

(Translation)

Minutes of the 2nd Special Meeting of Tsuen Wan District Council

Date: 22 May 2020

Time: 2:30 p.m.

Venue: Main Conference Room, Tsuen Wan District Office

Present:

Mr CHAN Yuen-sum, Sumly (Chairman)

Mr LI Hung-por (Vice Chairman)

Mr MAN Yu-ming, MH

Mr SHUM Lester

Mr YAU Kam-ping, BBS, MH

Mr YICK Shing-chung, Angus

Mr LAM Sek-tim

Mr CHAN Sung-ip, MH

Ms CHAN Kim-kam

Mr LUK Ling-chung, Antonio

Mr WONG Ka-wa

Mr KOT Siu-yuen

Mr CHIU Yan-loy

Mr LAU Chi-hung

Mr LAU Cheuk-yu

Mr PUN Long-chung, Roy

Mr LAU Jackson

Mr LAI Man-fai

Mr TSE Man-chak

Mr TAM Hoi-pong

Absent:

Mr NG Hin-lung, Norris

In Attendance:

Miss YIP Kam-ching, Jenny, JP

Mr CHOW Chun-hun, Gary

Ms CHAN Tsz-yee, Emily

Ms LEE Lai-kiu, Winnie

Miss LAM Siu-yung, Daisy
(Secretary)

District Officer (Tsuen Wan), Tsuen Wan District Office

Assistant District Officer (Tsuen Wan), Tsuen Wan District
Office

Senior Liaison Officer (1), Tsuen Wan District Office

Senior Liaison Officer (2), Tsuen Wan District Office

Senior Executive Officer (District Council), Tsuen Wan
District Office

Mr LAU Shun-tak, Donald

Executive Officer I (District Council), Tsuen Wan District
Office

Action

I Opening Remarks and Introduction

The Chairman welcomed Members and representatives from government departments to the 2nd special meeting of Tsuen Wan District Council (TWDC).

(Note: Mr YAU Kam-ping, Mr CHAN Sung-ip and Mr WONG Ka-wa joined the meeting at 2:32 p.m.)

2. The Chairman reminded Members that according to section 28 of the Tsuen Wan District Council Standing Orders (the Standing Orders), unless otherwise agreed by the Chairman, Members could speak once for each agenda item at the meeting and each Member could speak up to 1.5 minutes. A maximum of ten Members could speak for each agenda item. The Members who had submitted papers would have three minutes to make an introduction and 1.5 minutes to draw a conclusion. The representatives of the departments would have up to two minutes to give response.

(Note: Mr TSE Man-chak joined the meeting at 2:33 p.m.)

II Item 1: Request for Confirmation and Endorsement of Tsuen Wan District Council Funds Allocation in 2020/21
(TWDC Paper No. 19/20-21)

3. The Chairman stated that the Vice Chairman and Mr WONG Ka-wa submitted the paper.

(Note: Ms CHAN Kim-kam joined the meeting at 2:34 p.m.)

4. The Vice Chairman introduced the paper and moved a motion to “confirm the TWDC funds allocation in 2020/21 endorsed at the meeting of the Finance and In-house Working Group under the TWDC on 19 March 2020:

District Planning, Development and Facilities Management Committee	\$8,245,000;
Recreation, Sports, Arts and Culture for All Committee	\$3,247,000;
Social Service and Community Development Committee	\$1,995,500;
Environment, Health and Climate Change Committee	\$600,000;
Traffic and Transport Committee	\$470,000;
The funds allocated to the TWDC’s Full Council remains	\$7,419,000.

Hence, the total funds for the Community Involvement Projects of the TWDC in 2020/21 amounts to \$21,976,500.

The total budget for the District Minor Works Programme of the TWDC in 2020/21 remains \$15,909,000”. Mr WONG Ka-wa seconded.

5. The Chairman said he and Members hoped that the activities of the Area Committees would be held as scheduled. However, in view of the epidemic, he agreed that these activities should be put on hold in the current year.

