

DISCOVERY BAY CITY OWNERS' COMMITTEE
Minutes of Meeting No.1 2014-15 held on 17th Dec 2014
7:30pm at MPH, Discovery Bay Office Centre

Members Present:

Mr. Simon Mawdsley	(SM)	Chairman, COC & Midvale VOC
Ms. Amy Yung	(AY)	Chairlady, Beach VOC
Mrs. Baby Hefti	(BH)	Chairlady, Peninsula VOC
Mr. Colin Bosher	(CB)	Chairman, La Vista VOC
Mrs. Judy Mathews	(JM)	Chairlady, Greenvale VOC
Mr. Edwin Rainbow	(ER)	Chairman, Hillgrove VOC
Dr. Francis Chiu	(FC)	Chairman, Siena Two B VOC
Mrs. Maggie Chan	(MC)	Chairlady, Neo Horizon VOC
Mr. Eddy Shen	(ES)	Chairman, Headland VOC
Mr. David Kwok	(DK)	Chairman, Amalfi VOC
Mr. Sam Cole	(SC)	Chairman, Parkridge VOC
Mr. Tony Cheng	(TC)	Representative, Registered Owner
Mr. Leslie Fung	(LF)	Representative, Registered Owner
Mr. Peter Chan	(PC)	Representative, Hotel
Mr. Carl Chan	(CC)	Representative, Clubs
Mr. Vincent Chua	(CKC)	Director, DBSML
Mr. F.K. Wong	(FKW)	Chief Manager, Estate, DBSML

Apologies:

Ms. Lee Huen Yee	(LHY)	Chairlady, Parkvale VOC
Mr. Kent Rossiter	(KR)	Chairman, La Costa VOC
Dr. Jennie Lee	(JL)	Chairlady, DB Plaza VOC
Mrs. Alison Dack	(AD)	Chairlady, Siena One VOC
Mr. James Heathe	(JH)	Chairman, Chianti VOC
Mr. Paul Tough	(PT)	Representative, School
Champion Associates Ltd.	(CAL)	Chairman, Bijou Hamlet VOC

Secretary:

Mr. Kenneth Chan	(CYY)	Senior Manager, Estate, DBSML
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Assistant to Secretary:

Ms. Key Lam	(KL)	Asst. Manager, CR & Admin, DBSML
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By Invitation:

Mr. W.S. Yau	(WSY)	Senior Manager, Contract Mgt. and Works, DBSML
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Staff of City Management:

Mr. Wilson Chan	Manager, Estate, DBSML
Mr. Alan Mak	Manager, Estate, DBSML
Mr. Steve Kwok	Manager, Estate, DBSML
Mr. G. H. Koo	Manager, Estate, DBSML
Mr. Kenneth Kan	Manager, Estate, DBSML
Mr. Samuel Ip	Assistant Manager, Estate, DBSML
Mr. Kelvin Siu	Assistant Manager, Estate, DBSML
Mr. Rudy Lai	Assistant Manager, Estate, DBSML

Observers:

