

DISCOVERY BAY CITY OWNERS' COMMITTEE
Minutes of Meeting No.3 2020/21 Held on 30 June 2021
7:30pm at MPH, Discovery Bay Office Centre

Members Present:

Mr. Kent Rossiter	(KR)	Chairman, COC & La Costa VOC
Ms. Amy Yung	(AY)	Chairlady, Beach VOC
Mr. Tim Conti	(TC)	Vice-Chairman (Acting), Midvale VOC
Mr. Murray Stuart Craig	(MSG)	Chairman, Neo Horizon VOC
Mr. David Cashel	(DC)	Vice-Chairman, Parkridge VOC
Mr. Kenneth Bradley	(KB)	Chairman, Parkvale VOC
Mrs. Baby Hefti (Rep. of Asia Sky Far East Limited)	(BH)	Chairlady, Peninsula VOC
Ms. Maggie Chan (Rep. of Shum Wan Marine Co. Ltd)	(MC)	Chairlady, DB Plaza VOC
Ms. Vivien Lau (Rep. of Favour International Limited)	(VL)	Chairlady, Greenvale VOC
Mr. Peter Whalley (Rep. of Emsworth Associated Limited)	(PW)	Chairman, Siena One VOC
Dr. Francis Chiu	(FC)	Chairman, Siena Two B VOC
Mr. Christian Chasset (Rep. of Le Francais Moderne Ltd)	(CC)	Chairman, Amalfi VOC
Mr. Edwin Rainbow	(ER)	Chairman, Hillgrove VOC
Mr. James Merritt	(JM)	Vice-Chairman, La Vista VOC
Mr. Chow Wah Lun Warren	(WC)	Vice-Chairman, Chianti VOC
Mr. Samson Li (Rep. of Emerald Property Limited)	(SL)	Chairman, Phase 17 VOC
Ms. Sara Lai	(SLA)	Representative, Registered Owner
Ms. Beatrice Lee	(BL)	Representative, Registered Owner
Ms. Elena Chan	(ELC)	Representative, Clubs
Ms. Angela Law	(AL)	Representative, Hotel
Mr. Ernest Lee	(EL)	Assistant Director, DBSML
Mr. F.K. Wong	(FKW)	Chief Manager, Estate, DBSML

Apologies

Mr. Ben Dalglish (Rep. of Sasia Investment Ltd)	(BD)	Chairman, Headland VOC
Mr. Simon Tu		Representative, Registered Owner

In Attendance:

Mr. G.H. Koo	(GHK)	Senior Manager, Estate, DBSML
Mr. W.S. Yau	(WSY)	Senior Manager, Contract Management and Works, DBSML

Secretary:

Mr. Eddie Heung	(EH)	Manager, Community Relations, DBSML
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Observers:

Susan Ho		Owner, Peninsula
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	The Meeting was declared duly convened with sufficient members to form a quorum.	
1	<p>Apologies</p> <p>Several apologies were received, including Mr. Ben Dalglish from Headland. Mr. Simon Tu sent Ms. Sara Lai to represent the registered owner. Ms. Joanna Kan sent Ms. Angela Law as the Hotel representative. Mr. Tim Conti, the Acting Vice-Chairman of Midvale, was representing the Acting Chairman Mr. Felix Zeller. Mr. David Cashel was representing Mr. Darren Barton of Parkridge VOC. Mr. James Merritt represented the VOC of La Vista. And Mr. Warren Chow was the representative of Chianti VOC.</p> <p>Mr. Chairman suggested that members should aim for the Meeting to be finished no later than 10pm or ideally earlier.</p> <p>KB raised his objection to rushing through business since there was not enough time to get on with business in the last meeting, so he suggested starting the meeting at 7pm to allow more time for discussion and wanted Mr. Chairman to make sure that the meeting would not be rushed to get business done. Mr. Chairman noted his objection.</p> <p>CC believed it was not appropriate to rush members when they were presenting issues, but members should use their time concisely instead of spending too much time off subject and putting issues to the next meeting. FC agreed with CC that the meeting should be conducted in a more efficient way and reminded members to be concise and get to the point when expressing their views.</p> <p>KB also commented that members should keep focused on the business on an impersonal basis, act professionally, and not specifically criticize other members. And Mr. Chairman agreed with him.</p>	19:35
2	<p>Confirmation of Minutes of Previous Meeting (No. 2 – 2020/2021)</p> <p>The draft was sent to all members for comments on 9 June 2021 and CM received no comments from members. The final version was sent to all members on 23 June 2021.</p> <p>ER commented on the item <u>on</u> video conferencing, <u>saying that</u> he had tabled the resolution for virtual meetings but he <u>agreed to withdraw [pending further review]</u> and <u>requested that</u> a reference to this <u>should be included in the minute</u>. Mr. Chairman shared the same view <u>with him and accepted the subject withdrawal</u>.</p> <p>The minutes were proposed by ER, seconded by FC and signed by Mr. Chairman.</p>	
3	COC Sub-Committees / Working Groups of 2020/2021 Update	
3.1	<p>Finance Sub-Committee</p> <p>Minutes of the Sub-Committee had been sent to COC members and FC would like to bring up three issues as below:</p>	19:45