6. Mr CHIU Yan-loy pointed out that the above motion confirmed the proposed allocation of funds which was endorsed at the meeting of the Finance and In-house Working Group earlier. However, the motion did not include a corresponding 2.8% cut in the total provision equivalent to the funding cut of about \$570,000 made by the Home Affairs Department (HAD). He thus opined that the total provision should also be reduced by 2.8% and moved an amended motion to reduce the funds earmarked for the TWDC's Full Council by \$572,723. Besides, many district recreational and cultural activities of the Leisure and Cultural Services Department were suspended between April and May 2020. It resulted in an unspent provision of about \$570,000. However, according to the procedures for allocating TWDC funds, the provision could not be put into use right away. He therefore proposed that the aforesaid provision should be reallocated to the District Planning, Development and Facilities Management Committee. He did not agree to the Government's slashing the funds allocated to the TWDC. However, if the TWDC did not endorse the allocation of TWDC funds, no funding would be made available to its Committees and the residents in Tsuen Wan district would be affected. Hence, he proposed reducing the funds for activities led by the HAD or Tsuen Wan District Office (TWDO) by cutting all funds for the Area Committees and Tsuen Wan District Civic Education Committee (TWDCEC), and slashing the provision for employment of TWDC staff by about \$150,000.

7. Mr TAM Hoi-pong hoped that the HAD would proactively communicate with the TWDC instead of abruptly slashing the funds for the TWDC by 2.8%. He thus opined that the TWDC should take countermeasures, such as slashing the funds for the TWDO for employment of one staff member and cutting the funds for the Area Committees and TWDCEC. Moreover, he had opinions on the composition of Tsuen Wan Safe and Healthy Community Steering Committee (TWSHCSC) and held that the funds for the TWSHCSC should also be reduced. However, the total amount of funds saved after slashing the funds for various items under the TWDO exceeded \$570,000. As it could sufficiently offset the funding cut imposed on the TWDC, it would not be possible to slash the funds for the TWSHCSC. He pointed out that as the activities scheduled for the following months had already been granted TWDC funding, he had no choice but to compromise and accept the funding cut of 2.8% by resort to supporting the amended motion. He hoped that voters would understand that Members had endeavoured to oppose the HAD's funding cut of 2.8% imposed on the TWDC.

8. Mr LAU Cheuk-yu pointed out that the provision for employment of TWDC staff increased from about \$2.8 million in 2019 to about \$3.8 million in 2020. People might have the false impression that the TWDC funds were not entirely spent on the public. The TWDC was the first official body to distribute anti-epidemic

packs to the public in the territory. However, the HAD slashed the funds for the TWDC on the grounds of disease prevention and the TWDC's work was therefore hampered. Hence, he hoped that the TWDO would faithfully convey Members' views to the HAD.

9. Mr LAI Man-fai agreed that the TWDC should cut the funds for TWDO-led activities as a countermeasure against the HAD's funding cut imposed on it. He had no intention to make things difficult for the staff of Secretariat. However, the TWDC should take countermeasures accordingly to express dissatisfaction with the HAD. He commented that the public opinion in Tsuen Wan district was clearly reflected in the District Council (DC) election in November 2019. He hoped that the TWDO would work closely with Members.

10. Mr PUN Long-chung, Roy said that this special meeting was held because the HAD slashed the funds for the TWDC without prior consultation with Members. Also, the proposed allocation of TWDC funds had already been endorsed at the meeting of the Finance and In-house Working Group; yet, Members were subsequently asked to endorse the revised allocation of TWDC funds by circulation of paper. The current-term TWDC adhered to the principle of fiscal prudence and should therefore allocate TWDC funds properly. He did not object to organising recreational activities which were beneficial to the public. However, as the TWDO had never disclosed the mechanism for appointing members to its committees, he held that the relevant funding applications should be subject to fair scrutiny.

11. Mr WONG Ka-wa noted that many non-profit making organisations (NPOs) under the Social Welfare Department had submitted funding applications. Hence, he hoped that the Council would make a ruling on the allocation of TWDC funds at the meeting with a view to optimise the use of taxpayers' money. Besides, he opined that the Secretariat had spared no effort to assist in the district work of Members. Thanks to the assistance from NPOs, Members and the Secretariat, the TWDC was the first among the 18 DCs to implement anti-epidemic work. Moreover, the residents in Tsuen Wan district could join excursions organised by the Area Committees at discounted prices in the past. However, he understood that the Area Committees were probably unable to organise excursions this year due to the epidemic.

