

**Minutes of the Special Meeting of
Yuen Long District Council on 7 January 2020**

Date : 7 January 2020 (Tuesday)

Time : 11:15 a.m. – 4:15 p.m.

Venue : Conference Room, Yuen Long District Council, 13/F., Yuen Long Government Offices,
2 Kiu Lok Square, Yuen Long

<u>Present</u>	<u>Time of Arrival</u>	<u>Time of Withdrawal</u>
Chairman: Mr WONG Wai-yin, Zachary	(Beginning of the meeting)	(End of the meeting)
Vice-chairman: Mr MAK Ip-sing	(Beginning of the meeting)	(End of the meeting)
Members: Mr AU Kwok-kuen	(Beginning of the meeting)	(End of the meeting)
Mr CHAN King-lun, Kisslan	(Beginning of the meeting)	(2:25 p.m.)
Ms CHAN Mei-lin	(Beginning of the meeting)	(3:00 p.m.)
Mr CHAN Shu-fai	(Beginning of the meeting)	(3:10 p.m.)
Ms CHAN Sze-nga	(Beginning of the meeting)	(End of the meeting)
Mr CHEUNG Chi-yeung, Felix	(Beginning of the meeting)	(End of the meeting)
Mr CHEUNG Sau-yin	(Beginning of the meeting)	(End of the meeting)
Mr FONG Ho-hin	(Beginning of the meeting)	(End of the meeting)
Mr HAU Man-kin	(Beginning of the meeting)	(End of the meeting)
Mr HO Wai-pan	(Beginning of the meeting)	(3:10 p.m.)
Mr HONG Chin-wah	(Beginning of the meeting)	(End of the meeting)
Mr KWAN Chun-sang	(Beginning of the meeting)	(End of the meeting)
Mr KWOK Man-ho	(Beginning of the meeting)	(End of the meeting)
Hon KWONG Chun-yu	(Beginning of the meeting)	(1:50 p.m.)
Mr LAI Kwok-wing, Samuel	(Beginning of the meeting)	(End of the meeting)
Ms LAI Po-wa	(Beginning of the meeting)	(End of the meeting)
Mr LAI Wing-tim	(Beginning of the meeting)	(1:00 p.m.)
Mr LAM Chun	(Beginning of the meeting)	(End of the meeting)
Mr LAM Ting-wai	(Beginning of the meeting)	(End of the meeting)
Mr LEE Chun-wai	(Beginning of the meeting)	(End of the meeting)
Mr LEE Wai-fung, Deco	(Beginning of the meeting)	(End of the meeting)
Mr LEUNG Tak-ming	(Beginning of the meeting)	(End of the meeting)
Mr LI Chung-chi	(Beginning of the meeting)	(End of the meeting)
Mr MAN Fu-wan, BBS	(Beginning of the meeting)	(12:45 p.m.)
Mr MAN Mei-kwai, Jimmy	(Beginning of the meeting)	(1:00 p.m.)
Mr MO Kai-hong	(Beginning of the meeting)	(End of the meeting)
Mr NG Hin-wang	(Beginning of the meeting)	(End of the meeting)
Mr NG Kin-wai	(Beginning of the meeting)	(End of the meeting)
Ms NG Yuk-ying	(Beginning of the meeting)	(End of the meeting)
Mr SHEK King-ching	(Beginning of the meeting)	(End of the meeting)
Mr SHUM Ho-kit, JP	(Beginning of the meeting)	(1:00 p.m.)
Mr SZETO Pok-man	(Beginning of the meeting)	(End of the meeting)
Mr TANG Ho-nin	(Beginning of the meeting)	(1:00 p.m.)
Mr TANG Yung-yiu, Ronnie	(Beginning of the meeting)	(1:00 p.m.)
Mr TO Ka-lun	(Beginning of the meeting)	(End of the meeting)
Mr WONG Pak-yu	(Beginning of the meeting)	(End of the meeting)
Ms WONG Wing-sze	(Beginning of the meeting)	(3:10 p.m.)

Mr YOUNG Ka-on (Beginning of the meeting) (1:00 p.m.)

Secretary: Ms PANG Ka-fong, Cindy Senior Executive Officer (District Council),
Yuen Long District Office

Assistant Secretary: Ms WONG Man-ting, Mandy Executive Officer I (District Council),
Yuen Long District Office

In Attendance

Mr YUEN Ka-lok, Enoch, JP District Officer (Yuen Long)
Mr NG Lak-sun, Nixon Assistant District Officer (Yuen Long) 1
Ms POON Wai-yi, Joanna Assistant District Officer (Yuen Long) 2
Mr HUEN Yeuk-hon, John Senior Liaison Officer (1),
Yuen Long District Office
Mr HUI Wai-ming, Kenneth Senior Liaison Officer (2) (Acting),
Yuen Long District Office
Ms OR Lai-kum, Christina Senior Liaison Officer (3),
Yuen Long District Office

Absence

Mr CHING Chan-ming
Mr TANG Che-keung
Mr TANG Ka-leung
Mr TANG Lai-tung
Mr TANG Sui-man

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Opening Remarks

The Chairman said that the Secretariat had referred the motions and questions on the agenda to relevant government departments before the meeting. Although some government departments had given a written reply to the motions and questions, they did not send any representative to this special meeting, except the Yuen Long District Office (“YLDO”). He said the meeting would continue.

2. Ms Cindy PANG, the Secretary supplemented that the Secretariat had referred the motions and questions to relevant government departments for their written replies. However, before the Chairman declared the special meeting open, the government departments were not aware that the motions and questions had been duly incorporated into the agenda.

Item I: Motion raised by Members:

Mr MAK Ip-sing, Mr WONG Wai-yin, Zachary, Hon KWONG Chun-yu, Ms CHAN Mei-lin and Mr TO Ka-lun moved the following motion, which was seconded by Mr CHAN King-lun, Kisslan, Mr SHEK King-ching, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LAI Kwok-wing, Samuel, MR LAM Ting-wai, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr LEUNG Tak-ming, Mr LAM Chun, Mr CHAN Shu-fai, Mr CHEUNG Chi-yeung, Felix, Mr AU Kwok-kuen, Mr HAU Man-kin, Mr HO Wai-pan, Mr NG Hin-wang, Ms NG Yuk-ying, Ms LAI Po-wa, Ms CHAN Sze-nga, Mr LEE

Wai-fung, Deco, Mr NG Kin-wai, Mr HONG Chin-wah, Mr KWOK Man-ho, Mr KWAN Chun-sang, Mr WONG Pak-yu, Mr MO Kai-hong and Mr LI Chung-chi: “Request for the formation of a working group on the indiscriminate attacks on civilians by white-clad thugs at Yuen Long West Rail Station on 21 July” (YLDC Paper No.11/2020)

3. The Chairman asked Members to speak on the motion and refer to the written reply of the Hong Kong Police Force.

4. The Vice Chairman said that he and other Members moved a motion to request the formation of a working group on “the indiscriminate attacks on civilians by white-clad thugs at Yuen Long West Rail Station on 21 July” (hereinafter referred to as “721 incident”). He received messages about the attacks at noon on the day of the incident, and sent them to the Police immediately. The Police replied to him, saying that they had had knowledge of the situation and made some arrangements. However, the Police still could not prevent the incident from occurring. He opined that the Police had been negligent and deployed no officers to the scene promptly. He lodged a complaint about this with the Independent Police Complaints Council (“IPCC”). He said that, in the wake of the incident, there were suspicions of “collusion” between the Police and triads. He suggested that the YLDC set up a working group to follow up on the incident and clear the public’s names, and hoped the Police would give an account of the matter.

5. The Chairman said that there used to be restrictions on speaking time and the number of times a Member could speak at a DC meeting. He suggested the restrictions be lifted for the meeting as long as Members exercised self-discipline and spoke more concisely. If the meeting went too long, he would invoke the Yuen Long District Council Standing Orders (“YLDC Standing Orders”) to reinstate the restrictions.

6. Mr Ronnie TANG raised an objection, saying that the meeting might take a longer time without the restrictions.

7. Mr TANG Ho-nin suggested that the item be passed on to the working group for discussion lest the meeting went on too long.

8. The Chairman said that he had already asked Members to speak concisely at the meeting. As Police representatives were not present at the meeting, Members might feel like talking to themselves. Members’ questions would be put on record. The Chairman suggested that Members wait until the next DC meeting on 23 January to speak at great length in the presence of government departmental representatives.

9. Mr AU Kwok-kuen expressed support for setting up a working group to follow up the 721 incident. He said that the 18 July attacks on civilians in Kai Tei, Yuen Long and the 721 incident both occurred after the inauguration ceremonies of the rural committees of Shap Pat Heung and Ping Shan on 11 July and 18 July last year respectively. When officials of the Liaison Office of the Central People’s Government in the HKSAR (“Liaison Office”) attended the ceremonies, they spoke on the “anti-extradition to China” movement. He suspected that the Liaison Office might have given directions and the government officials and district councillors at the ceremonies might know

something. He suggested asking them to attend meetings of the proposed working group and give an account of the matter.

10. Mr CHAN Shu-fai expressed support for forming a working group to address the 721 incident. He suggested that the proposed working group should also deal with other incidents, such as a large group of white-clad people disrupting the running of a public screening at Fung Yau Street North on 16 July last year, as well as the spreading of rumours and fake news that someone would lead a crowd of people into Yuen Long to cause disturbance. On the other hand, he pointed out that among the guests at the inauguration ceremony of a certain rural committee were the figures of many different political parties. He wondered if they had foreseen the occurrence of the 721 incident, saying that their political responsibility had to be probed and affixed. At last, he hoped that the proposed working group could invite members of the public and any people in the know to provide relevant details to help clear the names of the public over the incident.

11. Mr CHEUNG Sau-yin said that the public wished to know the truth about the 721 incident although all relevant motions were rejected in the last YLDC term. He was confident that the motion this time would be adopted. He hoped that the Police could send its representatives to attend the meeting of the proposed working group lest the group compile a one-sided report containing no statements in favour of the Police. The public would hardly believe that the Police were taking the 721 incident seriously, given how they had handled the case so far. He pointed out that the people arrested in connection with the incident so far had been fewer than those appearing at the scene. He opined that the proposed working group, apart from inviting witnesses to the meeting and compiling the report, should keep track of the progress the Police made in probing the case and charging relevant persons.

12. Mr HAU Man-kin opined that the proposed working group should also deal with the shutdown of Tin Shui Wai Police Station on the day of the incident occurring at West Rail Yuen Long Station. He looked forward to the release of a report with a full and complete account of the closure of the police station on the particular day.

13. Mr HO Wai-pan said that the Police, in its written reply, touched upon only the attacks launched by the white-clad people and the ongoing judicial proceedings in regard to the case, without responding to the questions raised by Members, including whether the Police knew the occurrence of the incident beforehand, whether police officers were deployed to the scene immediately, and the reason why a police station shut its gate after the incident. There were also some other questions about police performance. He said that it was the Police's duty to arrest and prosecute the white-clad men, and that Members were trying to find out what went wrong with the Police in the 721 incident. He added that the Police were the target of the proposed working group.

14. Mr KWAN Chun-sang said that the Government showed no respect for the DC, sending only YLDO officials to the special meeting. He suggested that the proposed working group discuss not only the 721 incident but also social incidents that occurred since the "anti-extradition to China" movement began. He hoped that people invited to the meeting could make it, so as not to cause difficulties for the DC.

15. Mr KWOK Man-ho expressed his discontent about the Police's failure to respond to questions raised by Members, except for the number of arrests and prosecutions. He said Members had raised about 30 questions to the Police. He asked whether the Police were seriously investigating and handling the 721 incident, while querying the Police's claim about insufficient manpower, given that large numbers of officers and vehicles had been deployed to protest scenes in recent years. He pointed out that future pro-democracy Members would continue to probe the 721 incident and find out the truth although pro-establishment Members vetoed a motion moved in the last YLDC term by pro-democracy Members to request a thorough investigation of the incident.

16. Hon KWONG Chun-yu expressed his resentment of the simple reply by the Police to Members' questions plus its refusal to attend the meeting on the 721 incident. He said that, according to the powers conferred by the District Councils Ordinance, the YLDC could discuss and advise the Government on matters affecting the well-being of the people of the district, including the "721 incident", which occurred in Yuen Long, while the Standing Orders defined the functions and authorities of the proposed working group. He said that, after the working group on the 721 incident was formed, the Police should send its representatives to attend the meeting and respond to questions raised by Members. He said that the Police should no longer show no respect for the YLDC by turning down its meeting request on the grounds of ongoing legal proceedings. He stressed that Members moved in accordance with formal procedures the motion of asking the Police to answer questions. If the Police had all along failed to attend the meeting, both the local and international community would know what was happening. He suggested engaging international investigation experts or university research centres with district council funding to probe the "721 incident" after the creation of the working group on the incident.

17. Mr Samuel LAI said that the Police had replied, "legal proceedings are underway and it is not appropriate for us to make further comments at this stage." He expressed worries that the Police would use this reason as an excuse again and refused to provide details to clarify the truth about the incident, even if the Police had its representatives attend DC meetings in the future. He pointed out that the Police had disclosed at press conferences details on other cases that were under legal and litigation proceedings, including the display of exhibits that could influence court decisions. He hoped that the Police would no longer evade the responsibility of co-operating with the DC in the investigation.

18. Mr LAI Wing-tim said that he respected the Members who had shown different video footage on the 721 incident and raised relevant questions. However, he also received other video clips from some members of the public on the 721 incident that were not taken seriously by the media. Among them was a video clip on "LAM Cheuk-ting leading a team of people into Yuen Long". He said that many incidents happened at West Rail Yuen Long Station on the day of the 721 incident and it was true that the Police did not handle the incident properly. However, the Police should not be solely to blame and a full investigation should be carried out. Failure to find out the whole truth would be unfair to Hong Kong people and could not help mend social rifts.

19. Hon KWONG Chun-yu said that the YLDC had no powers to exempt Members from criminal liability for their remarks and the speaker should be responsible for what he said at the meeting. He hoped that Mr LAI Wing-tim would retract his remarks about "LAM Cheuk-ting leading a team of people" into Yuen Long to avoid causing unnecessary issues.

20. Mr LAI Wing-tim thanked Hon KWONG Chun-yu for reminding him about his remarks, and agreed to retract the statement of “LAM Cheuk-ting leading a team of people”. Instead, he would change it to “I saw LAM Cheuk-ting on the scene and in a chaotic state with a group of protesters”. He hoped to thoroughly understand the incident from different angles and whether anyone had agitated the protesters.

21. Mr LAM Chun said that Mr LAI Wing-tim just suspected LAM Cheuk-ting of “leading the team”. As the purpose of setting up a working group was to uncover the truth about the 721 incident, he invited Mr LAI Wing-tim to join the working group and uncover the truth together. According to the Police’s reply, 37 people were arrested in connection with the incident, and seven of them had been charged with riots. According to a lot of online footage, however, there were far more white-clad people wearing no face masks on the scene. He enquired whether the DC would condemn the Police or take other actions if the Police failed again to attend any meetings held by the DC and relevant working groups. On the other hand, he hoped that the terms of reference of the proposed working group to investigate the 721 incident would also include investigating the Police’s power abuse and indiscriminate arrests, uncovering the truth about other incidents and compiling a list of missing persons linked to the “anti-extradition to China” movement, as well as discussing the assistance methods offered by the YLDC.

