

DISCOVERY BAY CITY OWNERS' COMMITTEE
Minutes of Meeting No. 5 2020/21 Held on 24 November 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. Murray Stuart Craig	(MSG)	Chairman, Neo Horizon 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 Sheen Favour International Limited)	(VL)	Chairlady, Greenvale VOC
Ms. Sze Hun Yung Feon	(FS)	Chairlady, La Vista VOC
Dr. Francis Chiu	(FC)	Chairman, Siena Two B VOC
Mr. Edwin Rainbow	(ER)	Chairman, Hillgrove VOC
Mr. Samson Li (Rep. of Emerald Property Limited)	(SL)	Chairman, Phase 17 VOC
Mr. Simon Tu	(ST)	Representative, Registered Owner
Ms. Beatrice Lee	(BL)	Representative, Registered Owner
Mr. Mike Li	(ML)	Representative, Clubs
Ms. Joanna Kan	(JK)	Representative, Hotel
Mr. Ernest Lee	(EL)	Assistant Director, DBSML
Mr. F.K. Wong	(FKW)	Chief Manager, Estate, DBSML

Apologies

Mr. Ben Dalgleish (Rep. of Sasia Investment Ltd)	(BD)	Chairman, Headland VOC
Mr. Peter Whalley (Rep. of Emsworth Associated Limited)	(PW)	Chairman, Siena One VOC
Mr. Christian Chasset (Rep. of Le Francais Moderne Ltd)	(CC)	Chairman, Amalfi VOC
Mr. Chow Wah Lun Warren	(WC)	Chairman, Chianti VOC
Mr. Felix Zeller	(FZ)	Chairman (Acting), Midvale VOC

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:

Colin Bosher		Owner, La Serene
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	<p>The Meeting was declared duly convened with sufficient members to form a quorum.</p> <p>Simultaneous interpretation from Chinese to English was available at this meeting.</p>	
1	<p>Apologies</p> <p>CM received apologies from Mr. Ben Dalglish from Headland, Mr. Peter Whalley from Siena One, Mr. Felix Zeller from Midvale, Mr. Christian Chasset from Amalfi, and Mr. Warren Chow from Chianti.</p> <p>KB proposed inviting vice chairmen to the COC meeting if the chairmen were not available. It would be an opportunity for vice chairmen to participate in the COC. Mr. Chairman thought this was a good suggestion. EH mentioned he had asked those chairmen absent to send a representative for this meeting, but they refused.</p> <p>KB said vice chairmen should be invited to attend the meeting otherwise it might contravene sub-DMCs. ER agreed with KB, saying that vice chairmen should also be provided with the meeting agenda and other relevant materials. Mr. Chairman asked what others thought of vice chairmen being on the distribution list for all COC materials and emails, considering possible privacy concerns. KB did not object, and considered it necessary to maximize the number of people involved in COC and VOC matters.</p> <p>To EL's understanding, chairmen will communicate with their vice chairmen to attend the meeting if they could not. Nonetheless, CM will advise chairmen to communicate with vice chairmen if the former confirmed they are unable to join the meeting in compliance with the Principal DMC.</p> <p>Mr. Chairman asked CM to think of any other solution, or to comment on involving vice chairmen, or on any reluctance to include them in the distribution list for all COC matters, and to email members before the next COC meeting with CM's preferred stance and any reasoning.</p> <p>Members welcomed the newly elected chairlady of La Vista VOC, Ms. Feon Sze, who has joined the COC.</p>	19:30
2	<p>Confirmation of Minutes of Previous Meeting (No.4 – 2020/2021)</p> <p>The draft minutes were sent to members on 3 November 2021, and comments were received from KB, Mr. Burns and ER. The final version was then sent out. But ER said his comment, in which he suggested setting up a working group to work on what Mr. Burns presented to the COC, was not reflected in the final version. By pointing out that it mistakenly stated "AY proposed setting up a working group..." in the second last paragraph under Item 2, KB proposed correcting the line to read "AY and ER proposed...". ER accepted the comment, and EH confirmed he will send the final minutes again after the meeting.</p> <p>KB asked if the final version was consistent with what Mr. Burns had commented back and forth, since it differed from the first draft EH had issued, with additional paragraphs. Mr. Chairman wanted to make sure</p>	19:35