12. Mr LUK Ling-chung, Antonio commented that the amended motion put forth by the Member allowed flexibility and adaptability. He therefore supported the amended motion.

13. Ms CHAN Kim-kam agreed that the funds for the Area Committees and TWDCEC should cut in full to offset the HAD's funding cut of 2.8%. However, she cast doubts on the composition of the TWSHCSC and the reasons for including it as one of the organisations for which funding was earmarked. Therefore, she would like to move an amended motion which suggested that apart from defunding the Area Committees and TWDCEC, the TWDC should deduct all of the provision of

\$80,960 for the TWSHCSC, and another sum of more than \$70,000 under the item of employment of TWDC staff.

14. Mr TSE Man-chak opined that the TWDC should have a good understanding of how TWDC funds were utilised. Even if the relevant organisations submitted funding applications for organising anti-epidemic events, the TWDC would not necessarily grant approval for their funding applications. He hoped that Members would review the relevant funding applications carefully.

15. Mr LAU Chi-hung pointed out that the TWDC was the first among 18 DCs to distribute masks to the public and Members had made every effort to address livelihood issues. Serving the public with full dedication, he considered the HAD's reduction of the funds for the TWDC by 2.8% on anti-epidemic grounds unacceptable. Hence, he supported the Member's amended motion. He opined that the funds for employment of TWDC staff should be slashed to express his dissatisfaction with the HAD's imposition of a funding cut on the TWDC. Moreover, he learnt that the duties of District Officer included serving as a co-ordinator in the provision of relief services in emergency situations and maintaining close liaison with different sectors of the community to convey their views to the Government. He thus enquired about the TWDO's work during the epidemic.

16. Mr SHUM Lester noted that Members had divergent views on cutting the funding under different sub-items. Most Members agreed that the funds for the Area Committees and TWDCEC should be slashed. However, he had doubts about the composition and operation of the TWSHCSC and opined that it was a product of the TWDC in the past. He thus held that the TWDC should carefully consider how funding applications from the TWSHCSC should be handled in the future.

17. The Chairman asked Mr CHIU Yan-loy to move the amended motion.

18. Mr CHIU Yan-loy moved an amended motion to "confirm the TWDC funds allocation in 2020/21:

District Planning, Development and Facilities Management Committee	HK\$8,245,000;
Recreation, Sports, Arts and Culture for All Committee	HK\$3,247,000;
Social Service and Community Development Committee	HK\$1,995,500;
Environment, Health and Climate Change Committee	HK\$600,000;
Traffic and Transport Committee	HK\$470,000;
TWDC's Full Council (based on funding purposes set out at Annex)	HK\$6,846,277.

The total budget for TWDC funds (Community Involvement Projects) in 2020/21 is HK\$21,403,777.

The total budget for TWDC funds (District Minor Works Programme) in 2020/21 is HK\$15,909,000.

Annex

Items	Proposed Allocation of Funding (\$)
1. Area Committees	0
2. Activity Programmes for the Youth	180,000
3. Promotion of Fire Prevention and Safety Activities	159,000
4. Tsuen Wan District District Fight Crime Committee	0
5. Tsuen Wan District Civic Education Committee	0
6. Activities for New Arrivals	/
7. Others	0
8. Employment of District Council Staff	3,684,777
9. Tsuen Wan Safe and Healthy Community Steering Committee	80,960
10. Subsidy for the Disadvantaged	186,000
11. Promotion of Arts and Cultural Activities	2,000,000
12. Anti-epidemic Activities	500,000
13. Reserve	0
14. Working Groups under the TWDC	55,540
	Total 6,846,277” .

The amended motion was seconded by Mr TAM Hoi-pong and Mr LAU Cheuk-yu.

19. The Chairman asked Members to vote on the amended motion. The amended motion was unanimously endorsed with a vote of 16 in favour, 0 against and 0 abstention.