Ms. Wendy Yu	Owner, Parkvale
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		TIME
1.	APOLOGIES	19:35
1.1	CYY reported that apologies had been received from LHY of Parkvale, KR of La Costa, JH of Chianti, JL of DB Plaza, and PT of School.	
1.2	CYY welcomed DK, Chairman of Amalfi, PC of hotel, and CC of Clubs.	
2.	REPORT FROM MR. SIMON MAWDSLEY (COC CHAIRMAN 2013-2014)	
	SM gave a brief review of COC's works in the previous year. He was glad that most villages affected by the court ruling on the definition of family member were able to elect a new term VOC under the new definition. He thanked all sub-committees, working groups and the City Management (CM) team for their achievements in various matters. He also thanked Mr Peter Crush, Dr Francis Chiu and Hon Ben Chan for their efforts in the relocation of DB01R bus stop in Tung Chung.	
3.	ELECTION OF COC CHAIRMAN for 2014-2015	19:42
3.1	In response to invitation by CYY, the following nominations were put forward for the election of the COC Chairman for 2014/2015: SM - nominated by FC and seconded by MC ER - nominated by AY and seconded by JM	
3.2	SM and ER gave a short introduction of their views on various COC matters.	
3.3	FKW requested for poll which was seconded by CKC. The voting results were as followed: Votes for SM : MC, FC, ES, DK, CC, PC,TC, LF, CKC and FKW (140,553 shares) Votes for ER : ER, SC, AY, JM and CB (49,235 shares) Abstain : BH and SM (33,590 shares)	
3.4	CYY announced that SM was elected Chairman of the COC for 2014-2015.	
4.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETINGS (COC MEETING NO.4 & NO.5 - 2013-2014)	
4.1	CYY said that the revised minutes of meeting No.4 and the draft minutes for meeting No.5 had been sent to Members. There was only one comment on the No.5 minutes from AY and it had been incorporated into the draft minutes.	
4.2	Since there was no further comment from Members, the draft minutes for both meetings were taken as confirmed.	
5.	PRIORITY SEATS AT BUS STOPS (COC Paper 469/14)	20:03
5.1	As requested by ES and with SM's approval, this agenda item was advanced	

	for discussion.	
5.2	ES explained that the Senior Citizens Working Group (SCWG) had proposed a pilot scheme to install priority seats at 5 different bus stops in DB, with a view to expanding the scheme to all bus stops in DB if proved successful. Subject to COC's approval, the installation cost would be paid by Reserve Fund while the respective villages would bear the maintenance costs. The installation cost would be about \$3,450 per bus stop. He stressed that the priority seats would be for the elderly, disabled, pregnant women and mothers with young children.	
5.3	SM asked why there were only 5 locations in the proposal. FKW replied that it was only a pilot scheme and would hopefully expand to all villages in future. He added that using City Fund for the pilot scheme was to demonstrate that the seats would be good for all villages.	
5.4	BH said that her village had studied a similar proposal in the past 8 months and had decided to install priority seats in Peninsula in early 2015. She suggested that SCWG might liaise with the CM manager Mr Kenneth Kan for more details of the seats.	
5.5	With ES proposed and ER seconded, the proposal was endorsed by Members unanimously.	
5.6	AY asked whether CM would invite tender for the project. FKW replied that CM would invite quotations in accordance with established procedures as the cost would be under \$200,000.	
6.	MATTERS ARISING FROM PREVIOUS MEETINGS	20:12
6.1	<i>Update of AGM of various villages</i>	
6.1.1	CYY reported that 6 villages had held an AGM since the last COC meeting. 5 of them were successful and Peninsula would confirm the date of its adjourned AGM at the next VOC meeting.	
6.2	<i>Update on DB Family Farm</i>	
6.2.1	TC reported that the DLO had no more concerns about the Family Farm. He thanked FC and all residents who had helped convince the DLO that there was no breach of the conditions governing the use of Central Park. To make up for the uncertainty and anxiety created for the farm participants by the habitual complainant, their planting period would be extended by two months to end of March 2015.	
6.2.2	ER asked what DLO's concerns were. TC explained that as recorded in the minutes of the previous meeting, DLO mistook the \$500 paid by the participants for hiring a gardener to water their plants as an admission fee for using the farm.	
6.2.3	FC added that in order to convince DLO that no money was passed to Hong Kong Resort (HKR), he obtained the permission of all participants to take care of the money paid by them. He would pay the gardener monthly and	

