actions would be taken.

(Post-meeting note: Mr. AU Chun-wah had been informed by staff of the estate office that he could make a written application for review of the posters.)

(VII) Proposal of inviting representatives from FHB to attend meetings

329. Mr. Nick LAM said that when discussing certain issues at meetings, FHB was required to give response in respect of the epidemic-related legislation, and so on. He had called FHB for enquiry, but the frontline staff had no idea and needed to ask supervisors. The enquiry had eventually fallen on deaf ears. He asked whether FHB was a bureau in regular attendance at meetings; if not, whether considerations would be given to invite representatives from FHB to attend certain meetings (such as full council meetings).

330. The Chairman said that FHB was not a bureau in regular attendance at DC meetings. In view of the wide purview of FHB, he did not know whether officials at Under Secretary or Assistant Secretary level could respond to all enquiries relating to their bureau raised at meetings. If they could, he wanted to invite them to attend meetings, but the Under Secretary or Assistant Secretaries could not be invited to attend every meeting. He would discuss with the Secretariat whether there would be a smooth and feasible approach.

(VIII) Date of next meeting

331. The next meeting would be held at 9:30 a.m. on 3 November 2020 (Tuesday).

332. There being no other business, the meeting was adjourned at 6:46 p.m.

Tai Po District Council Secretariat
October 2020