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First, members of the Sub-Committee were concerned about the licence fee payable by owners in respect of the upland nursery because they did not know about this whole matter in advance nor the amount of the fee. FC hoped that FKW would be able to address this in a moment as he was unable to provide the number during the last meeting.

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The **second** issue was about the inclined lifts. As discussed in the last COC meeting, it was hoped that in this meeting HKR would be able to give members a reply regarding the request for keeping the current payment arrangement of the inclined lifts unchanged.

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Thirdly, FC reminded members that a few years ago, the COC established the Infrastructure Working Group as one of its sub-committees to review conditions of all infrastructure, particularly those on and under the ground. However, this Working Group was disbanded without much progress being made. At the last FSC meeting, members looked at this matter again and consented to reconstitute the Working Group due to the need to set aside an appropriate amount from the Reserve Fund for increasingly anticipated massive repairs and maintenance resulting from the aging of the City infrastructure. Therefore, FC would like to invite members to express their opinions on the formation of the Infrastructure Working Group but not to go into details about the duties and details of the Group for the moment.

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BH agreed that the condition of the City infrastructure should be looked into since many parts of it were very old. KB mentioned that the water systems, sewerage systems and roads were in need of replacement. Back in 2015 and 2016, a member of the former group was tasked with preparing a long-term funding plan for infrastructure matters, but that didn't proceed anywhere. And KB suggested there should simply be a broad paper summarising the background information regarding the infrastructure from CM's perspective, and inviting chairpersons to attend the first meeting.

PW said he thought that the Working Group would be tasked with the function of appointing a consultant to come up with a target reserve number.

VL regarded the infrastructure matter as a sustainability issue because it concerned the future development of DB, which is a city with about 20,000 residents, so she would like to know whether HKR or CM has the capability or the body for planning or reviewing the capacity of infrastructure before owners take up the responsibility to form an Infrastructure Working Group to help monitor or supervise it.

CM responded that the target population of DB is 25,000 and all infrastructure was designed and built based on this figure. Thus, there was no need to worry about the infrastructure capacity for supporting the population. However, there was an aging problem of the infrastructure since it has been in use for 40 years and CM has the responsibility for maintenance. According to the opinions of the FSC, it was required to engage a consultant to provide a study and information about the current infrastructure condition before any further development. Hence, CM supported the re-formation of the Infrastructure Working Group under which there should be a clearly defined terms of reference. Also, in response to KB's suggestion, CM would be able to provide a paper listing