	publish a record of all expenses. For participants who wished to water the plants by themselves, they were given refund.			
6.3	<i>Update on concessionary ferry fare proposal for foreign domestic helpers employed by DB residents</i>			
6.3.1	TC informed Members that the proposal of concessionary ferry fare for foreign domestic helpers (FDHs) was raised by Mr Les Gee. In a signature campaign organized by Mr Gee and FC, hundreds of residents supported the proposal. From a business perspective, the proposal would increase ridership and hence revenue of ferry. As a result, HKR decided to implement the proposal as a pilot scheme for one year with effect from 4 January 2015. Under the scheme, FDH would be offered half fare for taking ferry on Saturdays, Sundays and Statutory Holidays.			
7.	CM REPORT			20:27
7.1	<i>Upcoming Tenders and COC Papers Endorsed (COC Paper468/14)</i>			
7.1.1	WSY reported on the upcoming tenders in the next three months: 'replacement of defective water leakage device', 'replacement of damaged fresh water inlet valve and associated pressure reducing valve at Siu Ho Wan' and 'replacement of water pumps at water treatment plant'. The two COC papers endorsed were 'replacement of existing dumping truck' and 'WR2 electrical inspection of plumbing and drainage plants in the City Area'.			
7.2	<i>Community Events</i>			
7.2.1	CYY reported on CM's efforts to resolve the problems caused by irresponsible dog owners. These included training for security staff on how to approach and communicate more with dog owners, joint patrol with the Agricultural, Fishery and Conservation Department officials, wider publicity in the form of posters and flyers and a 'Pet Fund Day' to be held on 31 January 2015.			
7.2.2	CYY presented a list of villages which had made use of the \$10,000 sponsorship from HKR for organizing community activities. TC urged villages which had yet to do so to decide on how they intended to use the sponsorship by end of January 2015 so that he could use any unspent amount for other purposes.			
7.2.3	CYY highlighted the following community events:			
	<u>Date</u>	<u>Event</u>	<u>Venue</u>	
	19.12.2014	CM Christmas Party	Auberge Hotel	
	18.1.2015	Recycling Day	Piazza	
	24.1.2015	Basketball match with Police and Fire Services Department	Discovery College	
	<i>(ES was excused at 20:35 hrs.)</i>			

8.	APPOINTMENT OF CONVENERS OF SUB-COMMITTEES / WORKING GROUPS OF 2014-15	20:36														
8.1	CB suggested that after Members had expressed their interests to join the working groups, the conveners should be elected at the meetings of the working groups instead of at the COC meeting.															
8.2	SM pointed out that the procedures for electing the conveners were set out in a COC paper endorsed by COC earlier. FKW elaborated that according to the COC paper endorsed two years ago, only a COC Member would be eligible for election as convener and the election would be conducted at the COC meeting.															
8.3	AY opined that the procedures should be reviewed so that non COC Members would be allowed to stand for election as there were capable candidates in the VOCs and their skills and expertise should be capitalized. FKW responded that AY's suggestion was not included in the agenda and the meeting should proceed with election of the conveners.															
8.4	JM asked for Members' views on AY's suggestion by a show of hands. SM reminded Members that no resolution for this matter was included in the agenda and AY might consider raising it at the next COC meeting.															
8.5	AY asked it to be recorded that CB, JM, SC, ER, BH and herself were all in favour of electing the conveners at the next meeting and they disagreed with the current practice.															
8.6	DK proposed to conduct the elections for all the conveners by poll and his proposal was seconded by FC.															
8.7	The following Members were elected conveners of the respective sub-committees and working groups:															
	<table><tr><td><u>Sub-Committee / Working Group</u></td><td><u>Convener</u></td></tr><tr><td>Finance</td><td>MC</td></tr><tr><td>Environmental Protection</td><td>FC</td></tr><tr><td>Sports and Leisure</td><td>SM</td></tr><tr><td>Security Liaison Group</td><td>FC</td></tr><tr><td>Senior Citizens</td><td>JL</td></tr><tr><td>Road System and Utility Review</td><td>SM</td></tr></table>	<u>Sub-Committee / Working Group</u>	<u>Convener</u>	Finance	MC	Environmental Protection	FC	Sports and Leisure	SM	Security Liaison Group	FC	Senior Citizens	JL	Road System and Utility Review	SM	
<u>Sub-Committee / Working Group</u>	<u>Convener</u>															
Finance	MC															
Environmental Protection	FC															
Sports and Leisure	SM															
Security Liaison Group	FC															
Senior Citizens	JL															
Road System and Utility Review	SM															
8.8	Detailed records on candidates nominated and the shares they obtained were set out in the <u>Annex</u> .															
8.9	TC pointed out that the Rehab Bus Working Group (RBWG) was not set up under COC and hence there would be no election of its convener at the COC meeting. CB said that the RBWG would elect its convener at its next meeting and he would inform COC of the elected convener at the next COC meeting.															
	(SC was excused at 21:12 hrs.)															