22. Mr LAM Ting-wai said he felt that government departments had shown no respect for the DC, as reflected by their short responses as well as their failure to arrange staff to attend DC meetings. On the other hand, he opined that urban and rural residents were both Hongkongers and should seek greater harmony, but the Police’s investigation into the 721 incident caused rural residents to take the blame. Therefore, he opined that the Police should redouble their efforts in the investigation and explain why they arrived 39 minutes late to the scene. He said the Police should also provide details for inspection by the DC, such as the manpower deployed to tackle the incident.

23. Mr Deco LEE said that some Members had just argued over the truth about the 721 incident. He opined that truth would only come to light if the Government agreed to set up an independent commission of inquiry. He opined that one of the functions of the working group on the 721 incident was to prepare for the formation of an independent commission of inquiry and to preserve and ascertain relevant data as soon as possible, so that the truth and many facts would not be affected with the passage of time. Moreover, he hoped that the proposed working group could also invite victims of the movement or the 721 incident to respond to questions raised by Members or to air their grievances about any unfair treatment they had received from the Police during the period.

24. Mr LEUNG Tak-ming said that the 721 incident not only put the Police-community relations at its lowest ebb, but also, according to many villagers, caused them labeled as barbarians. He hoped that chairmen of rural committees and district councillors of rural constituencies would be invited to join the working group on the 721 incident to uncover the truth about the incident and clear the names of the villagers together. During the respective inauguration ceremonies of the Shap Pat Heung and Ping Shan rural committees on 11 July and 18 July last year, Mr LI Jiyi, Director General of the New Territories Sub-office of the Liaison Office of the Central People’s Government in the HKSAR, said that protesters had to be dispersed and banned from entering Yuen Long. According to a sound recording quoted in a Reuters report, both Legislative Councillors Alice MAK and LEUNG Che-cheung were at the ceremony. The two were also seen applauding over the disruption to the

running of a public screening of police brutality video clips held in Kai Tei, Yuen Long on 16 July last year. He sincerely invited Mr TANG Che-keung, Chairman of the Ping Shan Rural Committee and Mr CHING Chan-ming, Chairman of the Shap Pat Heung Rural Committee to join the working group and provide the video footage of the inauguration ceremonies to ascertain the truth and bring the incident to an end as soon as possible.

25. Mr LI Chung-chi said that he made “Clear Villagers’ Names” one of his election platforms, citing that the majority of rural and indigenous residents were peace-lovers. He called for a thorough investigation of the 721 incident, saying that the relevant persons should be held responsible and punished by law and Yuen Long and rural residents should not be stigmatised unfairly.

26. Mr Jimmy MAN enquired whether Members, when talking about the 721 incident, were entitled to immunity from criminal liability or charges of perverting the course of justice, as enjoyed by Legislative Councillors. He said that he was not talking about the rights and wrongs, but just wished to remind Members making relevant remarks of their responsibility, as it was probable that they could be called to testify in court in the future.

27. The Chairman said that powers and privileges gave no protection to remarks by Members at DC meetings. Simply put, Members did not enjoy legal protection. While Members took responsibility for their remarks, they could say anything that was true based on facts.

28. Mr MO Kai-hong commented on a Member’s remarks: “LAM Cheuk-ting leading a team”, saying that the people who took West Rail back to Yuen Long on the day of the 721 incident were mostly members of the general public, including a chef who was badly beaten with bamboo sticks at Kai Tei, Yuen Long at 7:00 pm. It was not until 10:00 pm that Hon LAM Cheuk-ting appeared at West Rail Yuen Long Station. Mr MO said that the proposed working group had to thoroughly investigate the incident. On the other hand, he offered a few suggestions on the working group. First, the Police needed to answer questions by Members and give an account of their absence from the meeting. Second, pro-democracy councillors had issued a joint letter condemning Senior Superintendent Mr KONG Wing-cheung, while demanding that he withdraw his 721 remarks and apologise to the public. He hoped the working group would invite Mr KONG to attend a meeting and speak to Members and residents. At last, he hoped the victims of the 721 incident could also be invited to the meeting to testify and restore the truth.

29. Mr NG Kin-wai said that the Police showed no respect for the YLDC and its Members representing public opinion, having failed to send its staff to the meeting and provided only a short written reply. On the other hand, a Member expressed confusion and discontent about the lifting of the restrictions on speaking time and the number of times Members could speak at the meeting, saying he was worried about the extension of the meeting time. Mr NG opined that Members had to prove with action their resolve to investigate various incidents, and that their speeches should not be restricted by the meeting time. On the other hand, Mr NG was confident that the working group on the 721 incident could still produce trustworthy results even if the Police sent no representatives to the meeting or provided no details about the incident. He called on people from all walks of life, people at the scene of the incident and people in the know to take part in the work of the working group.

30. Ms NG Yuk-ying said that she expressed full support for the creation of the working group to investigate the 721 incident. She concurred with quite a few Members that the 721 incident was not an isolated incident. On the evening of 16 July, more than 200 people dressed in white gathered and attacked the audience at the public screening at Kai Tei, Yuen Long. No uniformed police officers were deployed to the scene as requested for assistance, while several plain-clothes police officers on the scene said they could do nothing about the situation. She said the 721 incident was not an isolated incident, but an organised, premeditated one. She hoped the working group could uncover the truth about a series of incidents. She also hoped that the Police could respect the YLDC for setting up the working group.

31. Mr SHEK King-ching considered it absurd that some people used excuses and spread rumours to downplay the 721 incident. He said that he and Mr NG Hin-wang witnessed how the 721 incident happened at West Rail Yuen Long Station. He considered it absurd that no police officers arrived at the scene until after 39 minutes on receipt of a complaint. He said that the Police had never been 39 minutes late for any of the social movements that occurred after the 721 incident. In view of increasing numbers of selective policing cases after the 721 incident, pro-democracy Members insisted on setting up a working group on the incident to meet public demand, uphold justice and restore the truth. He hoped that the working group could invite more witnesses to give accounts of the incident to restore the truth.

32. Mr SHUM Ho-kit, JP said that he had spotted some promotional materials during the DC elections saying that he opposed in the last DC term the creation of a working group to investigate the 721 incident. He said that the truth was that he, as YLDC Chairman, would not vote on any related motions under normal circumstances. He said that he had voiced no objection at that time to the creation of the working group and he would not do so even today. Some Members had just said that there was prejudice against indigenous residents and villagers, making them labelled as rioters. Residents in Nam Bin Wai Village were the most affected group, where many of them were women, children and the elderly. He wished to clear the names of the innocent villagers. He pointed out that a large number of violent incidents had happened in Yuen Long in the past six months, including a brutal attack on a civilian walking on the streets, vandalism and arson at shops and private buildings. He hoped the functions of the working group could be extended to investigating all violent incidents in Yuen Long. He suggested that the Chairman propose an amendment to the motion.

33. Mr TANG Ho-nin said that the 721 incident had affected villagers significantly and was unfair to them. As a Member said it was necessary to clear the names of villagers, he opined that the proposed working group should do its utmost to uncover the truth and the Police should arrest the offenders not limited to those dressed in white. He pointed out that Hong Kong, a society committed to the rule of law, should condemn any forms of violence. He hoped the Chairman could handle the matter in a fair and impartial manner. A number of young Members had delivered their speeches with enthusiasm, believing that the DC had unlimited power. He was worried that the YLDC would eventually degenerate into a functionally useless body.

34. Mr Ronnie TANG said that Members should follow up on other violent incidents, apart from the 721 incident. As for the 721 incident, he said he had seen in online footage two groups of people arguing and fighting. He opined that truly innocent civilians bumping into the two groups

would not join the battle and would stay far away. He opined that the scope of investigation had to be extended to find out the cause of the 721 incident and allow the public to make judgments based on all the details available. He opined that it was necessary to investigate all the violent incidents happening in the city in the past six months together with the relevant persons, with a view to uncovering the truth and doing justice for the public.

35. Hon KWONG Chun-yu said that he agreed that all the people including himself, the police commanders performing their duties on the day of the incident, and the legislative councillor who shook hands with white-clad men should be added to the list of investigations. He said that Mr Ronnie TANG should also be invited to join the working group on the 721 incident to help do justice for the public and prove the innocence of the villagers.

36. Mr Ronnie TANG said that it would be a matter involving personal considerations as to whether he should join the proposed working group.

37. Mr TO Ka-lun said that the 721 incident was not only a watershed (or a turning point) in police-community relations – which had been deteriorating for some time - but also an indicator of how the behind-the-scenes “black hand” had extended their power to every corner of the city. That explained why the majority of Members wished a thorough investigation of the incident. Some residents told him that on the night of the 721 incident, the Police did not give priority to the incident. When he, together with the Chairman, were on the scene, police officers there threatened them and pushed them with their shields. When he was threatened by a man dressed in white, the police officers there did not handle the situation. He called for the creation of a working group to probe the 721 incident and link up all the incidents to find out the truth about the incident. On the other hand, he was wondering whether the Police were ignoring and bypassing the YLDC. He said that, since 5 September last year, he had been trying to contact the Police Public Relations Branch as to some issues about people’s livelihood at Fairview Park, but to no avail. He felt angry and condemned the Police’s refusal to discharge their duties.

38. Mr WONG Pak-yu expressed support for the creation of a working group on the 721 incident to restore the truth. He said that all sorts of rumours were swirling on the day after the 721 incident, one of which was there would be a gang fight in Yuen Long, causing early shop closures and a sharp drop in pedestrian flows. When the Police had got notified of the rumours, they were obliged to immediately deploy more police officers to patrol the streets with a view to allaying the concerns of civilian and businesses. He opined that the proposed working group should thoroughly investigate the situation at that time and the incidents, such as the closure of Tin Shui Wai Police Station on the day of the 721 incident. He opined that the Police should give a full account to the YLDC and the police officers involved must be held accountable. On the other hand, he requested the MTR Corporation to disclose the CCTV footage of West Rail Yuen Long Station on the night of the 721 incident to restore the truth. Secondly, on the day of the 721 incident, a group of white-clad people were seen gathering on the open space outside Nam Bin Wai Village. Some local residents said they had no idea what was going on there. As for the subsequent “Reclaim Yuen Long” incident on 27 July, there were a lot of rumours going around that there would be attacks on villages. Afterwards, villagers said that they turned out to be victims as their places had been used by people they did not know. Therefore, he opined that he should help village residents and indigenous inhabitants clear their names. He opined that the working group on the 721 incident, apart from investigating the relevant incidents, should invite members of the public and witnesses to testify at

meetings so as to help restore the truth.

39. Mr YOUNG Ka-on expressed support for a thorough investigation of the 721 incident, as well as of other vandalism and violence cases in Yuen Long. He hoped the working group on the 721 incident would listen to all sides and to different views.

40. The Chairman said that the working group on the 721 incident was different from the independent commission of inquiry. In the wake of the 721 incident there were no incidents of vandalism or violence happening in Yuen Long. Therefore, if the YLDC immediately convened a special meeting at that time to discuss the incident, there was no need to discuss other incidents and no other incidents were available for discussion. When the YLDC discussed in the last term the agenda item on the formation of an independent commission of inquiry, some Members said that the committee should investigate not only police brutality but also the violent incidents related to the “anti-extradition to China” movement. He concurred with the view, and said that if there was no objection, the working group on the 721 incident would investigate all incidents in Yuen Long caused by the proposed amendments to the Fugitive Offenders Ordinance.

41. Mr CHEUNG Sau-yin opined that the working group on the 721 incident should not only investigate the 721 incident but also the disruption to the public screening at Kai Tei, Yuen Long and the subsequent rumours. He opined that the working group should not investigate the incidents of the past few months or would conflict with the independent commission of inquiry over their roles. He welcomed Members to join the working group to have their views accepted or to have the working group’s terms of reference amended.

42. Mr TO Ka-lun opined that the proposed working group should first focus on the 721 incident rather than extend the scope of investigation. He suggested that the working group be allowed to decide on its own whether to discuss other issues.

43. Mr Samuel LAI agreed that the working group should investigate the cause and consequence of the 721 incident but the focus should be on the incident itself to avoid a shift of attention if all the conflicts were included in the scope of investigation at a time when the social movement had not been over.

44. Mr MAN Fu-wan enquired whether members of the working group on the 721 incident would be required to declare their interests, such as whether they had been involved in the incident. He expressed worries that if Members involved in the incident joined the working group, they might make biased claims at meetings.

45. The Chairman said that he could not see any interest that Members might have in the incident, and that their declaration of interests would be voluntary unless evidence was found.

46. Mr Jimmy MAN said that Mr MAN Fu-wan was not talking about the declaration of pecuniary interests but the fear that the people involved in the incident would make remarks in

conformity with their stances if they joined the working group. He opined, however, that this would not pose a big problem as the number of members of the working group with different positions was small anyway. He opined that the working group should investigate both the 721 incident and other violent incidents.

47. Mr TANG Ho-nin said that it was good of district councillors to be passionate, but they could only act on their own if government departmental representatives invited to a meeting did not show up. He expressed worries that it would be a norm that government departmental representatives failed to attend YLDC meetings.

48. Ms CHAN Sze-nga said that some Members had just said that both the working group and the independent commission of inquiry related to the 721 incident should also investigate violent incidents involving men dressed in black. She opined that the main purpose of setting up the two groups was to address the unfair law enforcement on the part of the Police, while it was originally the Police's job to probe violent incidents involving black-clad people. If some Members did not think that the law enforcement by the Police was problematic, they should not ask for using YLDC powers to share the Police's responsibility and work in investigating the violent incidents involving black-clad men. Otherwise, that might suggest that the Members in favour of probing the incidents involving black-clad men did not think that the Police could get the job done. She was of the view that the Police's job was to investigate black-clad people while the YLDC's job was to monitor the Police as a law enforcement agency.

49. Mr Felix CHEUNG opined that the YLDC planned to create the working group on the 721 incident as the Police had not done the job responsibly. He said that the YLDC should focus on the 721 incident as the independent commission of inquiry was responsible for other incidents. He opined that the first thing to do as a YLDC Member was to thoroughly investigate the 721 incident. He said that white-clad attackers seen in different online footage had far outnumbered the people arrested so far while the Police had managed to quickly arrest many people in other protests. He said the working group had to find out why it was so. On the other hand, he said the scope of investigation should also include the performance of the MTR Corporation on the day of the 721 incident.

50. Mr HO Wai-pan said that it was Members' right and freedoms to set up the working group. With regard to the powers and effectiveness of the working group, he did not think that the YLDC could do nothing if government departmental representatives failed to attend meetings, saying that the Police would not need criminals to assist in their investigation.