	<p>the proposed terms of reference and all the infrastructure under CM's management in DB.</p> <p>Mr. Chairman clarified with members that the Infrastructure Working Group will be set under the COC instead of under the FSC. AY recommended involving people with expertise in this regard from the VOC or even the community rather than solely limiting participation to COC members. She thought each village should nominate one person to join the Group just like other ordinary committees. With his experience in the former Infrastructure Working Group, KB would like to work with FKW again to start up the new working group this time. FKW expressed his and also CM's willingness to collaborate with KB in forming the Sub-Committee and that a draft term of reference (TOR) would be tabled in the next COC meeting for discussion and deliberation.</p> <p>WC would like to know whether the infrastructure at the construction site next to Chianti and Amalfi is connected to the existing infrastructure system or a completely independent one. FKW replied that it was not independent but an extension to the existing system of DB.</p> <p>TC suggested the Sub-Committee should discuss with each village their individual renovation projects. KB considered TC's suggestion irrelevant to the scope of the Sub-Committee because he thought it should focus on the basic core infrastructure of DB such as the water supply system, potable water system, sewage system, and electricity and gas systems. EL shared the same view with KB that the scope of the Sub-Committee in general would concentrate on the core infrastructure across the City instead of individual villages, the latter where the VOCs should be able to handle such affairs. Mr. Chairman agreed that all infrastructure of villages connect with the City's system but they are somewhat different in their needs and separate budgets. TC pointed out that the deterioration of village facilities may indicate the obsolescence problem of the City facilities.</p> <p>Regarding the maintenance of the inclined lifts, FKW reported that HKR had turned down the request of the COC to guarantee maintaining the inclined lifts forever. Given the potential threat of legal proceedings against HKR, HKR would find the appropriate time to contact CM to end this goodwill maintenance offer.</p> <p>With the negotiation on the licence fee of the upland nursery near completion, FKW stated that HKR would charge a monthly licence fee of \$15,000 for about 4,000 sq. metres of land. HKR had used a couple of million to provide infrastructure to facilitate CM to relocate the nursery while the licence fee was much cheaper than the market price, and as such CM was required to pay back the construction costs of such infrastructure investment over time.</p> <p>PW said he was disappointed with the response of HKR by referring to an email dated 18 June in which HKR expressed its disappointment with the language that the COC used regarding the possibility of legal action on large-scale community investments made with CM funds. He thought the language was added because the COC has no right to preclude or prevent any legal action that anyone may take. PW would like Eddie to explain to HKR that the COC was not trying to threaten them but to recognise that someone else might take legal action. As advised by PW,</p>	
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<p>this issue should be further discussed for action if they think HKR or affiliated units are mispending CM funds in the FSC meeting.</p> <p>In view of HKR's very disappointing response, PW would like it noted in the minutes of this meeting that the use of COC Owners' Funds to finance amenities for new developments undertaken by the registered owners, such as the inclined lifts, was not considered appropriate by the village representatives present at this meeting without previous discussion and consultation. BH believed it was better to point out the problem earlier but not at the time when the contract was signed, or too late to change the plans.</p> <p>Mr. Chairman asked if, 6+ years ago, CM was given a heads-up on the building of the inclined lifts and that City Funds would be required. FKW answered that CM was aware of the construction of the inclined lifts (but no recollection about any discussion on who would fund the running costs). As clarified by HKR, the inclined lifts facilitate the transportation between a number of villages nearby and DB North, so they were put under the City Common Facilities and the related Sub-DMC was approved.</p> <p>AY indicated that the issue of the inclined lifts only came to the knowledge of villages after it was put into the budget because the Sub-DMC was signed only between the developer and CM. She disagreed with bearing the costs of the inclined lifts when none of the villages knew the content of the Sub-DMC and no benefit was enjoyed. FC argued that many villages, including Amalfi and Chianti, benefited from the lifts.</p> <p>Since HKR did not inform the COC of the matter of the inclined lifts but asked for money for it, DC believed it was inappropriate and HKR was acting in bad faith, so he wanted HKR to make sure this would not happen again.</p> <p>FKW reminded members that the Principal Deed grants rights to HKR for building the City Common Facilities, meaning that it would not be necessary for HKR to consult owners on such matters. KB regarded it as a problem of transparency: HKR could explain upfront to the COC what upcoming developments will be introduced and also the implications to the City Owners' Fund and community.</p> <p>AY supported PW's statement and proposed the "user pays" principle for common facilities, such as the inclined lifts. Further discussion should be conducted in the FSC meeting. Taking her village as an example where residents would seldom use the lifts, BH also raised her objection to bearing the costs of facilities that benefited just a few, while others stated that they did occasionally use the lifts. Mr. Chairman said he has personally been using the lifts at least once a month since it was part of his weekend walking habits.</p> <p>MC disagreed with AY, saying that the inclined lifts should be viewed as the City facilities as a whole, instead of a separate parts. She explained that people living in the north also paid for the costs of the pier in the south though they may seldom use it. And the inclined lifts were not just convenient for the commercial area but also for residents' walks.</p>	
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	<p>Mr. Chairman asked members to raise their hands if they agreed HKR should consult the community on infrastructure affairs. PW especially thought that HKR should consult with the COC on infrastructure that is to be financed by the City Fund.</p> <p>To summarise, KB proposed an indication among members that HKR be asked to please present as a courtesy to the COC, its plans for the future development in DB and the implications for the City Owners' Fund and individual villages, to which Mr. Chairman had no objection, and FC, BH, MC, WC, VL, ER, PW, AY, EL, DC, TC, KB and JC agreed. EL raised that it would not be a formal resolution and is not binding.</p> <p>CC asked FKW about the issue of the upland nursery. According to FKW's response, key terms of the licence agreement included a monthly charge of \$15,000 for around 4,000 sq. metres commencing from 1 April 2021 with a term of 4 years plus another 4 years subject to optional renewal.</p> <p>VL asked how much villages need to pay for the inclined lifts each year. FKW answered around \$220,000. AY supported Finance Committee member Simon Minshall's disagreement with FKW that the conduct meets the licence, saying that there should be a licence agreement between the developer and CM for the payment of the licence fee before any fee is charged to CM. She said if there is no licence fee, then there is no licence at all. Previously, CM used the City Owner's Fund to pay for a lot of areas without any licence agreement for payment. Therefore, AY could not rely on CM's conduct, especially when HKR and CM were related parties.</p>	
3.2	<p>Security Liaison Group</p> <p>FC reported that the crime rate remained low with 1 attempted burglary case in May which did not cause any loss of property, and none in June. Police had carried out operations at least once a month in DB to catch people riding electric scooters and electric bicycles. Moreover, there were undercover police ensuring the general security in DB.</p> <p>With respect to the scooter issue, WC suggested CM take more serious action to stop people from using them, for example, by issuing a warning letter with a photo of the suspicious person identified by CCTV.</p>	20:40
3.3	<p>Sports and Leisure Sub-Committee</p> <p>Since a lot of people were upset about the cancellation of the Dragon Boat Races, which is a Chinese tradition, BH reported that the Sub-Committee had decided to hold this event tentatively in October 2021, driven by the work of the vaccination programme. To date, about 32.5% of the Hong Kong population have received one vaccination and 21.5% were fully vaccinated. With this encouraging vaccination rate, BH hoped that there will be no more danger among the community in October, and believed that the community needs and should have this important yearly event.</p> <p>BH mentioned that places should be identified for setting up bike racks like somewhere around the South Plaza but not near the pier. The Sub-Committee had considered two places, one near the kindergarten in</p>	20:45