III Item 2: Application for District Council Funds by Tsuen Wan Safe and Healthy Community Steering Committee (TWDC Paper No. 20/20-21)

20. The Secretary introduced the paper and stated that Mr CHAN Sung-ip had declared his Vice Chairmanship of the TWSHCSC and Mr YAU Kam-ping had declared his membership of the TWSHCSC.

21. The Chairman asked Members to make declaration of other interest.

22. Mr WONG Ka-wa declared his membership of the TWSHCSC.

23. The Chairman stated that according to section 48(11) of the Standing Orders, the Members who were concurrently the Vice Chairman and Members of the TWSHCSC should remain silent during the discussion on the funding application and should not participate in the decision-making or voting on the funding application. Besides, the main objective of TWSHCSC's funding application was to distribute anti-epidemic material packs to frontline healthcare staff, cleansing workers and security guards in Tsuen Wan district.

24. Mr LAU Jackson agreed to the implementation of anti-epidemic work. However, he doubted the composition of the TWSHCSC and only knew that the Yuen Yuen Institute was the executive arm. The TWSHCSC applied for over \$45,000 to cover the organisation's administration costs in the funding application. He was worried that it involved transfer of benefits. Hence, he hoped that the responsible section of the Yuen Yuen Institute would brief the TWDC on the composition and work of the TWSHCSC to allay Members' concern. Besides, he enquired about the purpose of the sub-item "Activities of Tsuen Wan Safe and Healthy Community Steering Committee" under the TWDC funds and whether the provision for the aforesaid funding application would be granted under this sub-item.

25. Ms CHAN Kim-kam supported the on-going implementation of anti-epidemic activities. However, she was doubtful about the composition of the TWSHCSC and questioned whether it had interests associated with the Yuen Yuen Institute. Besides, she pointed out that an amount of over \$40,000 was fully payable to the TWSHCSC as the organisation's administration costs in the funding application. Hence, she wished to ascertain whether the TWSHCSC was under the TWDC before endorsing this funding application.

26. Mr TAM Hoi-pong said that although the TWDC intended to distribute anti-epidemic masks to people in need, he had some opinions about the TWSHCSC's role as organiser of the activity. For instance, he would like to ascertain whether conflict of interest was involved.

27. Mr TSE Man-chak opined that the applicant organisation should brief the TWDC on its funding application. Besides, the TWDC was the first DC to distribute anti-epidemic materials to the public. He thus opined that the TWDC should implement anti-epidemic work by taking the approach adopted earlier rather than assigning the work to an organisation which had potential conflict of interest.

28. Mr SHUM Lester pointed out that he would not object to the funding application if the TWSHCSC was under the TWDO. However, he had reservations about the composition and positioning of the TWSHCSC because it was comprised of people with political party affiliations, members of the Chinese People's Political Consultative Conference, and representatives from private organisations, the TWDO and other government departments. He would oppose allocating funds to the TWSHCSC even if the TWSHCSC submitted the funding application for implementation of anti-epidemic work. He also urged Members to consider the funding application thoroughly in order to prevent the TWDC from being morally blackmailed by the TWSHCSC in the name of disease prevention.

29. Mr KOT Siu-yuen opined that as anti-epidemic materials were in demand during the epidemic, he supported the funding application. Besides, the TWSHCSC consisted of members from both the pro-establishment and pan-democracy camps. He suggested that Members should be invited to join the TWSHCSC so as to enhance its transparency. Moreover, the TWSHCSC had earlier conducted clean-up

operations at the rear lanes and “three-nil” buildings at Yi Pei Square, Sam Pei Square and Tso Kung Square in collaboration with several Members. He hoped that the TWSHCSC would apply for TWDC funds under the sub-item “Activities of Tsuen Wan Safe and Healthy Community Steering Committee” with a view to enhancing the clearance of junk on the roofs of “three-nil” buildings and providing support for the residents in Tsuen Wan district during the epidemic.

30. Mr MAN Yu-ming opined that everyone should continue to fight the virus and stay vigilant. In his opinion, the act of taking advantage of political issues to make a mountain out of a molehill would clash with the TWDC’s principle of serving the community. He therefore supported the funding application. Besides, the TWSHCSC had contributed tremendously to the well-being of residents in Tsuen Wan district since its establishment. He opined that Members should consider whether to allocate funds to an NPO from the perspective of residents’ well-being, rather than getting bogged down with political biases.