51. Mr HONG Chin-wah responded to a Member's worries that the working group on the 721 incident might take opinions selectively. He said that the working group would function as a platform, where the Police would give up the right to express opinions if they did not send its representatives to attend the meeting. He said the working group would invite villagers, the people on the scene and the victims of the incident to attend meetings and thus would not take opinions selectively.

52. Mr NG Kin-wai said he would like Mr Jimmy MAN to clarify or retract his remarks that Mr SHEK King-ching, one of YLDC Members, was referred to as protester.

53. Mr SHUM Ho-kit, JP pointed out that the naming and functions of the working group mentioned in the motion were mainly based on the 721 incident. He enquired whether the Chairman would lead other Members to revise the wording and details of the motion so as to expand the terms of reference of the working group. He also suggested using the YLDC as a platform to deal with all the issues at a time when the Government had yet to approve the creation of the independent commission of inquiry.

54. Mr SZETO Pok-man said the main reason for creating the working group on the 721 incident was that police powers had not been subject to restrictions. The foreign experts engaged by the Government decided to withdraw from the Independent Police Complaints Council (“IPCC”) as the latter lacked legal powers to summon. He believed that the YLDC, as the representative of public opinion, could play the role of watching the Police. He said that large numbers of protesters had been arrested since the “anti-extradition to China” movement began, but no police officers had been held responsible for the 721 incident. He hoped that the working group could focus on the 721 incident.

55. Mr Jimmy MAN clarified that he was not saying that Members who were at the meeting and had appeared in protests were protesters. On the other hand, he cited legal liability concerns as to the claim that Members could say anything as long as it was true.

56. The Chairman stressed that Members were responsible for their remarks as the YLDC offered no legal protection. On the other hand, in response to a Member’s enquiry as to whether members of the working group on the 721 incident should declare their interests, the Chairman decided that they did not need to do so, citing no conflict of interest involved.

57. Mr AU Kwok-kuen said that the working group on the 721 incident would dedicate itself to restoring the truth about the incident, clearing the names of villagers and investigating police brutality. On the other hand, he enquired whether the working group had the power to summon any person.

58. The Chairman said that the YLDC was not protected by the Powers and Privileges Ordinance and thus did not have any power to summon any person. The working group could only invite people to attend a meeting. It would be up to the invitee to decide whether to accept the invitation.

59. Mr LAI Wing-tim said that he had noticed quite a few Members mention “clear the names of villagers” in their speeches, which were not included in the motion on the working group on the 721 incident. He suggested adding the words to both the motion and the terms of reference of the working group.

60. The Chairman said that the mover decided motion wording while the working group decided the terms of reference, so the Member concerned could make the suggestion at the meeting

of the working group.

61. Mr Enoch YUEN, JP said that the YLDC was not only the Government's crucial partner in implementing the District Administration Scheme, but also served as a bridge for communication between the Government and members of the public. The work of the YLDC, together with the committees and working groups formed under its purview, should comply with the DC's terms of reference as stipulated in the District Councils Ordinance and other relevant legal requirements. The YLDC would study and follow up on any substantive recommendations from YLDC Members regarding the terms of reference of a working group. On the other hand, owing to the ongoing judicial proceedings of some incidents, the YLDC, YLDC Members and the YLDC Secretariat should take into account the legal liability involved when they took part in or discussed the incidents in any form or fashion. The DC Secretariat would play a facilitation role subject to the availability of resources, depending on the actual work of the working group.

62. Mr SHUM Ho-kit, JP said that the naming of the working group had been only confined to the 721 incident. When the motion was voted upon, members of the public might misunderstand that Members in favour of the motion would only support the investigation of the 721 incident and would not address other incidents. Therefore, he needed to clarify this point before the motion was put to vote.

63. The Chairman said that it was the movers and seconders who decided whether to amend the wording in a motion. If they wanted no amendments, the Chairman had no power to amend or include certain wording. Any Member who considered such amendments necessary could raise a motion for amendment for voting by Members.

64. Mr CHEUNG Sau-yin suggested that Members representing the rural sector propose creating a working group separately to investigate the incidents of their concern.

65. Mr TO Ka-lun said that he, as the mover of the motion, considered it unnecessary to revise any details of the motion.

66. The Chairman invited Members to vote on the motion by a show of hands with their names recorded. Mr AU Kwok-kuen, Mr Kisslan CHAN, Ms CHAN Mei-lin, Mr CHAN Shu-fai, Ms CHAN Sze-nga, Mr Felix CHEUNG, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr HAU Man-kin, Mr HO Wai-pan, Mr HONG Chin-wah, Mr KWAN Chun-sang, Mr KWOK Man-ho, Hon KWONG Chun-yu, Mr Samuel LAI, Ms LAI Po-wa, Mr LAM Chun, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr Deco LEE, Mr LEUNG Tak-ming, Mr LI Chung-chi, Vice Chairman Mr MAK Ip-sing, Mr MO Kai-hong, Mr NG Hin-wang, Mr NG Kin-wai, Ms NG Yuk-ying, Mr SHEK King-ching, Mr SZETO Pok-man, Mr TO Ka-lun, Mr WONG Pak-yu, Mr Zachary WONG, and Ms WONG Wing-sze voted for the motion.

67. The Chairman announced that the motion had been passed by an absolute majority of votes cast by Members, with 33 votes in favour, zero against and zero abstaining.

68. The Chairman invited Members to submit nominations for the chairman of the working group.

69. The Vice Chairman nominated Mr CHEUNG Sau-yin for the chairman of the working group, seconded by Mr FONG Ho-hin.

70. The Chairman announced that Mr CHEUNG Sau-yin would serve as chairman of the working group.

71. The Chairman asked Members whether they needed a vice-chairman for the working group.

72. Mr NG Hin-wang nominated Mr NG Kin-wai for the vice-chairman, seconded by Mr KWAN Chun-sang.

73. The Chairman announced that Mr NG Kin-wai would serve as the vice-chairman of the Working Group.

(Post-meeting note: The Secretariat sent the motion passed by Members to both the Security Bureau and the Hong Kong Police Force on 14 January 2020.)

Item II: Motion raised by Members: Mr WONG Wai-yin, Zachary, Mr TO Ka-lun, Hon KWONG Chun-yu, Mr MAK Ip-sing and Ms CHAN Mei-lin moved the following motion, which was seconded by Mr LEE Chun-wai, Ms NG Yuk-ying, Mr FONG Ho-hin, Mr LI Chung-chi, Mr LAI Kwok-wing, Samuel, Mr LEUNG Tak-ming, Mr CHAN King-lun, Kisslan, Mr CHAN Shu-fai, Mr AU Kwok-ken, Mr HONG Chin-wah, Ms LAI Po-wa, Ms CHAN Sze-nga, Mr NG Hin-wang, Mr LEE Wai-fung, Deco, Mr HAU Man-kin, Mr KWAN Chun-sang, Mr LAM Chun, Mr SHEK King-ching, Mr LAM Ting-wai, Mr KWOK Man-ho, Mr WONG Pak-yu, Mr NG Kin-wai, Mr CHEUNG Chi-yeung, Felix, Mr CHEUNG Sau-yin, Mr MO Kai-hong, Mr HO Wai-pan and Mr SZETO Pok-man: “Strongly demand the Government establish an independent commission of inquiry into police brutality, indiscriminate arrests and malicious prosecution during the ‘anti-extradition to China’ movement” (YLDC Paper No. 12/2020)

74. The Chairman invited Members to speak on the motion

75. Ms CHAN Mei-lin said that one million people took to the streets on 9 June last year but the Government still insisted on passing the proposed amendments to the Fugitive Offenders Ordinance through a second reading in the Legislative Council, which in turn prompted two million people to hit the streets on 16 June. Despite this, the Government still ignored public opinion and thus triggered a wave of protests. The public demanded the Government set up an independent commission of inquiry to find out the truth. The Government did not accept the demand and refused to respond to the “Five Demands” of the public. In her opinion, if no investigation was launched, it would be impossible to know the truth, not to mention, to have a review. The majority of Members

were still demanding the Government form the independent commission of inquiry, and thus moved the motion. She read out the full text of the motion and called for Members' support:

“The DC elections were conducted smoothly on 24 November. In light of the poll results and the high turnout rate, the elections were literally a referendum of Hong Kong people. The majority of the public support the demands, such as “Five Demands, Not One Less”, “Form the Independent Commission of Inquiry”, and “Stop Police Brutality”. This Council has learned from the media that the Chief Executive has proposed at a press conference to study the formation of the “Independent Review Committee”. This Council strongly opposes the idea and considers that the so-called “Independent Review Committee” was only a sham used to confuse the people and could not facilitate the investigation of police brutality and the 21 July attacks.

Therefore, this Council strongly urges the Government to:

- (1) Immediately respond to the five demands, stop arbitrary arrest and prosecution of protesters, stop police brutality, embark on political reform, and implement genuine dual universal suffrage;
- (2) Immediately set up the independent commission of inquiry to investigate all incidents linked to the ‘anti-extradition to China’ movement since June, including police violence, the 21 July attacks and the incident of police violence on 31 August;
- (3) Immediately explain the progress of investigating the 21 July attacks, and bring the relevant people to justice as soon as possible;
- (4) Suspend the duties and pay of police officers who has used excessive violence, broken the law and breached the Police General Orders; establish a case for conducting criminal investigations and prosecutions of law-breaking police officers;
- (5) Revamp the police force and rectify its team discipline to ensure public safety; and
- (6) Compile the List of Missing Persons Linked to the ‘Anti-extradition to China’ Movement.”

76. Mr WONG Pak-yu said that he hoped that the public demands raised through the position made known by YLDC Members had been very clear to the Government and the community: the Government must respond to Five Demands and set up the Independent Commission of Inquiry to investigate whether there had been dereliction of duty by the Police. He called on Members to vote for the motion and let the public know that YLDC Members had always kept the demands in mind.

77. Mr LI Chung-chi said that the “anti-extradition to China” movement had lingered for more than six months. The above demands as stated in the motion should be fulfilled immediately as the massive arrests by the Police during large-scale demonstrations had thrown the city into a state of terror. The demands had to be immediately brought to the Chief Executive and the Government should proceed to set up the Independent Commission of Inquiry.

78. Mr Deco LEE said that forming the Independent Commission of Inquiry was a promise he had made his voters. According the history of Hong Kong, the Government would set up the

independent commission of inquiry of its own accord in the wake of massive social events, such as the Double-Tenth Riots in 1956 and the 1967 Riots. The then Governors took the lead in forming an independent commission of inquiry to investigate the causes of the incidents and then conduct comprehensive reviews. However, the existing Government and the Police had only put the blame on protesters and slandered them as rioters. Therefore, he considered it necessary to set up the Independent Commission of Inquiry.

79. Mr KWAN Chun-sang said that the Members in favour of “Five Demands, Not One Less” had won the election while those against had lost the battle. The poll results were a true reflection of public opinion. Incumbent Members were in the position to demand the Government set up the Independent Commission of Inquiry to meet the public’s demands.

80. Mr HONG Chin-wah said that the “anti-extradition to China” movement had been going on for more than six months and the formation of the Independent Commission of Inquiry had been put at the top of the “Five Demands” list. People from different sectors had issued statements demanding the formation of the Independent Commission of Inquiry. On the international front, many voices had shown support. The so-called “review committee” could not take the place because they were two different things. He opined that, without the Independent Commission of Inquiry, there would be no chance for reconciliation.

81. Mr HO Wai-pan said that police-related issues had been nothing new in the past six months and were a longstanding problem as evidenced by many cases. He opined that the Independent Commission of Inquiry had to be formed to address police brutality in the past six months.

82. Mr KWOK Man-ho said many people in Hong Kong were demanding the formation of the Independent Commission of Inquiry in a bid to uncover the truth behind the exponential expansion of police powers as well as large numbers of cases of indiscriminate arrests, forced suicide and forced disappearance. Since the eruption of the “anti-extradition to China” movement, the IPCC and The Complaints Against Police Office (“CAPO”) had been dealing with different complaints about the Police. However, without the credibility nor the ability to conduct independent investigations, they gave the public the impression of “investigating their own people”. He suggested that the affected members of the public should be given the opportunity to give details about police misconduct through YLDCs or other platforms.

83. The Vice Chairman said that large numbers of incidents involving the improper use of force by the Police had happened during the “anti-extradition to China” movement. There were also large numbers of forced suicide cases. Nevertheless, the Police closed the cases, ruling out any suspicious circumstances surrounding the deaths. He hoped that the Government would set up the Independent Commission of Inquiry to investigate the issue. On the other hand, in the midst of the “anti-extradition to China” movement, he had lodged many complaints about “police brutality” with the CAPO, IPCC and even the Commissioner of Police. They all replied that the complaints had been referred to the IPCC for follow-up, but no follow-up actions had been taken so far. He opined that it was necessary to set up the Independent Commission of Inquiry to bring the incident to an end and clear the names of the public.

84. Mr CHEUNG Sau-yin said that the motion should have been passed during the last YLDC term if it had not been voted down by Members of the last term. On the other hand, the 721 incident caused immense anxieties among Yuen Long residents. While the motion called for a thorough investigation of various incidents, Members who requested a thorough investigation of various incidents during the earlier discussion of the agenda item on the working group on the 721 incident had been absent from the meeting. He hoped that other Members would return and vote for the motion according to their conscience, together with pro-democracy Members.

85. Mr SHEK King-ching voiced support for the motion. Apart from the abuse of police powers, which should be investigated, selective law enforcement by the Police during the “anti-extradition to China” movement was also a very serious issue. A member of the public had complained to him that the Police had put aside his case where someone had threatened him with a razor blade, despite the availability of witnesses and physical evidence. He was of the view that it was necessary to set up the Independent Commission of Inquiry to tackle the issue and convey the message to police officers selectively enforcing the law that they would be put under investigation.

86. The Chairman said that the Police had given a written response to the motion.

87. The Chairman invited Members to vote on the motion by a show of hands with their names recorded. Mr AU Kwok-kuen, Mr Kisslan CHAN, Ms CHAN Mei-lin, Mr CHAN Shu-fai, Ms CHAN Sze-nga, Mr Felix CHEUNG, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr HAU Man-kin, Mr HO Wai-pan, Mr HONG Chin-wah, Mr KWAN Chun-sang, Mr KWOK Man-ho, Hon KWONG Chun-yu, Mr Samuel LAI, Ms LAI Po-wa, Mr LAM Chun, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr Deco LEE, Mr LEUNG Tak-ming, Mr LI Chung-chi, Vice Chairman Mr MAK Ip-sing, Mr MO Kai-hong, Mr NG Hin-wang, Mr NG Kin-wai, Ms NG Yuk-ying, Mr SHEK King-ching, Mr SZETO Pok-man, Mr TO Ka-lun, Mr WONG Pak-yu, Mr Zachary WONG and Ms WONG Wing-sze voted for the motion.

88. The Chairman announced that the motion had been passed with an absolute majority of votes cast by Members, with 33 in favour, zero against and zero abstaining.

(Post-meeting note: The Secretariat sent the motion passed by Members to the Chief Executive, the Security Bureau and the Hong Kong Police Force on 14 January 2020.)