<p>front of the bus terminal and one near the old bus terminal in Hillgrove. BH suggested moderately to start with smaller and fewer racks then make adjustments depending on the number of users, otherwise people would likely park their bikes everywhere.</p> <p>DC asked about the locations of bike racks. Mr. Chairman put it clearly that there is adequate space along the road going up to La Serene with a kindergarten on one side, and also at the temporary bus stop which is across from Block 6 of La Costa. DC thought the presentation by BH should have larger pictures presented on the screen so that members could have a clear concept of where the locations are.</p> <p>PW asked why it was chaotic when parking a bicycle near the Plaza. BH commented that people love to lock their bikes close to the bus terminus. PW thought it could extend the space along the beach bike racks (across from area where beach shower faucets are) while Mr. Chairman replied that bike racks were already lined up to the Commercial Services boundary at the end near the DBRC.</p> <p>KB asked BH if the Sub-Committee could discuss with CM and come up with a paper tabled to the COC about the bike rack locations and numbers, CM's agreement and the costs rather than talking about different locations in the COC meeting. BH responded that this would be the next step if the majority of the COC members agreed with the locations.</p> <p>EL stated that the Sub-Committee should provide more details on the bike rack issue through further study including whether the identified areas are CM managed area or not, and report to the COC in the next meeting since other parties' consent may also be required for the share of places for bike racks.</p> <p>Referring to the issue of extending the opening hours of the sports venues with Club Siena, AY said she had not received any meeting notice. BH said that the Sub-Committee advertised but nobody from Beach attended the meeting. AY asked if CM could include her name in the meeting attendance list because she expressed her interest in the negotiations in the last COC meeting. BH advised AY to join the Sub-Committee in order to raise her concerns. AY could not understand why her name had not been included in the Sub-Committee especially when she attended meetings before and had site visits and also nominated herself to join the Sub-Committee in negotiating with the Clubs in the last COC meeting. EH told AY that he would inform her of the date of the next meeting.</p> <p>Mr. Chairman asked if most COC members also got these emails. BY stated that villages without nominating representatives would not receive the minutes. Mr. Chairman thinks even if villages don't send representatives to these sub-committees, they should still be on the distribution list for the minutes.</p> <p>WC thought it would be better to have more background information before seeking the VOC members' interest to join the Sub-Committee. EH noted and understood Chianti's situation.</p>	
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3.4	Environmental Protection Sub-Committee	21:00
	<p>According to BH, the Styrofoam compactor which was on trial is now officially at capacity from 1 July, and CM is working with all the commercial units for the pickup and collection of Styrofoam, and in individual villages it will be done by the cleaners. Residents should be reminded that the Styrofoam for compacting must be fully cleaned beforehand.</p> <p>There were collection activities for electrical equipment, plastics and so on in the Green Community next to Parkridge every Tuesday between 10am and 1pm, and 2:30pm to 5:30pm. In May, 1,600 kilograms of items were collected under this project, which BH considered a very good programme for education and hoped to continue it.</p> <p>BH reported the figures of what the cleaners collected were quite steady. FKW added that wood waste still existed because, due to the onset of typhoons, CM had carried out tree trimming in May in which wood waste had been transported to the upland for chipping then used as compost afterwards.</p> <p>As mentioned by BH, there was a pilot scheme about food waste and the Sub-Committee had decided to participate in it to reduce food waste at source. CM had applied for registration on 10 May but no answer was received from the EPD yet. Mr. Chairman would like to know what kind of food waste was being referred to. BH answered that it included anything edible such as leftovers.</p> <p>In replying to Mr. Chairman's question, FKW mentioned there were currently 2 food decomposers in DB with a capacity of 250 kilograms per day which is equivalent to about 400 housing units out of 8,500 units in DB, so DB has the capacity to recycle more food waste. After learning early this year that EPD would open O. PARK to housing estates for collecting residential food waste in addition to commercial food waste, CM made a submission and was required to decide the food waste collection points in DB under this pilot scheme. A total of 42 collection points with 120L food waste collection bins would be set up in DB villages. CM is still waiting for further discussion with EPD upon inspection in implementing the scheme.</p> <p>Mr. Chairman questioned the point of participating in this scheme when DB already had a programme for collecting organic waste for around the last 7-8 years to which his family is also active. BH responded that the pilot scheme is free of charge and could absorb more waste than the machines in DB could achieve. Besides, both FK and BH agreed to keep the current decomposers running. Mr. Chairman thanked BH for her explanation, work in this area, and contribution to DB's green efforts.</p> <p>DC brought up the need to consult and communicate with villages and the VOC as well before CM carries out the whole scheme. BH agreed with him to some extent and commented that the chairperson of each VOC should also consult its residents on this because food waste is a crucial environmental problem not just in Hong Kong but also in many Asian cities. It is understood these 42 bins would have plastic linings which may not be environmentally friendly and the size (120l) may be more than needed in most village sites. Several villages have expressed</p>	