31. Mr LAU Cheuk-yu pointed out that Mr CHONG Man-ho, former principal of St. Francis Xavier’s School, Tsuen Wan, had retired for several years but his name was still on the TWSHCSC’s membership list. He was surprised that the membership list had never been updated over all these years. In his opinion, the TWDC should not allocate funds to the TWSHCSC due to the committee’s mismanagement.

32. The Chairman stated that according to the Guidelines on the Tsuen Wan District Council Funds, a non-governmental organisation might include an amount not more than 10% of the actual expenditure of activity to cover its administration costs in the funding application. The Caritas Community Centre - Tsuen Wan had also applied for funds to cover its administration costs when organising the Anti-epidemic Campaign in Tsuen Wan earlier and therefore, the TWSHCSC was not the only organisation doing so. Besides, the representatives from applicant organisations would not be invited to attend meetings of the TWDC and its Committees. They might be invited to explain the financial arrangements of funding applications at the meetings of audit working groups under the respective Committees when necessary. If Members considered that it was essential to learn more about the composition, background and past activities of larger organisations in the district, he would readily arrange exchange sessions for Members to meet the representatives of the organisations. In addition, apart from inviting Members to recommend organisations interested in organising anti-epidemic activities at the last TWDC meeting, he had also contacted several organisations in this regard. Later, the TWSHCSC indicated its intention and submitted a funding application to the TWDC. He pointed out that the TWSHCSC had invited all district councillors in Tsuen Wan to undergo a health check during the last DC term. It had also offered tests of blood glucose and cholesterol levels to the public free of charge. However, these activities would be postponed due to the epidemic this year.

33. Senior Liaison Officer (2) of the TWDO responded as follows:
- (1) the TWSHCSC was an NPO established in 2002 by the TWDC, the Yuen Yuen Institute, and enthusiastic people and voluntary organisations in the district. It aimed to disseminate the message “Safe Community·Healthy City” to the residents in Tsuen Wan district; foster a culture of safety and health among the residents; and build a safe and healthy environment for the residents to live in and work at through the consolidation of resources and efforts in the community;
 - (2) over the years, the TWSHCSC had implemented an array of safety and health programmes and activities in Tsuen Wan district together with local organisations, government departments and the Occupational Safety & Health Council etc. The outcomes were remarkable. Tsuen Wan district was accredited as the 101st Safe Community by the World Health Organization (WHO) in June 2006 and joined the Alliance for Healthy Cities of the WHO in June 2007. The China Hong Kong Chapter of the Alliance for Healthy Cities in Western Pacific Region was also set up; and
 - (3) the TWSHCSC had organised many safety and health activities in Tsuen Wan in the past, including Tsuen Wan Safe and Healthy Community Day and Tsuen Wan District Road Safety Talks for the Elderly. It also published the magazine “Safety and Health in Tsuen Wan” on a regular basis to disseminate information about safety and health promotional activities.
34. Mr CHIU Yan-loy noted that Members had doubts about the composition of the TWSHCSC. He said that the TWSHCSC consisted of a larger number of former district councillors from the pro-establishment camp. It was probably because the TWDC were dominated by district councillors from the pro-establishment camp in the past. He thus suggested that the TWSHCSC should consider appointing new members, so that its work could represent public opinion more effectively in the future.
35. District Officer (Tsuen Wan) (DO(TW)) of the TWDO stated that the TWSHCSC was not under the TWDO. The TWDO would convey Members’ views to the TWSHCSC.
36. Mr TAM Hoi-pong enquired about the appointment criteria and tenure of members of the TWSHCSC.
37. Mr TSE Man-chak understood that excursions and free activities of a similar nature organised by local committees like the Area Committees were well-received by the residents in Tsuen Wan district. However, he opined that the TWDC should examine the use of public funds afresh.

38. Mr LAI Man-fai said he could also offer free tests of blood glucose and cholesterol levels to the public at his district councillor office. Moreover, he opined that it was necessary to clarify the TWSHCSC's appointment criteria. He proposed that the voting on the funding application should be put on hold until Members' concerns about the TWSHCSC were dispelled.