Item III: Motion raised by Members: Mr MAK Ip-sing, Mr WONG Wai-yin, Zachary, Hon KWONG Chun-yu, Ms CHAN Mei-lin and Mr TO Ka-lun moved the following motion, which was seconded by Mr CHAN King-lun, Kisslan, Mr SHEK King-ching, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LAI Kwok-wing, Samuel, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr LEUNG Tak-ming, Mr LAM Chun, Mr CHAN Shu-fai, Mr CHEUNG Chi-yeung, Felix, Mr AU Kwok-kuen, Mr HAU Man-kin, Mr HO Wai-pan, Mr NG Hin-wang, Ms NG Yuk-ying, Ms LAI Po-wa, Ms CHAN Sze-nga, Mr LEE Wai-fung, Deco, Mr NG Kin-wai, Mr HONG Chin-wah, Mr KWOK Man-ho, Mr KWAN Chun-sang, Ms WONG Wing-sze, Mr WONG Pak-yu, Mr MO Kai-hong and Mr LI Chung-chi: “Strongly demand that tender evaluation be shelved for the hefty HK\$1.7 billion project for an elevated pedestrian corridor in Yuen Long Town”

(YLDC Paper No. 13/2020)

89. The Chairman invited Members to speak on the motion and refer to the written reply by the Highways Department (“HyD”).

90. Mr TO Ka-lun said that the item had been discussed for a long time during the last YLDC term, and there was also a building professional body expressing dissenting views about the project. He had also made different suggestions about how to ease pedestrian congestion in Yuen Long Town, such as referring to different countries’ methods of docking open nullahs to widen footpaths and providing more cycling paths and community facilities, which could in turn stimulate the economy of the district. He requested the Government to stop the tendering for the elevated pedestrian corridor project and to allow the YLDC to re-assess the situation of each nullah in Yuen Long Town so as to create more space for improving community facilities in Yuen Long Town.

91. Ms WONG Wing-size pointed out that the elevated pedestrian corridor in question stretched only 540 metres but the average construction cost per metre was in excess of \$3 million. The total construction cost of \$1.7 billion was an astronomical figure. She opined that it would be more cost-effective to spend the amount of money on creating job opportunities in other areas to help boost the economy of the district. According to the plan, the elevated pedestrian corridor would link up West Rail Long Ping Station with the south of Kau Yuk Road and pass over six traffic lanes. Along it were streets with residential dwellings and retail shops. As people would prefer to walk on the ground for window-shopping, the elevated pedestrian corridor might be used only as a shelter for rain. There were opinions that the elevated pedestrian corridor could minimise vehicle-pedestrian conflicts in Yuen Long Town, but she said that the Government would just need to spend part of the huge amount of money on public education and raising road safety awareness to reduce road traffic contraventions, rather than on a footbridge with a low usage rate in the future.

92. Ms CHAN Mei-lin said that the most congested area in Yuen Long Town was the area along Castle Peak Road-Yuen Long Section (“Main Road”), but the proposed elevated pedestrian corridor would span from West Rail Long Ping Station to the south of Kau Yuk Road, which could not help reduce over-crowdedness on the Main Road or facilitate pedestrian flows at ground level. She opposed a waste of \$1.7 billion in public funds on a footbridge that could not help alleviate overcrowding. She said that there had been DC Members who suggested docking nullahs for creation of more pavements and open spaces to facilitate pedestrian flow. She strongly condemned the Government for failing to comply with the established procedures while taking forward the tendering prior to funding approval from the Finance Committee of the Legislative Council. Therefore, she requested the Government to immediately cease putting the project out to tender and to study an appropriate solution through discussion with the YLDC to address overcrowding on the Main Road.

93. Mr CHAN Shu-fai said that Yuen Long residents took to the streets last year to clearly voice their concerns about the elevated pedestrian corridor project. He did not think that the Government should put forward any works projects to the Legislative Council or the YLDC before any system or mechanism in place that could effectively monitor various works projects undertaken by the Government was put in place. He pointed out that public finances became less transparent as no methods were available for the public to monitor the progress of works projects while Government officials became non-cooperative with the Legislative Council or the District Councils (“DC”), having failed to attend relevant meetings or to respond to questions from Members. He

opined that DCs should play a leading role for this type of works projects, and suggested that a DC or a local community raise a need or a demand for the Government to respond, as opposed to the current practice that the Government put forward a proposal and then submitted it to the Legislative Council for funding approval. He welcomed a written reply by the HyD that the Government had yet to submit the funding application for the project to the Finance Committee of the Legislative Council.

94. Mr FONG Ho-hin said that he was aware that people walking along both sides of the nullah had to put up with the scorching heat of the sun or lashing rains. Nevertheless, he did not think that the Government should consider the elevated pedestrian corridor project to be a solution to pedestrian overcrowding in Yuen Long South and Yuen Long Town. He was worried that the proposed elevated pedestrian corridor would be extended to Kau Yuk Road only and thus might be unable to cope with the increased pedestrian flow in Yuen Long South in the future. He suggested that the YLDC create a working group dedicated to exploring permanent solutions to pedestrian overcrowding in Yuen Long Town.

95. Mr LAM Ting-wai agreed that the elevated pedestrian corridor project should be shelved, having heard the opinions voiced in favour of and against it. For example, some residents would like a lift to be retrofitted at Exit D of West Rail Long Ping Station as part of the project to cater for people with limited mobility using the station and heading to Yuen Long Town. However, the construction cost was a controversial issue. On the other hand, he pointed out that no extensive consultation had ever been conducted in the district on other proposals, such as nullah docking, as well as the recommendations by five professional groups, which represented the architectural industry. He hoped that Yuen Long residents could have a chance to give comments on the alternative proposals in respect of construction cost, appearance and functions.

96. Mr Samuel LAI said that the reply by the HyD had responded to the request for withholding the vetting of tender documents. However, the controversy surrounding the elevated pedestrian corridor project was not just about the construction cost. No consensus had been reached on other contentious issues, such as design and site selection. Therefore, even if the construction cost dropped significantly in the future, he would still object to the project. He was in favour of the suggestion of setting up a working group to discuss alternative proposals for the elevated pedestrian corridor project or even proposals for alleviating pedestrian overcrowding in Yuen Long Town. He hoped that the YLDC could adopt a new approach to discuss district works projects, such as inviting people from different sectors to attend meetings or join working groups for collection of their opinions. He said that the motion was about requesting the Government to withhold the vetting of the tender documents, but, more importantly, the YLDC could take the opportunity to explore a new approach for discussion of district works projects in the future.

97. Mr Kisslan CHAN strongly condemned the HyD for taking forward the tendering for the elevated pedestrian corridor project. He pointed out that if the nullah in Yuen Long Town was incorporated with the design of ventilation breezeway and the green system, it could offer ample development opportunities, at a time when the global trend of enhancing urban liveability boded well and could maximise the benefits for the public. He pointed out that the MTR Corporation would emerge as the biggest beneficiary of the proposed elevated pedestrian corridor as it would be linked to West Rail Long Ping Station. However, as he was also doubtful about whether the project would pave the way for any real estate projects in the future, he hoped the Government could shelve the

project and explore alternatives. He also pointed out that the proposed location of the elevated pedestrian corridor could not help alleviate pedestrian overcrowding at some Yuen Long areas, such as Citistore and New Street. On the other hand, if the elevated pedestrian corridor project went ahead, Tai Kiu Tsuen, a Yuen Long village with high conservation value, might be acquired by real estate developers or private companies. If this happened, the pile foundation at the sites would go more than 100 metres, thus causing serious damage to nearby land structure, while the complicated works procedures could incur a substantial increase in construction costs. He hoped Members would vote for the motion and veto the project.

98. Hon KWONG Chun-yu said that the hefty HK\$1.7 billion project for the elevated pedestrian corridor had all along been controversial. It had been pointed out that the project would incur excessive public spending and the chosen location and the design of the structure were no perfect solutions to pedestrian overcrowding in Yuen Long Town. While the project had just been approved by the Public Works Subcommittee of the Legislative Council, the Government was proceeding to invite tenders prior to funding approval by the Finance Committee of the Legislative Council. He hoped that the Government would respect the YLDC and send its staff to attend YLDC's meetings and listen to public opinions. He suggested that the YLDC follow up on the matter more closely to ensure the proper use of public funds.

99. The Chairman invited Members to vote on the motion by a show of hands with their names recorded. Mr AU Kwok-kuen, Mr Kisslan CHAN, Ms CHAN Mei-lin, Mr CHAN Shu-fai, Ms CHAN Sze-nga, Mr Felix CHEUNG, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr HAU Man-kin, Mr HO Wai-pan, Mr HONG Chin-wah, Mr KWAN Chun-sang, Mr KWOK Man-ho, Hon KWONG Chun-yu, Mr Samuel LAI, Ms LAI Po-wa, Mr LAM Chun, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr Deco LEE, Mr LEUNG Tak-ming, Mr LI Chung-chi, Vice Chairman Mr MAK Ip-sing, Mr MO Kai-hong, Mr NG Hin-wang, Mr NG Kin-wai, Ms NG Yuk-ying, Mr SHEK King-ching, Mr SZETO Pok-man, Mr TO Ka-lun, Mr WONG Pak-yu, Mr Zachary WONG and Ms WONG Wing-sze voted for the motion.

100. The Chairman announced that the motion had been passed with an absolute majority of votes cast by Members, with 33 votes in favour, zero against and zero abstaining.

101. The Chairman said that a Member had just suggested creating a working group to follow up on matters relating to the elevated pedestrian corridor and the docking of nullahs. He asked if any Members would make a formal suggestion.

102. Mr FONG Ho-hin said that he proposed formation by the DC of "The Working Group on Footbridge and Nullah Docking".

103. The Chairman said that the proposal of setting up the working group concerned had been unanimously approved, with no objections from Members at the meeting.

104. The Chairman called for nominations for the chairman of the working group.

105. The Vice Chairman nominated Mr Kisslan CHAN for the chairman of the working group, seconded by Ms CHAN Mei-lin.

106. The Chairman announced Mr Kisslan CHAN as the chairman of the working group.

107. The Chairman asked Members whether they needed a vice-chairman for the working group.

108. The Vice Chairman nominated Mr SHEK King-ching for the vice-chairman of the working group, seconded by Ms CHAN Mei-lin.

109. The Chairman announced Mr SHEK King-ching as the vice-chairman of the working group.

(Post-meeting Note: The Secretariat sent the motion passed by Members to the Transport and Housing Bureau (“THB”), the HyD, the Drainage Services Department (“DSD”) and the Transport Department (“TD”) on 14 January 2020.)

Item IV: Question raised by Members: Mr WONG Wai-yin, Zachary, Mr TO Ka-lun, Hon KWONG Chun-yu, Mr MAK Ip-sing, Ms CHAN Mei-lin, Mr LEE Chun-wai, Ms NG Yuk-ying, Mr FONG Ho-hin, Mr LI Chung-chi, Mr LAI Kwok-wing, Samuel, Mr LEUNG Tak-ming, Mr CHAN King-lun, Kisslan, Mr CHAN Shu-fai, Mr AU Kwok-ken, Mr HONG Chin-wah, Ms LAI Po-wa, Ms CHAN Sze-nga, Mr NG Hin-wang, Mr LEE Wai-fung, Deco, Mr HAU Man-kin, Mr KWAN Chun-sang, Mr LAM Chun, Mr SHEK King-ching, Mr LAM Ting-wai, Mr KWOK Man-ho, Mr SZETO Pok-man, Mr NG Kin-wai, Mr CHEUNG Chi-yeung, Felix, Mr CHEUNG Sau-yin, Mr MO Kai-hong, Mr HO Wai-pan, Mr WONG Pak-yu and Ms WONG Wing-sze proposed a discussion on “The composition of tear gas, their impacts on the human body, animals and the community, as well as the cleaning up of tear gas residue” (YLDC Paper No. 14/2020)

110. The Chairman invited Members to speak on the item and refer to the written reply by the Hong Kong Police Force (“the Police”).

111. Mr CHEUNG Sau-yin said that the public were greatly concerned about the use of tear gas rounds by the Police in the vicinity of the Tai Tong Road Light Rail Station in Yuen Long. Some members of the public reported that the tear gas drifted with the wind into YOHO Midtown and some children’s hands and feet swelled and turned red. It was unusual that some tear gas rounds with exposed wiring were found. It was said that some tear gas caused vomiting, different from tear gas rounds fired previously. He demanded the Police give an account. He suggested Members continue to deliberate the issue, while at the same time requesting the Agriculture, Fisheries and Conservation Department (“AFCD”) and the Food and Environmental Hygiene Department (“FEHD”) send their representatives to attend the next meeting.

112. Mr CHEUNG Chi-yeung expressed discontent with the written reply by the Police, saying it tried to shift the responsibility to the Department of Health (“DH”) and play down the impact of tear gas. He said that Members’ main concern was whether human exposure to tear gas would cause

any sequelae and how long tear gas residue would remain there. Some Ping Shan residents feared that tear gas would drift into the area with the wind. He requested the Police to disclose the types of tear gas canisters used, saying that the model numbers and other details on most of the tear gas canisters found at the scene had deliberately been scratched off. He also requested the Police to disclose the user guide provided by the tear gas suppliers. The public could only rely on the Police's claims the tear gas canisters were safe, and could not refer to any relevant information for reference or verification. He opined that Members should continue to press the Police, the DH, the Environmental Protection Department ("EPD") and the FEHD to explain the impact of tear gas on the human body and recommend suitable clean-up methods, in order not to cause serious health impact on women, children and the elderly in the community.

113. Mr WONG Pak-yu said that international experts and various investigation reports had pointed out that the ingredients of tear gas canisters could cause the release of cyanide. However, government departments including the DH, the EPD, the FEHD and the Leisure and Cultural Services Department ("LCSD") had all failed to show concern for the health of the public and did not request the Police to stop using tear gas. He hoped that the relevant government departments could respond to this issue at the next meeting. On the other hand, on 5 August last year, the police station fired multiple rounds of tear gas in the direction of Tin Yiu Estate, but did not clean up the place afterwards. He requested the Police to send its representatives to attend the next meeting to respond to public requests and questions.

114. Ms NG Yuk-ying said that many people were concerned about the issue of tear gas remnants. She cited Kingswood Villas in Tin Shui Wai as an example, saying multiple rounds of tear gas had been fired to disperse protesters during the recent police clearance operations, many of which were landed directly into the private housing estate because of its close proximity to the police station. Tin Shui Wai Police Station was located adjacent to the private housing estate, where there were shops and restaurants. This made residents hesitant about patronising the shops affected by tear gas amid worries that the remnants of tear gas could affect their health. Many members of the public said that they could still smell a pungent odour when passing through places affected by tear gas even after a week. She considered it unreasonable for the Government to keep saying that the tear gas was safe without disclosing the composition of the tear gas. She requested the DH and the EPD to disclose the composition of the tear gas to protect the public from being affected by the tear gas residue in the future.