	<p>interest in working with CM on the locations of these collection bins and all the estate managers should consult their VOC members on this.</p> <p>FKW confirmed each VOC would be advised on the locations of collection points, collection methods and other details once EPD has approved CM's application. DC would like to have an input on where things go in his village.</p> <p><u>ER noted that he had represented Hillgrove village and other than the village of BH, Hillgrove was the only other village represented and that he was covering for Hillgrove's normal representative who was unable to attend.</u></p>	
3.5	<p>Golf Cart Issues Sub-Committee</p> <p>As reported by PW, the Sub-Committee held a meeting this month which 7 village representatives attended, and also presented 6 points on golf cart issues to EH and GHK. PW invited GHK to present a map next time comparing the current and past situation of golf cart parks such as location, size, number, etc. He also asked FKW what the profit margin of a new golf cart is with an initial cost of \$300,000 including tax. FKW believed that CM is not involved so much in this matter according to the City Rules but is responsible for replacement of golf carts. However, CM would be willing to provide assistance after reviewing the Sub-Committee's meeting minutes.</p> <p>DC was of the view that \$300,000 for a golf cart was unacceptable and that individual owners should be able to bring in their own golf carts which meet certain DB or Transport Department specifications and standards with licence and are checked by DB's maintenance contractors.</p> <p>KB queried if FK was appropriate to pursue the matter of finances and personal finances, and recommended BH's Sub-Committee study the polluting nature of golf carts. BH agreed with KB and pointed out that no new golf cart licences had been issued since 1993. DC added that the reason why golf carts trade for at least HKD1.65 to 1.7 million is due to supply and demand constraints and scarcity value, i.e., the very limited Village Vehicle Permit(VVP). DC said HKR had made an application with the Transport Department for more golf cart licences which was turned down.</p> <p>FC asked HKR or CM to give a quick answer to why the DBRC had changed to allow only its members to park golf carts when it was supposed to be for everybody's use. In response, FKW mentioned a letter was received from the Lands Department stating a resident's complaint that the use of that area should be only for the DBRC members after opening it to all golf cart users. As a result, HKR had no choice but to change it to members' use only. And RC would not be able to make it public if the Lands Department has not changed its requirement.</p> <p>KB opined that it may be a minority issue as there were only 500 golf carts in DB, with family members involved they may serve thousands.</p>	21:15