	<p>that the final minutes reflected only what Mr. Burns actually presented during the meeting, and not his added elaboration afterwards. As suggested by KB, the minutes containing only what Mr. Burns presented at the last meeting will be sent to Mr. Burns for reference and the minutes will be endorsed at the next meeting.</p> <p>ER would like to have the signed COC minutes for retention, and a copy of signed minutes kept on record as a matter of course. EH agreed with that.</p>	
3	COC Sub-Committees/Working Groups of 2020/2021 Update	
3.1	<p>Finance Sub-Committee (FSC)</p> <p>According to FC, the final meeting minutes were sent to members. One particular issue members were concerned with during the FSC meeting was the sufficiency of the City Reserve Fund for the medium- and long-term renewal of DB's infrastructure. Given the re-formation of the Infrastructure Sub-Committee (ISC), some FSC members requested the ISC to include in its terms of reference a requirement for the expected financial commitment related to infrastructure renewal in the medium and long term. FC believed this matter should be discussed within the ISC, which may then table a motion to the COC for modifying its terms of reference in a bid to incorporate the said requirement when necessary.</p> <p>Members had no further comment.</p>	19:45
3.2	<p>Security Liaison Group</p> <p>While DB was quite safe given low crime figures, FC highlighted a burglary case that happened in October at Positano, where there had never been that kind of crime before. He presented the actual victimized unit and the burglar's route in a PowerPoint, and added that both police and the in-house security team have deployed extra manpower in plainclothes to enhance security. The security company, ISS Security, also provided additional resources for anti-burglary operations for 2 weeks at no extra cost. CCTV cameras at the back of Positano have been installed and upgraded to HD models to give security guards who sit in the control room a better view of the area, and to aid in identifying burglars.</p> <p>On a separate point, FC would like CM to think of ways to make the security guards' work safer. He indicated that there was a lack of railings or safety measures for them when patrolling the dangerous blind spots at the back of Positano.</p> <p>The police held promotional and educational activities related to electronic mobility devices (EMDs) in DB in October and November, with the aim of educating residents that these devices are dangerous and illegal, rather than catching people. Mr. Chairman asked if security guards could lock up EMDs if they were found parked anywhere in DB, instead of just posting warning notices on the devices themselves. FC added that EMD owners should be given an educational session on the illegality of the devices before they get theirs back.</p>	19:50

	<p>To show DB's strong determination in combating the illegal use of EMDs, VL suggested handing over the devices to the police after locking them up, and asking owners to get them back from the police rather than CM, so that they would at least think twice about parking EMDs in DB. AY considered it necessary to check the legislation since she doubted whether CM is able to take away EMDs and give them to the police for prosecution if they are not in motion.</p> <p>FKW also expressed his reservation about CM's power to remove EMDs, saying that CM is granted with such power to do so for golf carts according to law but not for EMDs. Thus, CM should review the legislation to confirm whether it is empowered or not. On top of FKW's opinion, EL said CM should also review whether there is a risk for locking up EMDs when they are not running.</p> <p>Speaking of VL's suggestion to hand over EMDs to the police, FC commented that possession of EMDs was not illegal, but that usage was, and that it might not be the police's concern as long as EMDs are not moving since all the roads in DB are private. KB suggested FC ask the police not to set up roadblocks and gear up with uniform and guns when catching EMD users but instead work undercover because messages regarding roadblocks spread very quickly via social media. And Mr. Chairman concluded this subject by asking CM to consider this matter and make recommendations to the COC at the next meeting.</p>	
3.3	<p>Sports and Leisure Sub-Committee</p> <p>BH praised the great success of the Dragon Boat Races held in October, which showed strong team spirit within DB, and thanked Mr. Chairman, COC members and CM for their active participation in the event. She proposed to keep it as an annual sports event in or around October to not only celebrate the Chinese tradition but also unite the whole community. Mr. Chairman said he enjoyed the event much more in October than in the hotter summer. This idea was agreed unanimously at the meeting.</p> <p>AY suggested to have a COC-VOC boat team of about 19 members for next year's races. In addition, she and BH very much appreciated the hard work done by EH and his team including all CM staff in organising and participating in the races.</p> <p>Regarding the basketball court in Club Siena, the usage rate is over 90% every night, and it is limited to 10 players due to COVID-19 precautions. BH has discussed with the Club the possibility of extending the hours by opening earlier, and has also considered holding a 3x3 basketball tournament, probably after the upcoming Chinese New Year. Members were asked to invite any female basketball players in DB to join the event. And BH thanked Club Siena for supporting such events. Similar arrangements, such as free access, will be made for tennis facilities.</p> <p>Furthermore, BH raised her personal request related to bike racks, stating that there were not enough bike racks near the ferry pier and plaza, only one overloaded next to the Residents' Club. No progress had been made since she first raised this issue in June. She therefore suggested first identifying around 10 spots for setting up bike racks, such as spaces near the old bus shelters, and then reviewing any problems afterwards. People who do not follow the rules and park their bikes</p>	20:00