115. Mr NG Hin-wang said that tear gas had really caused children to suffer from skin redness, swelling and vomiting, having affected not only Yuen Long District, but all other downtown areas of the city. The Police responded that members of the public would not be affected as long as they stayed away from the place affected. However, people found it difficult to leave the place immediately, and tear gas remnants would remain inside the shops. He called on the EPD and the FEHD, apart from the Police, to disclose the composition of the tear gas. He was doubtful whether the FEHD could effectively remove tear gas residues during their clean-up operations. He demanded the Police cease using tear gas for dispersing people to avoid even more of them from exposure to unsafe conditions or from unnecessary suffering. He hoped that the issue could be discussed again at the next meeting, saying that government departments should give a written reply if they did not send their representatives to attend the meeting.

116. Mr MO Kai-hong said that he had no idea why the Police had used expired tear gas canisters.

He opined that it was necessary to keep asking the Police whether they had guidelines on destroying the expired tactical supplies and claiming reimbursements for them, including tear gas canisters, pepper bombs and weapons with chemical substances. On the other hand, during the 721 incident, a reporter took photos of the Police using expired tear gas canisters during a dispersal operation. He hoped that he could ask through the working group on the 721 incident why the Police had used expired tear gas canisters during protests.

117. Mr KWOK Man-ho opined that the entire city should closely follow up on the use of tear gas by the police force. He said that the Police had fired more than 16 000 tear gas rounds in the previous six months, which could have a far-reaching effect on human health. He said that things were not as simple as said in the Police's reply that it would be okay to stay away from the place affected by tear gas. The fact was that many places affected by tear gas were close to residential buildings and retail shops, where members of the public and shop owners could find nowhere to hide, not to mention tear gas remnants everywhere. On the other hand, the Police were arbitrarily using expired tear gas because their power was not subject to restrictions. He demanded relevant government departments respond to the issue.

118. Mr KWAN Chun-sang suggested leaving the item for discussion at the next meeting. He said that only the Police had given a written response to the issue, whereas the DH, EPD, FEHD and LCSD had neither sent their representatives to the meeting nor given a written reply. He hoped the relevant government departments would explain their failure to do so.

119. Mr HONG Chin-wah said that the Secretary for Food and Health failed to answer the public media's queries about the composition of the tear gas, citing her fears of affecting police deployment. He pointed out that the Government claimed the tear gas canisters used were safe, but the public had no way to obtain the details about the composition of the tear gas canisters used. He opined Hong Kong people could not accept the use of expired tear gas by the Police. He said the public would only be convinced if the Government provided clearer details about the composition of the tear gas canisters. As the Police refused to disclose such details, he would continue asking for them.

120. Mr HAU Man-kin said that the Police responded that people affected by tear gas could recover quickly from the effects but Members in this room who had been affected by tear gas would know that it was not true. The impact would linger over a longer period. He pointed out that the Police had fired multiple tear gas canisters near the police station with some of them falling into housing estates, such as Tin Shing Court. Many members of the public reported that the elderly, women, children and even pets affected by tear gas were suffering from health complications. He hoped that the agenda item would allow for more discussions on how they could claim damages against the Police.

121. Mr AU Kwok-kuen said that, during his visits to outsourced workers cleaning the places affected by tear gas, he found their personal protective equipment ("PPE") was far from sufficient at the beginning and it was only after some time that the FEHD arranged to strengthen their equipment. However, the information on the removal of tear gas residue remained insufficient. While he considered it to be irresponsible of the Police to fire tear gas canisters for FEHD workers to clean up the mess, that FEHD should ensure the safety of frontline cleaning workers.

122. Mr TO Ka-lun said that the Police's written reply did not directly answer Members' questions or provide any information. For example, regarding the effects of tear gas on the human body, the Police only quoted information from the suppliers and recommended the guidelines and suggestions provided by the Centre for Health Protection, DH, which looked at the issue from a food safety perspective and offered less reference value. He opined that all government departments should be held accountable for passing the buck to one another to mislead Members.

123. The Vice Chairman said that the areas along Castle Peak Road - Yuen Long, Tai Tong Road and Fung Kam Street suffered most from tear gas - where residential buildings, homes for the elderly and shops were badly affected - but the FEHD did not send its staff to clean up the streets afterwards. He opined that the FEHD should take the issue seriously. Although Members had asked government departments how they would handle and clean up the tear gas remnants, none of them replied. He suggested that the item be followed up at the next meeting, while at the same time requesting the relevant departments to give a formal reply, provide relevant details, and step up street cleaning.

124. Mr SHEK King-ching said tear gas was a chemical weapon but the Government understated the fact. The Government was using chemical weapons unceasingly while failing to properly educate the public on how to deal with the consequences of the extensive use of chemical weapons. He said that it was not easy to clean up tear gas remnants. For example, ordinary clean water might not be able to thoroughly clean the tear gas remnants composed of chemical components that were insoluble in water. He said that tear gas remnants could drift towards kindergartens, playgrounds and other places that were easily accessible to children, thus affecting their health. He said that the use of chemical weapons in Yuen Long Town, where there were many tenement buildings, could cause harm to human health more easily. He said that, if the Government did not think the Police's extensive use of chemical weapons would cause any problem, it should arrange for relevant departments to clean up affected streets and facilities using appropriate methods whenever tear gas had been fired. He said that the Government should publicise the health effects of tear gas and its residual materials more frequently.

125. The Chairman said that Members visited the areas of demonstrations in order to monitor police brutality. As they did not want the Police to roughly treat them as protesters, they usually wore no protective gear and thus had been affected by tear gas every time. He concurred with Members' suggestion of leaving the item for discussion at the next meeting, and would invite relevant government departments to send their representatives to attend the meeting and give a written response.

Item V: Question raised by Members: Mr WONG Wai-yin, Zachary, Mr TO Ka-lun, Hon KWONG Chun-yu, Mr MAK Ip-sing, Ms CHAN Mei-lin, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr FONG Ho-hin, Mr LI Chung-chi, Mr LAI Kwok-wing, Samuel, Mr LEUNG Tak-ming, Mr CHAN King-lun, Kisslan, Mr CHAN Shu-fai, Mr AU Kwok-kuen, Mr HONG Chin-wah, Ms LAI Po-wa, Ms CHAN Sze-nga, Mr NG Hin-wang, Mr LEE Wai-fung, Deco, Mr HAU Man-kin, Mr KWAN Chun-sang, Mr LAM Chun, Mr SHEK King-ching, Mr LAM Ting-wai, Mr KWOK Man-ho, Ms NG Yuk-ying, Mr NG Kin-wai, Mr CHEUNG Chi-yeung, Felix, Mr CHEUNG Sau-yin, Mr MO Kai-hong, Mr HO Wai-pan, Mr WONG Pak-yu and Ms WONG Wing-sze

proposed a discussion on “Requesting the Food and Environmental Hygiene Department to update Members on the progress of the Tin Shui Wai Public Market project, and suggesting the District Council to set up a working group to follow up on the issue”

(YLDC Paper No. 15/2020)

126. The Chairman asked Members to take note of Paper No. 15, which was about the discussion proposed by 33 Members on “Requesting the Food and Environmental Hygiene Department (“FEHD”) to update Members on the progress of the Tin Shui Wai Public Market project, and suggesting the District Council to set up a working group to follow up on the issue”.

127. Mr HONG Chin-wah said since the announcement of constructing a public market in Tin Shui Wai South in the Policy Address a year ago, the department had introduced a plan to increase the number of stalls to 100 taking into account of the public’s view on the oversized stalls. While the department had proposed two construction options, i.e. the deck-over option and the station square option requiring permanent road closure, the construction cost had not been available for reference. He said that the last-term Yuen Long District Council (“YLDC”) had several discussions on this issue. Despite Members’ enquiries pressing for the progress, details and cost of the market in Tin Shui Wai, the department had given no response, which left him anything but disappointed. On the other hand, the Government made a sudden announcement of building a temporary market in Tin Shui Wai North. While the construction works were already underway, it was known that the air-conditioned market would provide 40 stalls selling mainly wet goods. Considering the need to build one comprehensive public market in each of Tin Shui Wai South and Tin Shui Wai North to cater for the population in the district, he proposed forming a working group to follow up on the construction progress of the public market in Tin Shui Wai. He also pointed out that many residents had enquired about the operation standards of the stalls.

128. The Chairman reminded Members to speak as brief and concise as possible as there were still some other agenda items to be discussed at the meeting.

129. Mr KWAN Chun-sang said pro-democracy Members were concerned about the department’s out-of-the-blue notification of constructing a temporary market in Tin Shui Wai North. He called the FEHD for elaborating on the construction method and the hygienic condition. Apart from that, he enquired whether the department would set aside the plan for a public market in Tin Shui Wai North following the construction of a temporary market there, citing that the Haiphong Road Temporary Market which was opened in 1978 was still in operation in a temporary mode. It was undesirable for the temporary market in Tin Shui Wai North to have the same case.

130. Mr KWOK Man-ho said without any working group on public market in the past, the information Members and the public could access was limited. Most of the time, the Food and Health Bureau (“FHB”) would disclose the details to the public by circulation of meeting papers. No district consultation would be conducted to solicit views of the residents. With reference to the planning standards, he held that Tin Shui Wai residents should work together to negotiate with the department for a public market in both the northern and southern parts of Tin Shui Wai. Having noticed that there was no follow-up on the operation mode and general hygiene of public markets, a working group would be required to allow residents, local groups and professionals to engage in the matter and express their views. He considered that the issue on bazaars was equally important, saying that many constraints had been imposed on the Yuen Long residents in their application for a

venue for bazaar. It was suggested that the working group should also deal with matters related to bazaars, consolidate the views from various departments to avoid uncoordinated work, and convene public hearings to gather Members' views.

131. Mr Deco LEE said he had two points to make on this issue. Firstly, the FEHD should provide the details as soon as possible, given that information on the construction method and cost of the public market had not been released. Secondly, the Government had not consulted Members on the construction of a temporary market at Tin Sau Bazaar during the two-month period when the construction works were announced and commenced. He considered that the construction of the temporary market might give rise to other problems, such as loading and unloading arrangements for vehicles after completion, as well as ancillary facilities and hygiene in the surroundings. He enquired the FEHD on the measures taken, service life of the temporary market, and whether the construction of a public market in Tin Shui Wai North would be held off.

132. Mr MO Kai-hong condemned the Government for its abrupt provision of a temporary market at Tin Sau Bazaar. He said in constructing a temporary market in the absence of consultation, the Government had pushed the functions of the DC aside. Given the recreational area of Tin Sau Bazaar would be smaller under the proposal, he enquired how the residents would be compensated. He also pressed the Government for promptly carrying out large-scale district and DC consultations on the public market in Tin Shui Wai South and the temporary market at Tin Sau Bazaar, and requested the relevant timetable.

133. Mr NG Hin-wang said after the Chief Executive's announcement of building a public market at West Rail Tin Shui Wai Station in the 2017 Policy Address, the DC was offered two options for consideration. In fact, between both options, only the deck-over one could be implemented. Besides, the information available was limited to the approximate number of stalls, location and ancillary facilities. Other details such as the required construction time, construction cost and the actual number of stalls had not been revealed. The department should make things clear to the public as soon as possible.

134. Ms NG Yuk-ying said following the Chief Executive's inspection of the site for the public market in Tin Shui Wai South last year, there was no further information on the project. Therefore, she hoped the Government would take heed of people's views such as providing more stalls, and expeditiously make available other information such as the construction progress, cost, works schedule and details of the revised proposal to facilitate the opening of the public market in Tin Shui Wai South.

135. Mr WONG Pak-yu said Members strongly requested a working group on markets and bazaars in Tin Shui Wai to monitor the construction progress of the two markets in the district. He said by referring to the guidebook on bazaars in the local communities, Members could take an active part in the working group to identify suitable locations for bazaars and facilitate public participation.

136. Ms CHAN Mei-lin said according to her work record, she had been pushing for the construction of a public market in Tin Shui Wai for ten-odd years, during which she had reflected her views to the FEHD in numerous occasions. The construction of a public market at Tin Fuk Road

was eventually announced by the Chief Executive in the Policy Address in 2018, when the Under Secretary for Food and Health solicited Members' views at a DC meeting. At its meeting in October of the same year, the DC endorsed the deck-over option for the market construction. Subsequently at the meeting in June 2019, the Director of Food and Environmental Hygiene said that the public market was still at the study stage. She said it had been half a year since then, and she hoped the FHB or the FEHD would provide Members with details on the design, progress and works schedule of the public market at Tin Fuk Road. Also, Members agreed that a permanent public market, rather than a temporary market, was required in Tin Shui Wai North. Since the Government hastily announced the provision of a temporary market at Tin Sau Bazaar without any consultation, she queried the effectiveness of the temporary market and was worried that people's livelihood and hygiene would be affected. She said the market of a temporary nature would ultimately be demolished, which was not only a waste of public money but also a hindrance to the setting up of a permanent public market in Tin Shui Wai North. She considered that a suitable site should be identified in Tin Shui Wai North for the planning of a public market. In view of this, she expressed support to a working group on markets and bazaars in Tin Shui Wai which would invite representatives from the FHB and the FEHD to update Members on the progress, and requested that works be accelerated.

137. Mr KWOK Man-ho said that local community groups had conducted surveys and studies in their respective districts and compiled a guidebook on bazaars in the local communities. They had expressed their intention to meet the government departments and relay their views, but there were no positive replies from the departments. He opined that the departments should give due regard to the views of the community groups.

138. The Chairman invited Members to vote on the formation of a working group on public markets and bazaars.

139. Mr FONG Ho-hin said Members proposed to set up a working group on markets and bazaars in Tin Shui Wai in the question. Considering that the bazaars could also be set up in Yuen Long Town or rural areas and the site should not be confined to Tin Shui Wai, he suggested that the working group be named as "Working Group on Markets and District Bazaars".

140. The Chairman asked whether Members agreed to form the "Working Group on Markets and District Bazaars".

141. With no objection, Members unanimously endorsed the formation of the "Working Group on Markets and District Bazaars".

142. The Chairman asked Members to nominate the chairman and vice chairman of the working group.

143. Mr KWAN Chun-sang nominated Mr KWOK Man-ho as chairman of the working group. Mr AU Kwok-kuen subscribed the nomination.

144. As no further nomination was proposed, Members unanimously endorsed Mr KWOK Man-ho as chairman of the working group.

145. The Vice Chairman nominated Ms CHAN Mei-lin as vice chairman of the working group and Mr CHEUNG Sau-yin subscribed the nomination. Also, Mr WONG Pak-yu nominated Mr MO Kai-hong as vice chairman of the working group, and the nomination was subscribed by Mr NG Hin-wang and Ms CHAN Sze-nga.

146. The Vice Chairman suggested that both nominees be appointed as vice chairmen of the working group, saying that no limit had been set on the number of vice chairmen in a working group.

147. Members raised no objection and unanimously endorsed Ms CHAN Mei-lin and Mr MO Kai-hong as vice chairmen of the working group.