39. Mr PUN Long-chung, Roy opined that one of the tasks of the current-term TWDC was to exercise fiscal prudence. He thus held that Members should learn more about the composition, appointment criteria and background of applicant organisations in order to achieve flexible use of public funds.

40. Ms CHAN Kim-kam noted that the Director of Home Affairs was the Honorary Patron of the TWSHCSC, which consisted of people from different sectors, including representatives from schools, local organisations and private companies as well as police officers. Therefore, she opined that the TWSHCSC should clarify its appointment criteria if it wanted to secure TWDC funds in the future.

41. The Chairman proposed putting this agenda item on hold and arrange an exchange session before the next TWDC meeting. Members could therefore meet and exchange views with the representatives from the TWSHCSC and learn more about the composition and past activities of the organisation before voting on the funding application. Members unanimously agreed to the proposal.

(Post-meeting note: Representatives from the Federation of Tsuen Wan District Sports and Recreation Association Limited (TWDSRA), the TWSHCSC and the Tsuen Wan Culture and Recreation Co-ordinating Association Limited attended the exchange session with Members on 29 May 2020.)

42. The Chairman stated that the TWSHCSC might have to reschedule the relevant activity.

IV Item 3: Application for District Council Funds by The Federation of Tsuen Wan District Sports & Recreation Association Limited
(TWDC Paper No. 21/20-21)

43. The Secretary introduced the paper and stated that Mr YAU Kam-ping had declared his Vice Presidentship of the TWDSRA and Mr MAN Yu-ming and Mr CHAN Sung-ip had declared their Executive Vice Chairmanship of the Tsuen Wan District Dragon Boat Race Organising Committee (TWDDBROC).

44. The Chairman asked Members to make declaration of other interest. No Member made declaration of other interest.

45. The Chairman stated that according to section 48(11) of the Standing Orders, the Members who were concurrently the Vice President of the TWDSRA and Executive Vice Chairmen of the TWDDBROC should remain silent during the

discussion on the funding application and should not participate in the decision-making or voting on the funding application.

46. Mr LUK Ling-chung, Antonio opined that there were many uncertainties surrounding the dragon boat event because of the epidemic this year. He therefore had reservations about the funding application.

47. Mr LAU Jackson said that as the epidemic was still ongoing, the public were probably not in the mood to participate in activities. He also had doubts about the composition of the TWDSRA. Hence, he would not support the funding application.

48. Mr LAI Man-fai supported dragon boating. However, he held that this year was not a suitable time for dragon boat races because the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) (commonly known as the “prohibition on group gathering”) remained in effect and the epidemic was still raging at present. He thus objected to the funding application.

49. Mr LAM Sek-tim opined that as the actual expiry date of the prohibition on group gathering was not confirmed yet, he did not want to see residents in Tsuen Wan district contravening the aforesaid regulation when participating in the dragon boat event. Also, he had reservations about the funding application because there were many uncertainties.

50. Mr WONG Ka-wa pointed out that dragon boat racing was a traditional Chinese festive activity. Many residents of Lei Muk Shue Estate would join the dragon boat event as spectators. However, the epidemic had not come to an end and there were even confirmed cases of COVID-19 at Lei Muk Shue Estate recently. The situation was worrying. Hence, he advised that the TWDSRA should submit the funding application after the prohibition on group gathering was lifted.

51. Mr LAU Cheuk-yu pointed out that the dragon boat event was suspended about ten years ago despite its popularity in Tsuen Wan district at earlier times. It was only resumed five years ago. He had affection for the dragon boat event. However, the proposed dragon boat event would not be held on the day of Tuen Ng Festival this year. It might also be cancelled due to the epidemic. Besides, dragon boat racing, as a traditional activity, should be led by veterans. He opined that the TWDC should consider this factor when determining whether to allocate funds to the TWDSRA with a view to facilitating the continuation of traditional culture.