	<p>beside the rack should be sanctioned and have notices issued. Members all supported the idea. KB expressed concerns about the use of sanctions. EL said CM would study the feasibility of installing bike racks and also the mechanism for managing bicycles and relevant matters.</p> <p>VL asked whether those old bus station structures would be retained or dismantled. FKW said this should be clarified with HKR, which is the owner of that area, and he will get back to the COC. It was observed that those two bus stops in front of La Costa have already been used several times by DBTSL when the bus terminus was being repaired and several bus route stops were moved from the bus terminus to that area for a few days.</p>	
3.4	<p>Environmental Protection Sub-Committee</p> <p>As per BH, the Food Waste Collection Pilot Scheme was the main issue of the Sub-Committee, but this will be handled by CM. About 400kg of waste Styrofoam has been collected each month, which was then compacted and sent to a recycling company in Yuen Long. For the Green Community recycling area at Parkridge along the main road near the Siena Avenue turn-off, as the Tuesday events have been a great success in educating residents about plastic separation, similar activities with educational workshops will be held on a trial basis on two Saturdays in December, and hopefully may go on permanently.</p> <p>BH asked if HKR could reinstate the book exchange boxes at both sides of the ferry pier that had been temporarily taken away due to COVID-19 as it was a very good green measure for recycling in DB. Mr. Chairman agreed with the idea and advised BH to relay this message to the DB Transport department.</p> <p>Mr. Chairman queried the types of recyclable plastic as indicated at the bottom of BH's PPT slide. BH answered that there were actually more than 2 types acceptable for recycling. Recycling records were quite stable this year, since people have not been able to travel abroad.</p> <p>Lastly, BH requested HKR or CM to advertise all green measures the City has adopted, on its website for example, so that new residents may know what they could contribute to environmental issues.</p>	20:10
3.5	<p>Infrastructure Sub-Committee (ISC)</p> <p>WSY reported that CM had so far received 8 nominations from villages to join this new sub-committee, and of course welcomed more members from other villages. Its first meeting would be held on 9 December. FC or a representative from the FSC was invited to join the first meeting and brief members on the aim of re-forming the ISC. FC promised to attend the meeting.</p> <p>KB said it was important for those members nominated to become regulars of the ISC in order to make effective contributions. KB said that the FSC misunderstood the terms of reference. The intention was for the ISC to work with CM in respect of studies that determine which infrastructure is to be replaced/repared and the estimated costs of such work. The costs can then be fed into the FSC. He said the key issue for ISC would be prioritising the work to be done. Financially there might be a shortfall in the Reserves over five years so the ISC and the FSC will</p>	20:15