**Item VI: Question raised by Members: Mr MAK Ip-sing, Mr WONG Wai-yin, Zachary, Hon KWONG Chun-yu, Ms CHAN Mei-lin, Mr TO Ka-lun, Mr CHAN King-lun, Kisslan, Mr SHEK King-ching, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LAI Kwok-wing, Samuel, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr LEUNG Tak-ming, Mr CHAN Shu-fai, Mr CHEUNG Chi-yeung, Felix, Mr AU Kwok-kuen, Mr HAU Man-kin, Mr HO Wai-pan, Mr NG Hin-wang, Ms NG Yuk-ying, Ms LAI Po-wa, Mr LAM Chun, Ms CHAN Sze-nga, Mr LEE Wai-fung, Deco, Mr NG Kin-wai, Mr HONG Chin-wah, Mr KWOK Man-ho, Mr KWAN Chun-sang, Mr WONG Pak-yu, Mr MO Kai-hong, Mr LI Chung-chi and Ms WONG Wing-sze proposed a discussion on “A follow-up on the serious traffic accident on Fanling Highway on 18 December 2019”
(YLDC Paper No. 16/2020)**

148. The Chairman asked Members to take note of Paper No. 16, which was “A follow-up on the serious traffic accident on Fanling Highway on 18 December 2019” proposed for discussion by 33 Members. He also referred Members to the written replies from the Hong Kong Police Force (“the Police”) and the Highway Department (“HyD”).

149. Mr CHEUNG Sau-yin suggested that the agenda item be discussed at the next meeting, saying that Members could hardly make a discussion without the presence of government department representatives at this meeting.

150. Mr HONG Chin-wah said 45 recommendations had been set out in the investigation report by the Independent Review Committee on Hong Kong’s Franchised Bus Service (“IRC”). He opined that the replies from the departments were far from comprehensive, despite that it had committed substantial resources to the investigation report. He enquired the department on the progress and the implementation schedule.

151. The Chairman agreed that time was required for the investigation on the traffic accident on Fanling Highway. However, it had been quite some time after the release of the IRC’s investigation

report, which was irrelevant to the investigation of the traffic accident. He had no idea why no replies from the departments on this issue had been received. He agreed that discussion on the agenda item would continue at the next meeting, and hoped the HyD would give a detailed reply.

Item VII: Question raised by Members: Mr MAK Ip-sing, Mr WONG Wai-yin, Zachary, Hon KWONG Chun-yu, Ms CHAN Mei-lin, Mr TO Ka-lun, Mr CHAN King-lun, Kisslan, Mr SHEK King-ching, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LAI Kwok-wing, Samuel, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr LEUNG Tak-ming, Mr CHAN Shu-fai, Mr CHEUNG Chi-yeung, Felix, Mr AU Kwok-kuen, Mr HAU Man-kin, Mr HO Wai-pan, Mr NG Hin-wang, Ms NG Yuk-ying, Ms LAI Po-wa, Mr LAM Chun, Ms CHAN Sze-nga, Mr LEE Wai-fung, Deco, Mr NG Kin-wai, Mr HONG Chin-wah, Mr KWOK Man-ho, Mr KWAN Chun-sang, Mr WONG Pak-yu, Mr MO Kai-hong and Mr LI Chung-chi proposed a discussion on “Suspected cases of unidentified pneumonia from Wuhan found in Hong Kong” (YLDC Paper No. 17/2020)

152. The Chairman asked Members to take note of Paper No. 17, which was “Suspected cases of unidentified pneumonia from Wuhan found in Hong Kong” proposed for discussion by 30-some Members.

153. Ms NG Yuk-ying said amid the ongoing import of unidentified pneumonia cases from Wuhan, the Government fell short of response measures. Recently, data on the reported pneumonia cases had been released to the public by the Hospital Authority (“HA”). However, the Department of Health (“DH”) should be held responsible for not including pneumonia in the list of notifiable infectious diseases under the existing notification mechanism, which meant that these cases might be omitted by private doctors and hospitals. She maintained that the DH should promptly put pneumonia on the list of notifiable diseases under the existing mechanism.

154. Mr LEE Chun-wai said that so far the Government had not taken any corresponding measures such as school suspension and activation of a notification mechanism. He held that the DC could provide resources to the public by distribution of masks or publicity, and should not wait for the Government to take response measures.

155. Mr LAM Chun said that FHB did not send any representative to the meeting to respond to Members’ questions. As such, the DC should follow up on the FHB’s reply after the meeting. Also, he said that Members hoped the DC would urgently allocate funding for organising disease prevention talks in the district to raise people’s awareness of the disease, improve public hygiene and distribute face masks in the district.

156. Mr Deco LEE said the mysterious pneumonia recently spread to Hong Kong exhibited a big contrast in the Government’s treatment towards animals and people. In times of African Swine Fever, the Government took swift action by cleansing slaughterhouses, conducting pig culls and stepping up cleaning. When the source and mode of transmission of the disease were unknown to people, the Government should step up vigilance and took measures such as enhancing cleaning of places where people of suspected cases had stayed and introducing isolation to guard the virus. Despite a raise of the response level to “serious”, the Government had not taken any corresponding measures, causing much concern among the people. He believed that it would be too late in case of

a serious outbreak.

157. Mr Samuel LAI believed that the DC would continue the discussion at the next meeting since no representative from relevant departments attended this meeting. He hoped that the Housing Department (“HD”) would be invited to respond to Members’ views and explain the measures to be taken unanimously in highly-populated public housing estates in face of the unknown virus, and these measures should be implemented by the estate management companies. He said with the response level being raised to “serious”, the hospitals would take corresponding response measures, but no relevant policies had been introduced at the community level by the Government. He commented that the representatives from various departments should brief the DC on their work at the next meeting.

158. Mr KWOK Man-ho said residents had expressed deep concern over the development of the unknown disease, adding that relevant departments should report the number of confirmed cases and quarantine cases to the DC on a daily basis. Notwithstanding that restrictions were in place only in hospitals under the serious response level, residents were highly concerned about whether the HD would implement corresponding measures, and he had sent a written request to the HD for details accordingly. Additionally, he enquired the DC on whether it was workable to urgently approve an allocation to organise public education activities to enhance and update people’s awareness on the mysterious pneumonia, and to distribute face masks in the district.

159. Mr KWAN Chun-sang suggested that the FHB, amid the serious outbreak of the mysterious pneumonia, provide written reply prior to the next meeting to facilitate discussion.

160. Mr HO Wai-pan enquired whether the DC would send a written request to the FHB for a reply after the meeting, considering that there was no FHB representative attending this meeting. Also, he enquired whether it was feasible for the DC to allocate funding to purchase face masks to be distributed by Members, and to arrange for a site visit to learn about the precautionary measures at the control points at the border. He said that people were not only troubled by the Mainland for covering up the epidemic outbreak, but also lost trust in the FHB, the HA and the disease prevention measures at the border. Therefore, Members expressed the need to inspect the border in person to ensure precautionary measures were in place.

161. The Chairman said that, given the agenda item had been received one day before the meeting, the departments could hardly reply within a short time, but they were expected to give a reply before the next meeting. Regarding an on-site inspection, the Chairman asked the Secretariat to liaise with the FHB after the meeting to check if it was possible to arrange for an inspection of the disease prevention work at the border before the next meeting.

162. Mr CHEUNG Sau-yin held that a daily increase in the confirmed cases had posed a risk of community outbreaks. Therefore, he suggested that the DC take measures before receiving replies from the departments. Drawing on the practice of other DCs, he proposed that face masks and cleaning packs be purchased with DC funds for distribution in the district.

163. Mr Felix CHEUNG shared the suggestion of purchasing face masks and cleaning packs with DC funds for distribution in the district. He also put forward that the DH and the FEHD should form a connection with Members, providing them with more information and resources.

164. Mr CHAN Shu-fai said that, on the disease prevention measures announced by the Government on 4 January 2020, he had contacted the HD but according to the management office, there was no update from the government departments. The management office was only asked to hand sanitisers to residents. As one of the measures announced by the Government, information on the measures against infectious disease would be disseminated to hotels, hostels, property management companies, owners' corporations and mutual aid committees through the district office networks. He enquired the YLDO on the details and whether such information had been shared. On another measure which was the organisation of district health talks by the district offices, he enquired whether such disease prevention activities would be conducted in the district by the YLDO, the details and whether the activities would be co-organised with the YLDC. He also suggested the YLDO to relay Members' request of inspecting the disease prevention work at the border to the DH.

165. Ms CHAN Mei-lin said the hard experience of the outbreak of severe acute respiratory syndrome ("SARS") in the community had made people panic in face of the mysterious virus. To protect themselves, they resorted to buying masks, frequent hand washing and avoiding crowded places. However, as face masks were out of stock at many pharmacies, people were deprived of self-protection measures, and they felt threatened by the virus. She held that the YLDO should roll out initiatives to ensure an adequate supply of masks. Moreover, for people crossing the border who were asymptomatic during the incubation period, they might have exhibited symptoms after their arrival at Hong Kong. She hoped the relevant departments would look into the disease prevention measures at the border to prevent an outbreak.

166. Mr AU Kwok-kuen hoped the YLDO would co-organise health talks and distribute face masks and cleaning packs in the community with the YLDC. Also, he pointed out that outsourced cleaning workers of the FEHD were given less protection. As the FEHD did not send any representative to the meeting, he hoped the Secretariat would relay to the FEHD his suggestion that more equipment and allowance should be given to cleansing workers.

167. The Vice Chairman said the information on the mysterious pneumonia available in the community was limited, despite the severity of the outbreak. He said the DH should appeal to the public to wear masks, citing that people would not risk to do so with the Government's ban on face covering. As far as he knew, there was an unspent allocation of a minimum of some hundred thousand dollars after many DC-funded activities had been cancelled last year. He suggested that an allocation be endorsed for purchasing cleaning packs including masks and cleaning supplies which would be distributed to the community by Members, the YLDO and the FEHD.

168. Mr Enoch YUEN, JP thanked Members for their views and gave a consolidated reply as follows:

- (1) District work in respect of hygiene was under the purview of the FHB and DH. It would be more appropriate for the lead departments to respond on behalf of the Government;

- (2) As regards Mr CHAN Shu-fai's enquiry on the press release issued by the Government on 4 January, the YLDO had sent letters to owners' corporations, owners' committees, mutual aid committees and Resident Liaison Ambassadors, appealing them to stay vigilant against the disease;
- (3) The YLDO would relay Members' suggestion of conducting an inspection on the disease prevention work at the border to DH, Immigration Department and Customs and Excise Department;
- (4) The YLDO would cooperate with the FHB and DH in the publicity work. He shared his experience in the joint operation in mosquito control with FEHD, which had distributed sanitary packs to the residents. The YLDO would explore whether it was practicable to distribute resources through existing channels; and
- (5) The YLDO recognised Members' concern on district hygiene, and would update them on the latest situation. If appropriate, the YLDO could conduct publicity activities with Members.

169. Regarding Members' suggestion that the DC allocate funding to purchase anti-epidemic supplies, the Chairman said with a view of the severity of the virus posing a risk of community outbreak, it would be too late to start taking precautionary measures when an outbreak emerged. Apart from the DH's continuous promotion of hygiene in the community, the Chairman shared the view that anti-epidemic supplies such as masks could be purchased with DC funds and talks on health and environmental hygiene could be organised in the community to help prevent an outbreak.

170. Ms Cindy PANG understood that Members had expressed their desire for purchasing anti-epidemic supplies with DC funds, supplementing that there was an unspent allocation, but it would be more appropriate for the DC to cooperate with the procuring department in acquiring the items concerned. In addition, due to an acute shortage of masks in the market, she was concerned that the DC's proposal of purchasing masks would lead to a contest of resources with members of the public. Notwithstanding this, Members were welcomed to give views for further discussion.

171. Mr LAM Chun enquired the Secretary on whether it was feasible to purchase face masks with DC funds. If so, the details such as the modes of procurement and distribution could be discussed later. He opined that this was an emergency situation, and voiced his concern that an outbreak to the scale of SARS would re-emerge. He hoped that support such as face masks could be provided to the community in a short time.

172. The Chairman said there should be an unspent part of funding, and requested the Secretariat to provide the exact amount. Also, in procuring masks in the name of DC, he enquired the Secretary on whether the Government's procurement procedures should be observed, and whether the DC could make the procurement on its own. He believed that the distribution would not be a problem at all because the DC had rich experience in distributing materials to the public. Moreover, there should be ample time to use this year's allocation, which should be spent by February 2020 the latest.

173. Ms Cindy PANG said regardless of whether Members decided to hand the procurement to the government department concerned, non-government organisation or the Working Group, the use of funds allocated to the DC should be subject to the Yuen Long District Council Manual on the Use of District Council Funds.

174. Mr Enoch YUEN, JP said the Secretariat had noted Members' proposal to purchase and distribute anti-epidemic supplies in the community as soon as practicable. For the details of the use of the allocation, he suggested that Members allow some room for the Secretariat to consolidate the information. After discussion with the Chairman, the Secretariat would advise Members on the details.

175. The Chairman suggested that the YLDO and the Secretariat draft the paper for the meeting on 23 January, when the proposal would be put to vote. The YLDO would take on the subsequent procurement work, and the talks and distribution of anti-epidemic items would be undertaken by the FEHD or the DH.

176. Mr CHEUNG Sau-yin believed that if the allocation was endorsed on 23 January, which was the 29th day of the last Lunar month of the year, the procurement would not start until after the Chinese New Year, or even until February. If the situation had become very critical by that time, the masks procured would be of little help.

177. Mr CHAN Shu-fai said it was estimated that a large number of residents would return to the Mainland for holiday before the Lunar New Year. If the allocation was endorsed on 23 January, he believed that many residents would have returned to Mainland China already. He enquired whether the YLDO, apart from procuring face masks, could route available supplies from other departments to the district first.

178. Mr Enoch YUEN, JP said as mentioned by the Secretary, making the purchase now might compete for resources with the public. Therefore, the YLDO would examine if it was possible to use supplies available in other departments. While he could not make any commitment at the moment, he shared last year's experience of co-organising community talks and distribution of sanitary packs for mosquito control with the FEHD and Members had engaged in them. He suggested, with the common goal of disseminating messages and distributing materials in the most straightforward way in mind, that the YLDO explore feasible solutions after the meeting and would brief the Chairman and Members later.

179. The Chairman believed that the YLDO could pledge to make progress by the Lunar New Year. As Members hoped that progress could be made in this area before the Lunar New Year, he would maintain close contact with them.

180. Mr Enoch YUEN, JP could not make any pledge at the moment but he would definitely consider Members' views and reflect them to the relevant departments.