52. Mr CHIU Yan-loy opined that as the prohibition on group gathering remained effective at present, the dragon boat event might eventually be cancelled. Based on the past experience, even if a DC funded activity was cancelled, the TWDC should reimburse the relevant organisation for half of the approved project fund to cover the expenditure in the preparatory stage. He also held that the TWDC should forestall potential transfers of benefits. Besides, he learnt from the TWDSRA's publicity publications in the past that the representatives from the Liaison Office of

the Central People's Government in the Hong Kong Special Administrative Region (LOCPG) and some government officials were invited to officiate at previous dragon boat events. It violated the motion endorsed by the TWDC earlier that the representatives of the LOCPG should no longer be invited to attend DC funded activities. As such, he raised objection to the funding application.

53. Mr TSE Man-chak pointed out that the Olympic Games had to be postponed due to the epidemic. Although dragon boat racing was a traditional activity, the organiser should allow flexibility in the light of the epidemic. Currently, the prohibition on group gathering was still in effect. The dragon boat event would become meaningless if it was held several months later.

54. The Chairman asked Members to vote on the funding application. The voting result was 0 in favour, 11 against and 5 abstentions. The funding application was not endorsed.

V Item 4: Request for Explanation of the Principle on Provision of Secretariat Support on Public Service for Members of the Tsuen Wan District Council
(TWDC Paper No. 22/20-21)

55. The Chairman stated that Mr PUN Long-chung, Roy submitted the paper. The representative from the department responsible for giving response was Miss YIP Kam-ching, Jenny, DO(TW) of the TWDO. Besides, the consolidated written reply of the Government was tabled at the meeting.

(Note: Mr MAN Yu-ming, Mr YAU Kam-ping, Mr CHAN Sung-ip and Mr KOT Siu-yuen left the meeting at 3:44 p.m.)

56. Mr PUN Long-chung, Roy introduced the paper.

57. Mr TAM Hoi-pong said that the TWDC endorsed the appointment of Senior Executive Officer (District Council) (SEO(DC)) as the Secretary of TWDC at its 1st meeting. If the Secretary failed to perform her duties, the TWDC should claw back the relevant funding. In his opinion, it was understandable that DO(TW) left the venue during the course of meeting under the HAD's instruction. However, he held that as the Secretary was only responsible for recording the details of discussions at the meeting, it was not necessary for her to agree to such details. He therefore failed to understand why staff member of the Secretariat should also leave the venue of meeting. As such, he enquired whether the Secretariat would provide secretarial service for all formal meetings of the TWDC until the end of every meeting.

58. Mr LAI Man-fai did not understand why the TWDO currently claimed that some agenda items submitted by Members were incompatible with the DC functions set out in the District Councils Ordinance (Cap. 547) when these agenda items had actually been discussed at the TWDC meetings in the past. In his opinion, the TWDO violated the principle of political neutrality and only accepted items which were in line with the stance of the Government.

59. Mr LUK Ling-chung, Antonio pointed out that the appraising officer of the Secretary of TWDC, i.e. SEO(DC) was DO(TW) and the appraising officer of DO(TW) was the Director of Home Affairs. This unusual appraisal structure was the reason why the Secretary should follow suit when DO(TW) left the venue of meeting. Hence, many Members hoped that the Secretariat would operate independently but there were numerous technical difficulties. The Secretariat currently did not offer adequate support and even refused to provide secretarial service. The district councillors also encountered many difficulties when applying for reimbursement of operating expenses.

60. Mr YICK Shing-chung, Angus enquired whether a TWDC meeting which proceeded upon the leaving of DO(TW) and the Secretary was still a formal meeting; if not, he opined that it was a political mission. Besides, he said that the role of Secretary was to record discussions at the meeting and she should remain neutral. As for an item with more political elements, the Secretary should continue to discharge her duty to faithfully record the discussion and Members would take responsibility for the discussion. As such, he did not understand why DO(TW) and the Secretary left the venue of meeting or rejected items submitted by Members. In addition, he enquired about the definition of district-level matters on Tsuen Wan. If only happenings in Tsuen Wan would fit the definition, all agenda items covering but not limited to Tsuen Wan district discussed in past meetings would have to be invalidated. He also enquired whether matters having a direct bearing on the interests of residents in the district were also regarded as district-level matters on Tsuen Wan.