9.	UPDATES OF COC SUB-COMMITTEES / WORKING GROUPS 2013-14	21:13
9.1	<i>Finance Sub-Committee (FSC) (COC Paper 466/14)</i>	
9.1.1	<p>MC highlighted that the FSC would make recommendation to COC regarding financial assistance for the Rehab Bus in 2014-15 after receiving further information from Rehab Bus. FSC had made the following suggestions to CM to:</p> <ul style="list-style-type: none"> – introduce different amounts of Road Usage Fee for vehicles of different weights – attach information on interest generated by operating fund and reserve fund to their quarterly accounts – provide unaudited balance sheet and cumulative surplus to villages quarterly – review current credit policy to narrow the difference of credit period between receivables and payables related to HKR 	
9.1.2	AY raised the following queries:	
	<ul style="list-style-type: none"> – according to her rough estimate, it took 25 days for CM to settle payables to HKR but it took 122 days for HKR to settle payables to CM – CM failed to provide information she requested for in relation to sponsorship for Mid-Autumn Festival for Neo Horizon in 2013-14 and largest amounts charged by Works and Landscape Departments to individual households – concern for high staff turnover in CM's accounts department and absence of CM accountant at FSC meetings 	
9.1.3	FKW responded that he had already said at the FSC meeting that there was no sponsorship for Neo Horizon for Mid-Autumn Festival in 2013-14. For the information requested by AY, FKW had sent to AY information related to an earlier date due to misunderstanding but there was no response from AY. He undertook to send the information related to the date requested AY after the COC meeting.	
9.1.4	CKC agreed that there was a high staff turnover in CM's accounts department, but all the vacancies had been filled. To provide a career path for the account officers, one of them was given the opportunity to take up an accountant post. In the meantime, an experienced senior accounting manager of HKR helped overseeing the work of CM's accounts department. AY commented that HKR's accountant should not be engaged to deal with the accounts of CM as they were two separate legal entities.	
	<i>(DK was excused at 21:32 hrs.)</i>	
9.2	<i>Environmental Protection Sub-Committee (EPSC)</i>	21:33
9.2.1	<p>FC highlighted the following works of EPSC:</p> <ul style="list-style-type: none"> – preparation for the recycling day on 18 January with lots of performance, live music as well as commercial and non-commercial booths – new glass implosion machine of Winson Cleaning Company which would increase the weight of glass bottles handled by 50% – sourcing of new model of drinking fountains which made bottle filling possible 	