Item VIII: Question raised by Members: Mr MAK Ip-sing, Mr WONG Wai-yin, Zachary, Hon KWONG Chun-yu, Ms CHAN Mei-lin, Mr TO Ka-lun, Mr CHAN King-lun, Kisslan, Mr SHEK King-ching, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LAI Kwok-wing, Samuel, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr LEUNG Tak-ming, Mr CHAN Shu-fai, Mr CHEUNG Chi-yeung, Felix, Mr AU Kwok-kuen, Mr HAU Man-kin, Mr HO Wai-pan, Mr NG Hin-wang, Ms NG Yuk-ying, Ms LAI Po-wa, Mr LAM Chun, Ms CHAN Sze-nga, Mr LEE Wai-fung, Deco, Mr NG Kin-wai, Mr HONG Chin-wah, Mr KWOK Man-ho, Mr KWAN Chun-sang, Mr WONG Pak-yu, Mr MO Kai-hong and Mr LI Chung-chi proposed a discussion on “Opposition to the proposed comprehensive residential development at Tung Shing Lei, Nam Sang Wai in Yuen Long” (YLDC Paper No. 18/2020)

181. The Chairman referred Members to Paper No. 18, which was about the “Opposition to the proposed comprehensive residential development at Tung Shing Lei, Nam Sang Wai in Yuen Long” and invited them to raise questions.

182. Mr LEE Chun-wai said that the Town Planning Board (“TPB”) received an application for redeveloping the fish pond and egretty on the land at Tung Shing Lei, Nam Sang Wai in his constituency zoned “Undetermined” into buildings supplying about 3 000 residential units last November. This application would cause many impacts. First of all, the land was a buffer area to protect the ecological environment enclosed by Pok Oi Roundabout and Yuen Long Highway. Rather than an uninhabited neglected land as stated by the report, the land had about 100 residents and some graded historic buildings. Although the report claimed that the application would be able to satisfy the Government’s anticipated need for residential units without compromising the local ecological environment, there was no prior consultation with residents, who had no idea about the rehousing and compensation arrangements after removal. Also, the local welfare association and squatter tenants were unwilling to move. Since this application would affect the overall planning of the Yuen Long District which lacked comprehensive planning in transport, a surge in the population by more than 3 000 people would create a heavy burden on the traffic in the district. Lastly, he pointed out that the natural ecology could hardly recover within a short time once it had been damaged.

183. Mr LEUNG Tak-ming said notwithstanding that the application did not concern the redevelopment of a Ramsar Site, changes in the surrounding environment would affect the values of the wetland. He said having developed sites of ecological significance, developers would offer to take up the management and conservation work to maintain the ecological value there, reflecting that the Government had outsourced the responsibility of ecological conservation to the developers. Regardless of the developments in Tung Shing Lei or Nam Sang Wai in the past, developers had already damaged much of their natural ecology, and they had to be stopped from continuing to do so.

184. Mr LI Chung-chi said Tung Shing Lei was next to his constituency. In view of the incomprehensive transport network comprising narrow roads in Kam Tin, the local transport ancillary facilities would be overloaded by road users accessing Tai Lam Tunnel. Therefore, he strongly opposed the development plan at Tung Shing Lei.

185. Mr CHEUNG Sau-yin said under the application, 3 814 residential units would be provided, equivalent to the total residential units of YOHO Midtown and YOHO Town. However, the present

Pok Oi Interchange could not cope with the traffic flow at all. He believed that a vast increase in population would result in a huge impact. He said he had received opposition to the development project from the owners' committee of Grand YOHO, and believed that the TPB would consider the views of the DC. It was therefore hoped the DC could convey its opposing views on the development to the TPB before approval.

186. Mr TO Ka-lun said almost all development projects near Pok Oi Interchange had received nearly unanimous opposition from Members in the past-term DC, on the ground of traffic concerns. Now that Pok Oi Interchange was already overloaded at peak hours, he believed any large-scale development would aggravate the traffic situation in Yuen Long.

187. Mr AU Kwok-kuen said according to the department's reply, the applicant had requested deferment of consideration of the application. He suggested that Members write to the TPB to object to the development. Besides, he declared that as a member of Land Justice League, he had received complaints from residents of Tung Shing Lei, saying that their homes had been damaged and they had been forced to move out by the developer. He enquired the YLDO on whether an allocation could be reserved for the restoration of Tung Shing Lei under the Rural Public Works ("RPW") programme.

188. The Chairman said he received at the meeting a motion moved by Mr LEE Chun-wai and seconded by Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LI Chung-chi and Mr SZETO Pok-man. The full text of the motion was as follows:

"This Council objects to the planning application (A/YL-NSW/275) at Tung Shing Lei in Nam Sang Wai, Yuen Long."

189. The Chairman said although the statutory consultation period had come to an end, views of the DC would still be taken into account by the Planning Department ("PlanD"), as it had previously done so. If the motion was passed, the Secretariat would relay the discussion details and the voting result to the department.

190. The Chairman asked Members to vote on the amended motion by a show of hands with their names recorded. Mr AU Kwok-kuen, Ms CHAN Sze-nga, Mr Felix CHEUNG, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr HAU Man-kin, Mr HONG Chin-wah, Mr KWAN Chun-sang, Mr KWOK Man-ho, Mr Samuel LAI, Ms LAI Po-wa, Mr LAM Chun, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr Deco LEE, Mr LEUNG Tak-ming, Mr LI Chung-chi, Vice Chairman Mr MAK Ip-sing, Mr MO Kai-hong, Mr NG Hin-wang, Mr NG Kin-wai, Ms NG Yuk-ying, Mr SHEK King-ching, Mr SZETO Pok-man, Mr TO Ka-lun, Mr WONG Pak-yu and Mr Zachary WONG voted in favour of the motion. No Member voted against the motion or abstained from voting.

191. Ms Cindy PANG said in the past, the Secretariat would notify the relevant departments of the voting result after the motion had been passed. For the discussion details, the Secretariat could only relay them to the departments after the meeting minutes were endorsed some time later. She suggested that the voting result of the motion be relayed to the relevant departments first with reference to previous practice.

192. The Chairman accepted the Secretary's suggestion of informing the relevant departments of the voting result of the motion before the discussion details were relayed to them upon endorsement of the meeting minutes. The Chairman announced that the motion had been passed by an absolute majority of votes cast by Members, with 27 votes in favour, zero against and zero abstaining.

(Post-meeting note: The Secretariat sent the motion passed by Members to the PlanD and the TPB on 14 January 2020. The replies from the departments were relayed to Members on 3 February 2020.)

Item IX: Question raised by Members: Mr MAK Ip-sing, Mr WONG Wai-yin, Zachary, Hon KWONG Chun-yu, Ms CHAN Mei-lin, Mr TO Ka-lun, Mr CHAN King-lun, Kisslan, Mr SHEK King-ching, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LAI Kwok-wing, Samuel, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr LEUNG Tak-ming, Mr CHAN Shu-fai, Mr CHEUNG Chi-yeung, Felix, Mr AU Kwok-kuen, Mr HAU Man-kin, Mr HO Wai-pan, Mr NG Hin-wang, Ms NG Yuk-ying, Ms LAI Po-wa, Mr LAM Chun, Ms CHAN Sze-nga, Mr LEE Wai-fung, Deco, Mr NG Kin-wai, Mr HONG Chin-wah, Mr KWOK Man-ho, Mr KWAN Chun-sang, Mr WONG Pak-yu, Mr MO Kai-hong and Mr LI Chung-chi proposed a discussion on "Strong opposition to the Government's appointment of defeated pro-establishment District Council members to public offices" (YLDC Paper No. 19/2020)

193. The Chairman referred Members to Paper No. 19, which was about "Strong opposition to the Government's appointment of defeated pro-establishment District Council members to public offices", and invited them to speak on the issue.

194. The Vice Chairman said that Members had learned from media reports that the Government would announce the appointments of former pro-establishment District Council ("DC") members who lost in the election to public offices, such as inviting them to join advisory committees and increasing the number of Area Committee members. He opined that this would contravene the electoral system as the Government assigned public offices to former DC members who failed to win popular acceptance. On the other hand, the principle of making appointments to the Area Committees was based on personal merits. He expressed objection to the appointments of former DC members to public offices, while feeling perplexed why the Government would do so given a large pool of talented, capable people in the community.

195. Mr KWAN Chun-sang said he hoped the YLDO would clarify whether it had decided to give public duties to the former pro-establishment DC members who lost in the election.

196. Mr KWOK Man-ho said that the victory of incumbent pro-democracy Members in the election suggested that voters no longer supported former pro-establishment DC members who lost in the election. According to many media reports, the Government would assign public posts to the former pro-establishment DC members. He opined that the Home Affairs Bureau ("HAB") or the Home Affairs Department ("HAD") should clarify whether the Government had confirmed their appointments, and give an account of the criteria for making the appointments.

197. Mr LEE Chun-wai opined that if the Government really confirmed giving public duties to the former pro-establishment DC members who lost in the election, this would be very disrespectful to the elected DC members.

198. Mr Deco LEE said that he had two points to make about the appointments of defeated pro-establishment DC members to public offices. First, the colonial-era government gave public duties to attract capable people who could contribute to society, tender advice to the Government and strengthen cohesion in society. However, the public duties given today were no more than “pork barrel” rewards. When the former pro-establishment DC members were given public duties despite their election defeats, they would find it unnecessary to work any harder at the District Council. On the other hand, the Government also used to appoint elected DC members as committee members. He said that the Government should think prudently about the matter as elected DC members and former pro-establishment DC members who lost in the election were different in respect of the representation of public opinion. If the appointments were confirmed, and if he was also appointed as a committee member, he would act defiantly.

199. Mr LI Chung-chi said that he would not describe the former DC members who lost in the election as “pro-establishment”, saying that they had done nothing to contribute to social development and systems. He opined that the former DC Members who lost in the election were not sufficiently representative of the public. If the Government really appointed them to public offices, it was tantamount to turning itself into the enemy of the public. He said that both the Government or the HAD should think twice.

200. Mr MO Kai-hong said that he had three questions to ask: first, regarding the appointments of former pro-establishment DC members who lost in the election to public offices, whether the HAD would admit that this arrangement was “politically non-neutral”; second, if all Area Committee members were pro-establishment people, whether the Government would take care of the feelings of the public; and third, whether the Government would act more fairly by considering giving public posts to pro-democracy candidates who lost in the election.

201. Mr NG Hin-wang said that public opinion reflected by the DC elections on 24 November last year was crystal-clear: pro-democracy Members were supported by 60 percent of members of the public – the majority of Hong Kong’s public. If the Government made public appointments to former pro-establishment DC members defeated in the elections, that would mean the Government was undermining an election system that Hong Kong people were proud of.

202. Mr NG Kin-wai said that neither the Government nor the HAD had denied that public duties would be given to former pro-establishment DC members who lost in the election. He requested the YLDO representative to give an account of the issue at this meeting.

203. Ms NG Yuk-ying said that she hoped that the Government would think twice about the issue. If the Government really gave public duties to former pro-establishment DC members who lost in the election as “pork barrel” rewards, she opined this would tarnish the Government’s image in the hearts of the public and undermine the definition of popular election.

204. Mr TO Ka-lun said that the Members hoped that the Government could respond in writing to the three questions raised. He learnt that some former pro-establishment DC members had been given public duties. He opined that the Government had made up various pretexts of giving public duties to the so-called elite of society or those with contributions – an apparent attempt to turn itself into the enemy of the public. He said that these people were neither talents nor the elite of society and the public rejected them with disdain in the DC elections. He urged the Government to stop doing this before it was too late.

205. Mr WONG Pak-yu said that the Basic Law listed District Councils as advisory bodies. If the HAD made public appointments to former pre-establishment DC members who lost in the election, this would be considered an attempt to bypass the YLDC. He enquired whether this would constitute a contravention of the Basic Law by the Government or the HAD.

206. Mr CHEUNG Sau-yin enquired whether the Area Committees would give public duties to former pro-establishment DC members who lost in the election. He also enquired whether it would, if the answer was yes, suggest that the Government would no longer treat elected DC members seriously. Since the Area Committees would also apply for DC funding, he opined that the Government's response would affect DC Members' attitudes towards the Area Committees in the future.

207. Mr Enoch YUEN, JP said that the current term of members of the committees under YLDO purview would expire on 31 March this year, and the lists of members for the new term was still under preparation. In the process of making appointments to the committees, the Government would take into account their capability, experience, knowledge and understanding of district-level affairs. The Government would recruit, through different channels, people committed to serving the community.

208. The Chairman said that Members had raised some specific questions. He asked the District Officer (Yuen Long) to confirm whether the Government had requested the Area Committees to appoint five former pro-establishment DC Members who lost in the election as additional members.

209. Mr Enoch YUEN, JP said that the appointment procedures were still underway. He said the YLDO had been preparing the membership lists according to the relevant guidelines and the conditions mentioned just now.

210. Mr MO Kai-hong said that the District Officer ("DO") had yet to respond to the three questions he raised. He asked again whether the Government had considered making public appointments to the defeated pro-democracy election candidates, and hoped that the DO would respond.

211. The Vice Chairman said that the DO had apparently failed to respond to the questions raised by Members. He hoped that the HAD would send its representatives to attend the next meeting. He suggested that Members should vote against the Government's move to appoint former

pro-establishment DC Members who lost in the election to public services.

212. Mr HONG Chin-wah opined that the Government's arrangements were absurd, contrary to public opinion, and offensive to voters. While the former Area Committees were controlled by pro-establishment people, it was foreseeable that the Government would continue to undermine the existing system and its department representatives would attend Area Committee meetings instead of the YLDC's.

213. Mr KWAN Chun-sang said that the DO had only given a short reply to many questions just raised by Members. He considered this to be unacceptable.

214. Mr LAM Chun said that the DO had just said that various factors had been taken into consideration and the membership lists were being drafted. However, he was only requesting the DO to directly respond whether he was responsible for making the membership lists of the Area Committees.

215. Mr TO Ka-lun reminded the DO that the Government could not afford to bear the political consequences if it insisted on doing so.

216. Mr AU Kwok-kuen said that the DO's response suggested that "black-box operation" was exactly the problem with the appointment system. He demanded disclosure of the membership lists.

217. The Chairman requested the DO to respond whether the membership lists of the committees would be finalised at his or other senior officials' discretion.

218. Mr Enoch YUEN, JP thanked Members for their questions and opinions. He expressed his respect for the YLDC, which he regarded as an important working partner in reflecting public views, so that the Government could develop better policies. On the other hand, the membership lists of the committees were under preparation and some internal discussions would be held. It was inconvenient at the moment to disclose what was being discussed. He hoped that Members could understand that the Government would appoint committee members based on the conditions just mentioned.

219. The Chairman said that the DO and the Government often said that they respected the YLDC, but the fact was that the Chief Executive had met and talked with only former DC members who lost in the election whereas the newly elected DC members were received by the Chief Secretary for Administration. Members hoped that the DO could respond whether he would have the final say in the membership lists of the committees under the YLDO purview.

220. Mr LAM Chun said he found the DO's response unacceptable. He pointed out that the DO failed to address the question directly although he was the official who determined the eligibility of nominees for DC elections. He requested the DO to answer the question directly as to whether

he had the final say in the membership lists of the YLDO committees.

221. Mr Enoch YUEN, JP said that each job required different procedures and the YLDO would discuss with the HAD the development of the membership lists.