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	<p>PW saw it appropriate to update the COC once a year on golf cart matters. He said the Sub-Committee had also brainstormed other related issues including the difficulty for parking in the North Plaza. He emphasised that golf cart owners are owners and there needs to be some governance over owners' rights. And the COC should be able to provide such governance and be asked for transparency.</p> <p>BH commented that people should be reminded to park their golf carts in the right place and observe rules. PW concluded that the Sub-Committee had listened to residents' views and complaints from several villages.</p>	
4	Matters Arising from Previous Meeting	
4.1	<p>Legality and Feasibility of Holding COC Virtual Meetings Updates</p> <p>With an improving COVID-19 situation in Hong Kong recently, TC asked if members wished to pursue this matter further. Based on the situation in UK, PW believed that the COC should not preclude the possibility of another COVID-19 wave happening in Hong Kong, and KB supported carrying on the clarification of the legal advice.</p> <p>Members agreed that TC would provide draft reframing the questions for FKW to continue with this matter. PW We cannot preclude the possibility that the COVID-19 will be around for some time. BH agreed. ER reminded the members that his intention always was to clear a path for virtual meetings in the event that they become necessary.</p>	21:30
4.2	<p>Report on Preparation of Transition and Mobilization to New Service Providers of Security and Customer Services (City and Phases 1-12)</p> <p>GHK reported that FH Security, the new contractor, would take over the City area and Phases 1-12 at 7:30am tomorrow. A taskforce has been assigned to monitor the performance of the contract. There would be three major tasks in July for FH to become familiar with the DB site, including a risk assessment while working with CM and the police to address the security concerns caused by electric scooters in DB. The third task would be a review on the effectiveness of DB's security monitoring system which has been in use for 3 to 5 years. FH Security would provide some new ideas on enhancing the efficiency with technological advancement.</p>	21:40
5	Items for Discussion	
5.1	<p>Install Automated External Defibrillators (AED) in DB Community (COC Paper No. T673/21)</p> <p>CC stated that there were currently at least 2 AEDs in DB yet no one knew where they were installed and whom to call when in need. However, he feels people should be able to use this machine with instructions provided as it was totally automated. He suggested CM conducting a study on the number of AEDs in DB, to install one in each management office given the affordable price of less than HK\$10,000 per unit, and also to maintain them and train staff in their use. Besides, residents should be informed of such availability, of the location and whom to call in case of emergency because the first 5 minutes after the</p>	21:45

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	<p>occurrence of a heart attack was very crucial for people's survival. This machine was 6 times more efficient at saving people than CPR.</p> <p>In CC's paper had a statistic that an ambulance recently had an arrival time of 17 minutes for one of the two heart attack cases that happened in DB recently, and Mr. Chairman asked where this figure came from since DB has its own ambulances and fire station and this should never be the case unless something was really wrong. CC replied that someone from one of the VOCs reported it, but he was not sure about the source of that information.</p> <p>For the ambulance dispatched from Tung Chung or Tsing Yi, DC quoted the ambulance driver's words that they were expected to arrive at DB within 12 minutes of receiving the request. The replacement ambulance had to be in DB within 12 minutes while the original DB ambulance arrival time should be 2 to 3 minutes. Once a DB ambulance gets called out for any reason then the protocol is for a replacement back-up ambulance to be called to DB</p> <p>Mr. Chairman inquired if people needed to have training for using the AED. Based on his personal experience, DC responded and believed it should be easy to use, saying even a ten-year-old child could use it. KB thought it was necessary to equip people with standard knowledge of how to use the AED through education or training in a bid to prevent any accident.</p> <p>GHK hoped to extend the availability of AEDs to each village or even each block eventually. Three AEDs have recently been purchased with a cost of about HK\$9,000 per unit. In Hong Kong, there was a regulation requiring people who operated the AED to be properly trained or qualified. But in fact, it was fully automated and easy to use. GHK promised to prepare a paper and a programme on the roll-out of the AED system in DB before the next meeting, and also to check with the insurance company regarding the liability of providing such device.</p> <p>EL added that residents should not fully rely on the AEDs but the top priority should be dialling 999 in case of emergency. And FH Security agreed to provide training to its driving staff on the use of AEDs to make sure that every operator was well-trained and qualified.</p> <p>PW asked if it was possible to allow buying AEDs in bulk for residents with a heart condition so residents would get a better price, although each resident interested would be paying their own. This idea was supported in the meeting.</p>	
5.2	<p>Comments of Former COC Member Addressed to COC Members (COC Paper No. 674/21 and COC Paper No. 676/21)</p> <p>In his paper, KB had no intention to provide in detail the issues addressed by the former COC member, but would like to remind members not to ignore the content of that email about this matter that he considered important.</p> <p>Referring to the paragraph 4 of his paper, KB stated that "<i>CM and HKR are asked to advise COC members as to whether COC members have any liability as inferred by the former member, and if not, why not?</i>" As</p>	22:00