61. Mr CHIU Yan-loy noted that civil servants in Hong Kong had all along been dedicated to serving the public with professionalism and high efficiency. Upholding the principles of probity and fairness, they were the pillars of effective governance, stability and prosperity of Hong Kong. In his opinion, civil servants who left the venue during a DC meeting and refused to record views Members conveyed to government departments had not acted in a fair and just manner. He considered that it was difficult for civil servants to remain politically neutral nowadays. He said he had put forth an item related to the functions of TWDC and the well-being of residents in Tsuen Wan district, but it was excluded from the agenda of this meeting. He wished to learn about the reasons for that.

62. DO(TW) of the TWDO responded as follows:

- (1) according to section 61 of the District Councils Ordinance (Cap. 547), the functions of a DC were to advise the Government on the matters in the district as set out in the provisions and where funds were made available for the purpose, to undertake environmental improvements, the promotion of recreational and cultural activities as well as community activities within the district;
- (2) for the purpose of carrying out its functions, a DC might appoint committees in accordance with section 71 of the District Councils

Ordinance (Cap. 547). The establishment, composition and functions of the DC and its Committees and Working Groups as well as the items and papers for discussion should comply with the functions of a DC as stipulated in the District Councils Ordinance (Cap. 547); and

- (3) all District Offices should seek advice from the relevant departments on the handling of DC matters, where necessary, in order to review whether a discussion item complied with the functions of a DC set out in section 61 of the District Councils Ordinance (Cap. 547). If discussion items of a DC conflicted with these functions, the Government should take follow-up actions accordingly. For example, it would liaise with the Chairman of the DC in writing, explain the relevant issues and request follow-up action by the Chairman. In case the TWDC had decided to proceed with discussion items in conflict with the District Council Ordinance (Cap. 547), the Secretariat would not be able to provide secretarial service in respect of such items, and Secretariat staff and other government officers would not attend the part of the meeting relating to those items or participate in the discussions of the relevant papers.

63. Mr PUN Long-chung, Roy pointed out that District Officer should be responsible for safeguarding the well-being of residents in the district. As an elected district councillor, he considered that the items raised by Members had a bearing on the well-being of residents in Tsuen Wan district. However, DO(TW) said she had reservations as to whether these items complied with the functions of a DC given in section 61 of the District Councils Ordinance (Cap. 547). Hence, he hoped that DO(TW) would explain whether she had sought legal advice and clarify whether certain items on constitutional development and co-location of Mainland and Hong Kong boundary crossing facilities discussed in past meetings complied with the functions of a DC given in section 61 of the District Councils Ordinance (Cap. 547). Besides, he also wished to obtain the relevant legal advice from the Department of Justice (DoJ) as to why certain items Members had proposed were in conflict with these functions.

64. The Chairman enquired whether DO(TW) had sought advice from the DoJ on the relevant matters.

65. DO(TW) of the TWDO stated that the TWDO would seek advice from the relevant departments, including the DoJ which represented government departments in legal proceedings, as and when necessary.

66. The Chairman stated that political and livelihood matters were of equal importance. When it came to a political item, however, he had to handle it by himself as the Secretariat was unable to provide secretarial service for such an item and there would be no official channel to publish the record of TWDC's discussion on such an item. He pointed out that certain political items had in fact been discussed at TWDC meetings in the past, with some of the items even from papers submitted to

the TWDC by government departments. He hoped that the Government would not apply double standards to the current-term TWDC.

67. Mr TAM Hoi-pong requested that DO(TW) should arrange a meeting between Members and representatives from the HAD. Moreover, he opined that it was not necessary for the Secretary to share Members' views. She was duty bound to provide secretarial service for TWDC meetings. Claiming that the TWDC paid the staff of Secretariat, he did not understand why those staff could leave the venue in the course of the meeting.

68. The Chairman agreed that as the Secretary was appointed by the TWDC, she should not have left the venue of meeting together with DO(TW). Besides, he requested that the Secretariat should provide the relevant legal advice it had obtained. He also noted Members' concerns and requests.

Tsuen Wan District Council Secretariat
June 2020