222. Mr MO Kai-hong enquired whether political stance was one of the considerations.

223. Mr Enoch YUEN, JP said that the Government would make appointments in accordance with the conditions just mentioned.

224. Mr Deco LEE said that, according to his understanding, the DO had yet to answer whether he had the final say in the membership lists. He enquired whether the Liaison Office of the Central People's Government in the HKSAR had a role to play in the making of the membership lists, such as taking part in discussions, making suggestions or recommending candidates.

225. Mr Enoch YUEN, JP said that it was an internal job to develop the membership lists.

226. Mr TO Ka-lun said that he asked the DO whether he could afford to bear unforeseeable political responsibility if the Government gave public duties in the Area Committees to former pro-establishment DC members who lost in the election.

227. Mr Enoch YUEN, JP said that he had no further response to make.

228. Mr KWAN Chun-sang asked the DO whether he would no longer respond to any questions raised by Members.

229. Mr Enoch YUEN, JP said that he would respond depending on what had been asked in a question, just as he had also responded to the question raised by Mr Deco LEE.

230. Mr NG Hin-wang quoted the DO as saying that there were a number of factors to take into consideration. He hoped that the DO would give some examples.

231. Mr Enoch YUEN, JP said that, when the Government was making a committee appointment, it would consider such factors as the candidate's talents, experience, expertise, and knowledge of district affairs.

232. Ms NG Yuk-ying said whether the DO would deny that he would make the final decision on the membership lists for the Area Committees.

233. Mr Enoch YUEN, JP said that he reiterated that the HAD and the YLDO had their own roles to play in the development of the membership lists, and that they maintained close communication with each other.

234. The Chairman asked the DO whether he would submit the membership lists to the HAD.

235. Mr Enoch YUEN, JP said that the YLDO would maintain close communication with the HAD in developing the membership lists.

236. Mr LAM Chun said whether the YLDC would be notified earlier when the Government had finished the membership lists. He also enquired whether the YLDC could give a hand in preparing the membership lists, such as obtaining the lists of candidates and the criteria.

237. Mr CHEUNG Sau-yin enquired about the current number of members of Area Committees in Yuen Long District and whether the Government would increase the number of the members.

238. Mr SHEK King-ching said that he felt worried upon learning that the YLDO would consider factors, such as talents and expertise, while developing the membership lists. If it turned out that there were more former pro-establishment DC members on the Area Committees than the incumbent DC members, he wondered if this suggested the Government considered the former DC members who lost in the election to be more capable than the incumbent DC members. He hoped that the DO would also respond to the question about the number of committee members.

239. Mr AU Kwok-kuen said that the incumbent DC members represented public opinion, but felt perplexed why they could not take part in the appointment process. He opined that the DO should disclose the list of candidates.

240. The Vice Chairman quoted sources as saying that the Government would like to increase the number of Area Committee members. However, as far as he knew, the number of Area Committee members would be capped. He opined that the DO should not change the mechanism of the Area Committees, and asked him which department, the HAB or the HAD, had given the instruction of increasing the number of committee members.

241. Mr Enoch YUEN, JP said that the Government would reasonably decide the number of committee members, and that there was also a mechanism in place to govern the succession of committee members. As some additional Yuen Long constituencies emerged in the latest DC elections, it was reasonable to increase the number of committee members. He reiterated that the appointment process was still underway and relevant announcements would be made in due course.

242. The Chairman said that he, when serving as a DC Member in the past, had also joined an advisory committee under the YLDO purview or the central advisory committee. Although the DO

said that the Government would consider different factors in the appointment process, such as ability, he found that some members of such committees had been re-appointed again and again although they had never spoken a word at meetings and some others had never attended any meetings during their six-year tenures. He pointed out that, after many years of negotiations with the Government, he found that whenever government department representatives responded ambitiously or evasively to questions by Members, the issue in question would become a reality. It was just a matter of time when the former announcement was made. Therefore, he opined that Members needed to be mentally prepared as the Government would give public duties to former pro-establishment DC members who lost in the election. As he pointed out in his speech when he was elected as YLDC Chairman, whether the YLDC would operate smoothly in the future largely depended on the Government. He believed that elected DC members would fight to the end if the Government took a confrontational stance towards them. Therefore, he hoped the DO could relay Members' concerns and dissatisfaction as well as the seriousness of the matter to the HAD, the HAB and the Government. He reiterated that the incumbent DC Members wanted no confrontation with the Government; otherwise they could only rise to the challenge.

243. Mr CHEUNG Sau-yin said that if the DO insisted on giving public duties to former pro-establishment DC members who lost in the election, he believed that the YLDC would not approve the funding applications of the Area Committees.

244. The Chairman said that the funding could be discussed again later.

245. Mr LEE Chun-wai said that he was not worried about who would be appointed to the Area Committees as the public would know who on the committees were capable and who were not. Instead, he wished to know how the YLDO would handle the situation where an area committee and the YLDC had made completely different decisions.

246. Mr Enoch YUEN, JP said that he would not respond to hypothetical questions, but opined that different opinions might not necessarily lead to antagonism. The YLDO would relay relevant opinions to the departments. On the other hand, funding applications of the Area Committees would be vetted by the District Council, and committee members would not be entitled to remuneration.

247. The Chairman concluded that YLDC was an elected council, where every member was mandated by the people to join the council and their performance was monitored by the people. If they did not perform well, the people would not vote for them in the next election. However, members of the Area Committees were appointed by the Government and would not be accountable to the people. On the other hand, the Government wished the members appointed to determine the results attained at the Area Committees. If the Government wanted the results of discussions at a committee to be in favour of the Government, it would then appoint pro-establishment candidates to the committee. He took the formation of the Independent Commission of Inquiry as an example. While the YLDC supported the formation of the commission, the Area Committees said no. When the DO relayed the opinions of the two bodies to relevant departments, the DO would say that the opinions were equally important. The Chairman reiterated, however, that the two opinions were not the same in quality. If the Government gave public duties to former pro-establishment DC members who lost in the election, he believed that this would only deepen social divisions. He hoped the Government would listen to YLDC's advice. As the departments had yet to give a written reply,

the Chairman decided to leave the item for more discussion at the next meeting.

Item X: Question raised by Members: Mr WONG Wai-yin, Zachary, Mr MAK Ip-sing, Hon KWONG Chun-yu, Ms CHAN Mei-lin, Mr TO Ka-lun, Mr CHAN King-lun, Kisslan, Mr SHEK King-ching, Mr CHEUNG Sau-yin, Mr FONG Ho-hin, Mr LAI Kwok-wing, Samuel, Mr LAM Ting-wai, Mr LEE Chun-wai, Mr SZETO Pok-man, Mr LEUNG Tak-ming, Mr LAM Chun, Mr CHAN Shu-fai, Mr CHEUNG Chi-yeung, Felix, Mr AU Kwok-kuen, Mr HAU Man-kin, Mr HO Wai-pan, Mr NG Hin-wang, Ms NG Yuk-ying, Ms LAI Po-wa, Ms CHAN Sze-nga, Mr LEE Wai-fung, Deco, Mr NG Kin-wai, Mr HONG Chin-wah, Mr KWOK Man-ho, Mr KWAN Chun-sang, Ms WONG Wing-sze, Mr WONG Pak-yu, Mr MO Kai-hong and Mr LI Chung-chi proposed a discussion on “Requesting the Government to enhance the power, staffing and resources of the District Council” (YLDC Paper No. 20/2020)

248. The Chairman asked Members to take note of Paper No. 20, which was about the discussion on “Requesting the Government to enhance the power, staffing and resources of the District Council”.

249. Mr AU Kwok-kuen said the HAD had not set aside adequate resources for the DC in the past. The DC was too short of resources in terms of budget for surveys and studies of district affairs, equipment for live webcast of meetings, and manpower of the Secretariat. To enhance transparency of the new-term DC, more resources would be required. He said the DC Secretariat appointed by the YLDO was accountable to the District Officer, and had to exercise the powers and functions assigned by him. As a result, the Secretariat was not fully effective in facilitating the work of the DC, whose discharge of the function of monitoring the Government and allocation of funding to projects in the district would be affected. He therefore suggested that the Government enhance the power, staffing and resources of the DC, including a raise in the spending on surveys and studies, live webcast of meetings and independent operation of the DC Secretariat directly accountable to the DC.

250. Mr Deco LEE said previously, Hong Kong had a three-tier system of representative government comprising the Legislative Council, Regional/Urban Council and District Boards. When the Regional/Urban Councils were abolished in 1999, their powers were claimed to have handed down to the District Boards. However, up to now no such review had been conducted. In his view, what the Government had done was to deceive its people. He said the powers of the DC had, on the other hand, been allocated to the Leisure and Cultural Services Department (“LCSD”) and the FEHD, and asked when the powers would be returned to the DCs.

251. Mr LI Chung-chi said the Government could turn a deaf ear to the DC which was a mere advisory body, so he hoped that the powers of the DC could be enhanced.

252. Mr NG Hin-wang said he noticed that an Executive Officer II of the Secretariat had to undertake the vetting of claims for reimbursement of allowances and expenses by five DC Members, along with serving on a committee as secretary to assist the chairman in presiding over the meetings and drafting minutes. To cope with the enormous workload, he hoped the District Officer (Yuen Long) would allocate resources to the Secretariat to alleviate its burden, which he believed would enhance the efficiency of processing the claims for allowances by DC Members.

253. Mr NG Kin-wai believed that in discussing the appointment of defeated former Members from the pro-establishment camp as public officers, both current-term Members and public members might have developed a sense of helplessness. He proposed that the DC be empowered to summon representatives of all ranks of government departments to the meetings in a bid to deter government representatives from being absent, citing the absence of representatives of the Police and the DH from this meeting.

254. The Chairman said the summoning powers could only be exercised under the Legislative Council (Powers and Privileges) Ordinance.

255. Mr WONG Pak-yu said he was working in the information technology industry, and proposed to offer some suggestions on enhancing the transparency of the DC. In spite of the global importance of big data analysis, DC's information such as funding allocations or meeting minutes were not readily accessible by the public. Therefore, he hoped the Government would start digitising the records. Also, he said when Members used the Conference Room of the YLDC, there was no technician from the Secretariat to assist Members with the activation of the recording system because the management of the system had been outsourced to a private firm. He hoped the administration of the DC could be improved.

256. The Vice Chairman said the District Facilities Management Committee ("DFMC") which dealt with construction works in the district received little funding that was insufficient to launch any construction projects. He hoped that the funding allocation would be increased. Besides, with an increase in the number of Members, there should be a corresponding increase in staffing of the Secretariat. Apart from requesting additional manpower from the HAD, the DC had been hiring contract staff with the funding allocation. He suggested that resources for employing contract staff be raised when preparing for the budget of the DC for the coming year.

257. The Chairman said the discussion on the agenda item would continue at the next meeting. He asked the Secretariat to compare the particulars of 18 DCs, in tabulated forms, regarding the numbers of Members, staff of all ranks in the Secretariat, committees and working groups, which were evidence of the manpower shortage in the YLDC Secretariat and would help the YLDC solicit resources for the Secretariat from the HAD. He said that YLDC, with the most DC Members, would convene a large number of meetings of committees and working groups in the future. It was not desirable for the Secretariat to work overtime frequently.

258. Mr Enoch YUEN, JP said the YLDO had relayed Members' questions to the HAD, which gave a reply as follows:

- (1) In respect of funding, an annual government funding was allocated to the DCs for implementation of community involvement ("CI") projects to meet residents' needs in their districts. These projects might include community building activities, district sports activities, arts and culture programmes, greening activities and volunteer activities. Having regard to the circumstances and needs of individual districts, the DCs had previously carried out district studies on areas including harbourfront development, women issues, traffic management and building renewal,

utilising allocation for CI projects. The functions of DCs included recommending projects for implementation or sponsorship and considering and approving funding applications to ensure that the use of funds would meet the needs of the districts and benefit more people in the community. After assessment by the DC Secretariat and endorsement by the DC, an application would be submitted to the Director of Home Affairs or any officer authorised by him/her, who would officially approve the funding of the project if he/she confirmed that the project fell within the ambit and scope of the DC funds;

- (2) At present, the DCs were operated with much transparency. Members of the public could gain access to different types of information such as agendas, papers, audio recordings and minutes of meetings on the DC websites, and observe these meetings. Important issues discussed at the DCs would be extensively covered by the media (including television and electronic media);
- (3) Regarding live webcast, as a matter of fact, there was no prohibition on live-webcasting by public observers at meetings under the HAD's model text of the District Council Standing Orders ("DCSO") for reference of the DCs. Public observers were only prohibited from disrupting the conduct of the meeting. DCs could allow public observers to live webcast a meeting provided that no disruption was caused. It was very common for public observers to webcast DC meetings;
- (4) For the proposed establishment of a DC Secretariat independent of the YLDO, the HAD was of the view that the existing operation mode of the DC Secretariat had been effective. Any organisational change would have implications on the overall operation and resource allocation of the department, which should be studied carefully to avoid affecting the work of the DO and the DC. In fact, the HAD had continuously increased manpower in the DC secretariats to strengthen the support for them over the past few years. Apart from recruiting two extra staff members, the YLDO had also requested additional staffing from the HAD. The YLDO would endeavour to maintain its service amid manpower shortage; and
- (5) The Government had always attached great importance to the views of the DCs. It would continue its effort in district administration with the DCs, in compliance with the Basic Law and the District Councils Ordinance.

259. Ms Cindy PANG thanked Members for their concern over the Secretariat, saying that their views had been noted. In spite of manpower shortage, the Secretariat would deliver service to the best of its capacity. Speaking of enhanced transparency, the Secretariat would keep an open attitude and Members' suggestions were welcomed.

260. The Chairman, in summing up, said Members hoped that the transparency of DC meetings would be enhanced by means of live webcast. Therefore, he proposed that the YLDC and the Radio Television Hong Kong ("RTHK") conduct live webcast together. In case sufficient resources were not available to the RTHK, the YLDC could study the feasibility of hiring technicians for live webcast of meetings on its own. Apart from this, he hoped that people of high calibre would stay at the Secretariat. To avoid staff members of the Secretariat from asking for a transfer due to excessive workload, he suggested that manpower be increased so that the staff could work at reasonable hours. He also hoped that resources would be allocated to the DC to hire professionals who would give

advice to the DC. He said non-professionals would find it difficult to understand the technical terms used in the evaluation or feasibility study reports provided by the departments. Although some professionals had previously been appointed as Co-opted Members, they could only provide their views to a limited extent. Therefore, as a consensus, Members agreed that the DC should no longer appoint Co-opted Members, but the DC would still be pleased to invite professionals from the transport, engineering and legal sectors to advise on and assist with the DC operation. He hoped the YLDO would consider reserving funding to pay the professionals an allowance. Lastly, he hoped the District Officer could help relay the above three viewpoints to the HAD and provide a comparison on the manpower data of the 18 DCs.

Item XI: Any other business

261. The Chairman declared that the meeting adjourned and thanked Members for attending the meeting.

Yuen Long District Council Secretariat
June 2020