<p>explained in FKW's paper in paragraphs 2 to 5, the COC was regarded as a consultative body only. In paragraph 6, Clause 14 of the DMC was quoted to reassure COC members that they have no liability, however attention should be focused on the last two lines of Clause 14 (which were not quoted) basically stating any act not involving criminal liability, dishonesty or wilful negligence on the part of the Committee. Therefore, in KB's opinion, if members act in a wilfully negligent manner when performing their duties, then they have a liability. And Clause 13 also stated that the COC is responsible for representing owners in dealing with the Manager. So, KB believed a DB owner has brought to the attention of, and for the action of, COC members in dealing important matters with the Manager, and the COC has the duty to follow up on those matters.</p> <p>KB considered paragraph 7 of FKW's paper irrelevant as none of the comments of the former COC member had been raised for discussion in the COC, so he disagreed with the statement in the same paragraph regarding the COC not being liable. KB considered paragraph 8 to be very sensible in suggesting obtaining legal advice on the legal liability of COC members. However, it did not mention what the consequences are if the answer is a "yes," which KB thought it would probably include CM to obtain, on behalf of the COC, independent legal advice in respect to those comments, and liability insurance for COC members. CM was asked to prepare a draft for members' comments requesting that legal advice, and to submit that request after the former member presents his comments in the COC meeting where FKW would also be given an opportunity to make his presentation on this issue. Legal advice would be sought following those presentations.</p> <p>Besides, KB mentioned that he had asked HKR or CM to confirm whether the legal dispute between themselves and the former member would not involve any COC members but no response was received.</p> <p>In answering BH's question about what the next step will be if the COC was confirmed to have legal liability by the legal advice, KB said it would clearly involve a liability insurance policy. If no action was taken on certain matters, it could constitute wilful negligence. FKW agreed with TC's view that negligence was not equivalent to wilful negligence which should have a higher standard in definition. FK argued that the Committee shall not be liable if it lacked the knowledge to understand this issue and did not make any decisions. Even if there were decisions made by the Committee, they would not be binding on CM according to his paper. Further, the disclaimer clause stated that <i>"the Committee shall not be liable for any act, deed, matter or thing done or omitted in pursuance or in purported pursuance of the provisions of this Deed"</i>.</p> <p>FKW thought that CM should be the party being accused, not HKR as CM was the executor of the DMC and CM was unable to confirm if the legal disputes would not involve any COC members since there were no legal proceedings for those issues directly and CM had no idea if any COC members would actually be involved or not. The top priority was to define clearly what wilful negligence means upon seeking legal advice. Those issues raised by the former member were very complicated and Members should have a better understanding on their legal liability before considering those issues. KB considered it essential to follow</p>	<p>22:30</p>
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	<p>what paragraph 8 stated for obtaining legal advice and to invite the person concerned to present his view.</p> <p>.</p> <p>AY pointed out there was documented evidence that certain members have done something more than negligence. These things were active acts, not only wilful negligence but more than that. From FC's perspective, it would be difficult to have a support or a mandate from the newer villages to investigate this matter since they may have to pay more if Mr. Burns was right in his understanding of the allocation of Undivided Shares and Management Units (MU).</p> <p>PW restated the importance of defining wilful negligence which referred to not only a deliberately wrong act but also one's omission about something that he has been told. And also, it was critical to know what coverage the insurance company could possibly provide.</p> <p>Upon further discussion and KB's suggestion, Mr. Chairman asked members to vote on paragraph 8 where it stated, "<i>If Members wish, a legal advice can be solicited to reconfirm our abovementioned advice and ascertain the legal liability of the Committee</i>". Members in favour of this statement included SL, FC, BH, MC, WC, TC... (counting being disturbed by members' speech).</p> <p><u>ER requested that the members see the brief from CM/FKW before sending it out to the solicitor. DC insisted on involving the COC in drafting the paper rather than handing it over to CM completely, otherwise the COC may be alleged to be wilfully negligent. Mr. Chairman concluded that paragraph 8 was agreed to be carried on, to "seek legal advice can be solicited to ascertain the legal liability of the Committee".</u></p> <p>FKW confirmed that the instruction would be a covering note with the comments of the former member, KB's paper and CM's response attached. Given that the legal advice on wilful negligence and invitation of former member to attend the COC meeting were indeed two separate matters, CM would issue the instruction when members had no comments. FKW rejected the request of AY to attach her legal case regarding the inspection of accounts as the case was irrelevant.</p> <p><u>TC had doubts that we would get a clear response</u></p> <p><u>DC stressed the importance of the COC being involved with the instruction to the lawyer adding that to allow CM to do it independently would already be wilful negligence. FK stated that they cannot act for each individual member adding that a member can seek their own legal advice. DC suggested that we were trying to split it up. He added that he has ideas together with his village Chairman to contribute and our input must be included</u></p> <p><u>DC felt that FK was not the person to write the question to the lawyer. That would be wilful negligence.</u></p> <p><u>The Chairman concluded that that paragraph 8 was agreed.</u></p>