9.2.2	ER commented that while he agreed that EPSC had achieved what FC had said, it could achieve more if each member had brought something to each meeting based on their own specific environmental project task.	
9.3	<i>Sports and Leisure Sub-Committee (SLSC)</i>	
9.3.1	SM gave a detailed briefing on the incomes and expenses of the sports pitch in DB North by using slides. He highlighted that the total amount of incomes was lower than budgeted mainly due to the introduction of 'free session' for residents and higher maintenance cost, albeit significant saving in the cost of security guards due to installation of CCTVs. Based on the current figures, it was unlikely that the original target of recovering the construction cost of the pitch within 3.36 years would be met. SM would continue to work closely with CM to update Members regularly on the financial situation of the pitch.	
9.3.2	BH commented that most of the sports allowed on the pitch were for men only. SM clarified that many girls actually played rugby and football on the pitch, and there were mixed teams. CYY added that many spectators were also women.	
9.3.3	CB suggested that SLSC should consider developing more sports pitches along Discovery Valley Road as they would be more popular than the development ideas put forward by HKR. AY said that SLSC should also look into the opening of the basketball courts of Club Siena for public use.	
9.3.4	SM told Members that Discovery College (DC) was in the advanced stage of turning an area near the school into a sports facility. Based on suggestions of students and parents of the school, netball, football, rugby and a few other sports would be included in the project, which was scheduled for completion in May 2015. SM stressed that DC was fully aware that the area would continue to be open to the public.	
9.4	<i>Security Liaison Group (COC Paper 471/14)</i>	22:04
9.4.1	FC highlighted several matters detailed in his paper: resurgence of burglary cases in La Serene and the need to increase CCTV coverage to prevent future cases, arrests of 4 bicycle thieves by the police and issue of fixed penalty tickets to taxi drivers who entered the prohibited zones in DB.	
9.4.2	FC said that the Police was paying tens of thousands of toll for using DB Tunnel each year. He believed that most residents would not want to see the toll becoming an obstacle in the deployment of police officers in DB. Hence, he requested HKR to consider waiving the tunnel toll for all police vehicles of Tung Chung police.	
9.4.3	TC thanked FC for his request. He would study the impact of tunnel toll on the number of police officers deployed in DB and revert to FC.	
10.	ITEMS FOR DISCUSSION	
10.1	<i>Renewal of Security Service Contract - Formation of Working Group</i>	22:08
10.1.1	CYY reported that the current security contract with ISS would expire by end	

	of May 2015. He proposed a one-year fixed term with an option to renew for another year for the new contract which were same as the current contract. There would be pressure on the contract sum due to increase of minimum wage and inflation.	
10.1.2	CYY explained the main roles of the working group and the timetable for various steps. He would send an email to invite Members to join the working group after the COC meeting.	
10.2	<i>Tender Award for WR2 Inspection of P&D plant room at City (COC Paper T1073/14)</i>	
10.2.1	WSY explained that the tender for a mandatory WR2 inspection of the water treatment plant, the water pumping station and the sewage pumping stations had been issued with 4 tenders received. Sun Sing submitted the lowest bid for the water treatment plant and sewage pumping station, while Sang Lik submitted the lowest bid for the water pumping station. The total cost charged by both companies was \$34,000 and he recommended awarding the contracts to both companies.	
10.2.2	FC proposed and CB seconded the motion as set out in the COC paper. The motion was carried based on the voting results below: In favour : MC, FC, BH, ER, CB, CC, PC, TC and LF Against : Nil Abstain : SM, JM, AY, CKC and FKW	
10.3	<i>Arrangement for School Busses to Come to DB to Pick Up Students for Activities Outside DB</i>	
10.3.1	AY tabled a paper and said that after approval was given for public coaches to enter DB North, some DB parents experienced problems in hiring school bus to take their children to leave DB for extracurricular activities. AY believed that the school buses might have been mistaken as other public coaches which could only go to DB North.	
10.3.2	TC replied that following implementation of the coach proposals, all areas in DB except DB North were designated as prohibited zones for public coaches including school buses. Hence, school buses serving schools in the prohibited zones were required to obtain a prohibited zone permit from the Transport Department. In view of this requirement, his staff had contacted the three schools in DB and helped them obtain the prohibited zone permit for a large number of school buses used by the contractors of these schools. Also, he met with the principal of a school recently to fine tune the arrangements for its school buses. TC was hopeful that there would be no more problem in future.	
10.4	<i>Request to Add Anti-Bid Rigging Clauses in All Tenders (COC Paper 470/14)</i>	
10.4.1	AY introduced her paper. Although the competition law was passed last year, the authority to enforce the law had not been set up. Hence, the only way to prevent collusion of contractors was to incorporate anti rigging clauses into tender documents. AY then sought to move her motion that the sample	