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<p>KB proposed his suggestion again to invite Mr. Burns and FKW to present their opinions and DC seconded. FK replied that CM would not give any presentation due to the legal nature.</p> <p>FK proposed that legal advice be sought before meeting Mr.Burns. KB, DC strongly opposed this view and wished to hear from Mr Burns before taking legal advice.</p> <p>PW left at 22:35</p> <p>DC we will listen first and then make a decision not the reverse</p> <p>BH stated that she always thought she had protection so we must buy an insurance. BH added that she would not do anything before she was clear about the matter and deemed it necessary for the COC to take out insurance for protecting members against any wilful negligence that may result because members were not professional in all fields but have been committed to community services for years. She would not say anything on this subject until she knows where she stands.</p> <p>WC would not attend a long meeting. CC wanted to avoid a "was not sure the whole COC should listen to this person for 3 hour". He would not listen to Mr Burns for 3 hrs. KB agreed it could be a special meeting outside the COC meeting.</p> <p>FK stressed that CM would not make any presentation without seeking legal advice first. DC agreed that this was to be expected as CM has a vested interest.</p> <p>DC considered FK to be a person with a vested interest involved with a pending legal opposition to this. Stressing the importance of this huge issue he reminded members of the history concerning of Marina Club. FC interrupted: "We don't have time for stories". Mr Chairman disagreed DC described a situation where HKR was allowed to accumulate debts of more than 3m HKD.</p> <p>Upon discussion, Mr. Chairman asked members to vote on whether to invite Mr. Burns to give his presentation in the next COC meeting. For (10): WC, VL, ER, MSG, TC, AY, DC, KR, KB and JM. Against (9): SL, FC, MC, ELC, AL, SLA, BL, EL and FKW Abstain (2): BH and CC</p> <p>MC and FC left at 22:56. BH and BL left at 22:57.</p> <p>Mr. Chairman suggested setting aside a maximum of 45 minutes for Mr. Burns to present his view and field any COC questions in the next COC meeting on 15 Sept 2021, to which there was no objection. DC would extend an invitation to Mr. Burns.</p>	
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5.3	Progress Report on Obtaining License of CM under the PMS Ordinance (COC Paper No. 675/21) <p>EL said CM was very concerned and focused about obtaining the Property Management Licence by 1 August 2023 which CM was aware. A taskforce has been set up to ensure the licence can be successfully obtained. It would formulate a 2-year plan to make sure that everything would be under control that CM would be qualified for the successful application. The task force has also been updating and promoting recognized course to the staff for study, and updating individual staff's qualifications and experiences to prepare for licence application together with all necessary documentation, which is the fundamental task that the task force to achieve. There was concept of contingency because it is the statutory requirement that CM must comply with by the said deadline. In addition, the task force has been keeping contact with Property Management Services Authority (PMSA) as the licensing authority from time to time about the issues of licence application.</p> <p>. EL made it clear that there was no need to consult with the COC or owners on this issue since it was just a matter between the PMSA and the property management company. Actually, property management licencing was only one of the legal requirements for CM to follow which was just CM's internal affair. EL raised an example of security licence that CM has been renewing very smoothly every year without bothering the COC.</p> <p>Instead of a progress report, CM would update members for any milestones, e.g. the licence application which was planned to be submitted in the first quarter in 2023. CM was confident that CM would have sufficient time to successfully obtain the licence.</p> <p>CC left at 23:02.</p>	23:00
6	CM Report	23:05
6.1	COC Papers Endorsed <p>EH would simply send this report to members via email unless anyone had interest in any topic of the report. No objection was received.</p> <p>WSY drew members' attention to the licence renewal of the mobile phone base station with China Mobile and asked if there was any objection to a 5-year renewal instead of the 2-year term which was the normal practice, in order to secure the income and minimise administration work as suggested by a member. In answering DC's question about the income, WSY reported that the income for the last contract was HK\$12,950 per month, however the service provider could only offer a monthly income of HK\$12,270, which is 5% less than the previous amount due to the unfavourable economy. DC strongly disagreed with a 5-year renewal because the economy would improve in 2 or 5 years and the income may go up as well.</p> <p>For members' reference, MSG mentioned there were 3 antennas in Neo Horizon with a current charge of HK\$62,000 per month per licence. CM was asked to try to increase rental income given that mobile phone companies are merging and also 5G is coming. The location of Neo Horizon being far superior to the Base Station at Water Treatment Plant</p>	

	Mr. Chairman inquired about the expiry of the current contract which would be by the end of July. CM noted Members' views and would renew the contract for 2 years. For the rest of the items (6.2-6.6), CM would send the report via email.	
7	AOB	23:10
7.1	Cleaning Vendor Monitoring about Recycling Issues Given the late hour, Mr. Chairman would like to withdraw this item from the agenda but requested CM to verify with the cleaning company that items collected in recycling bins were actually being recycled and not thrown into the landfill.	
7.2	Date of Next Meeting - 15 Sept 2021 Mr. Chairman confirmed the next meeting will be convened on 15 Sept 2021.	23:12
	Members were thanked for attending and the meeting was closed at about 23:12.	