	clauses proposed by ICAC be adopted by CM for incorporation in all tender documents.	
10.4.2	FC said that while agreeing with the spirit of the sample clauses, the clauses were too general and they would prohibit price negotiations between VOCs and contractors. He suggested that the matter should be discussed by VOCs and further deliberated at the next COC meeting.	
10.4.3	AY viewed that the sample clauses would mainly prohibit communication among contractors, but not communication with VOCs and COC. SM pointed out that the sample clauses appeared to prohibit communication with any party. AY opined that negotiation with contractors was a bad practice and she did not support it. FKW stressed that negotiation with contractors was actually good for owners.	
10.4.4	FKW added that clause 2 would allow contractors to communicate with their insurer, sub-contractor and bank manager only, but contractors might need to communicate with other people relating to their tenders. Hence, the sample clauses might discourage contractors from submitting bids.	
10.4.5	FC reiterated his support for the spirit of the sample clauses. He suggested that AY could amend the sample clauses slightly in order to address the concerns raised by Members and move a motion at the next COC meeting.	
10.4.6	AY insisted on moving her motion which was seconded by JM. The motion was defeated based on the following voting results: In favour : ER, AY and JM Against : MC, FC, CC, PC, TC and LF Abstain : CB, BH, SM, CKC and FKW	
11.	OTHER BUSINESS	22:32
11.1	<i>To enquire if there would be a response from COC to recent BMO public consultation</i>	
11.1.1	ER stated that the Government was conducting a public consultation on the review of the Building Management Ordinance (Cap 344) and he understood that some residents might submit response. He asked whether CM or HKR would respond to the consultation. CKC and TC gave a negative reply.	
11.1.2	In response to FC's question, SM agreed that VOCs could submit response if they wished because the response deadline was 2 February 2015 and there would be no further COC meeting before the deadline.	
11.2	<i>Declaration of Interest</i>	
11.2.1	ER stated that he had not made any declaration of interest in Hillgrove and asked where the matter stood. SM responded that AY had prepared a paper on this matter some years ago. As a practice, SM would inform any member who joined a working group involving finance matters to sign a declaration of interest.	
11.2.2	ER suggested that the VOC or working group could set a requirement that	

	each member would pledge to make declaration when the particular interest became relevant to what was being discussed. FKW pointed out that according to the Principal Deed, the declaration of interest was not compulsory but optional. SM added that one practical difficulty for enforcing declaration of interest was that there was no consequence if a person refused to make a declaration.	
12	DATE OF NEXT MEETING	22:48
12.1	The next COC meetings were scheduled for March 11, May 27, July 22, October 7 and December 9.	
12.2	The meeting was adjourned at 22:53 hours.	

Chairman

Election Results of Sub-Committee and Working Group Conveners

Sub-Committee/ Working Group	Candidate	Nominated/ Seconded by	Votes	Total Shares
<u>Finance Sub-Committee</u>	AY	ER/JM	BH, ER, SC, AY, JM, CB	75,355
	MC*	FC/DK	MC, FC, DK, CC, PC, TC, LF	106,873
			SM, CKC, FKW (abstain)	30,170
<u>Environmental Protection Sub-Committee</u>	FC*	MC/DK	MC, FC, DK, CC, PC, TC, LF, CKC, FKW	129,573
	ER	AY/JM	BH, ER, SC, AY, JM, CB	75,355
			SM (abstain)	7,470
<u>Sports and Leisure Sub-Committee</u>	SM*	TC/BH	Uncontested	-
<u>Security Liaison Group</u>	AY	JM/SC	ER, SC, AY, JM, CB	49,235
	FC*	MC/DK	MC, FC, DK, CC, PC, TC, LF, CKC, FKW	129,573
			SM, BH (abstain)	33,590
<u>Senior Citizens Working Group</u>	JL*	DK/MC	MC, FC, DK, CC, PC, TC, LF, CKC, FKW	129,573
	JM	CB/ER	BH, ER, SC, AY, JM, CB	75,355
			SM (abstain)	7,470
<u>Road System and Utility Review Working Group</u>	SM*	TC/FC	Uncontested	-

* Candidate who was elected convener.