	<p>need to work with CM in preparing a financial plan as part of the annual budget process with reporting back to the COC.</p> <p>Mr. Chairman said further qualified ISC volunteers should be recruited, using his village as an example, of having no members showing interest in joining this committee so recommended allowing more members from one particular village to join, such as Alan Macdonald from Peninsula, so as to collect more good input. Unless the number of participants becomes overwhelmingly large, he doesn't think the ISC should be limited to only one participant per village. AY emphasised that members of this sub-committee should be technical experts like engineers who have experience with large projects and infrastructure. KB said the fundamental need is for members to be committed to the work involved and for the long run.</p>	
4	Matters Arising from Previous Meeting	
4.1	<p>Deposit Refund of San Hing</p> <p>ER asked if CM would sue San Hing (LPG) Co Ltd for fraud. Based on FKW's reply, neither HKR nor CM was involved in the agreements between individual residents and San Hing. HKR has already issued a letter to request all directors of ExxonMobil to procure San Hing to make refunds to the residents, or otherwise resolve the matter directly as soon as possible.</p> <p>FC said a group reporting session with the police was conducted, attended by about 60 victimized residents. He believed the best bet would be for the police to conduct an investigation into the case in respect of commercial fraud on the part of San Hing, otherwise there was little that could be done.</p> <p>ER pointed out that an owner was not allowed to represent other owners collectively to take action as clearly provided by the DMC, but CM can do so on their behalf. FKW agreed that CM was acting on behalf of all owners in dealing matters relating to City, however, CM had no contractual relationship with San Hing so it could not simply take action against the latter as the case is not incidental to the management of the City. He thanked FC's efforts in reporting the case to the police and said CM would fully cooperate with the police's investigation.</p> <p>In AY's opinion, San Hing potentially committed a criminal offense as its directors provided and filed false documents with an incorrect address with the Companies Registry, so the police might take action to investigate further. Besides, she thought there might be some sort of negligence on the part of CM/HKR since it failed to perform its fiduciary duty to protect owners' interests by not ensuring there were sufficient funds in the trust account to cover deposit refunds before changing to another vendor.</p> <p>ER asked FKW if CM were not going to take action on behalf of owners in the interest of properly managing the City when it has the power to do so legally. FKW replied that there is no doubt CM acts on behalf of owners to initiate legal proceedings relating to issues involving the City's management, however it has no role to play in disputes between owners and individual service companies, such as the case with San Hing. And he considered this was not a management affair of DB. FC also</p>	20:20

	<p>disagreed with ER, saying that CM had no reason to sue San Hing as the latter did not owe it any money.</p> <p>In addition to there being no contractual relationship between CM/HKR and San Hing, FKW explained that HKR entered into an agreement with ExxonMobil for gas provision, and it was this company, ExxonMobil that then appointed San Hing as its agent. So, ExxonMobil is fully responsible for San Hing's performance, not CM/HKR. The only thing CM/HKR could do was to urge ExxonMobil to procure San Hing to resolve the matter.</p> <p>Since HKR owns a lot of residential properties in DB, AY considered HKR should engage its in-house lawyers to take action against San Hing to claim the outstanding deposit for its properties. Even if San Hing applied for deregistration, its directors are still criminally liable for their acts for the next 10 years. As advised by the police, all problems could be solved as long as those directors were located. KB mentioned due diligence should be conducted on suppliers to prevent the same thing from happening again, and asked CM to explain the structure of the new agreements with DSG Energy Limited (a licensee of ShellGas) to see if residents could be potentially impacted in the same way.</p>	
4.2	<p>Update on Automated External Defibrillators (AED) in DB (COC Paper No. T1938/21)</p> <p>GHK reported that 37 AEDs would be procured in this round, and that, upon checking with the insurance company and CM's existing public liability policy, the liability of using these devices in DB is covered. He sought members' approval on the AED procurement so as to start the tendering process.</p> <p>Regarding the recommendations from CM's broker to strengthen CM's liability position, KB suggested providing refresher training programmes on AED once a year, and also speeding up the process of AED delivery and deployment to villages. In reply, GHK said he would amend the wording of the tender documents to include such renewal courses. Moreover, he would check with the suppliers or potential tenderers to see if they have enough AEDs in stock and could deliver them more quickly.</p>	20:45
5	Items for Discussion	
5.1	<p>Recommend the change of terms and conditions of upcoming cleaning contract which will expire on 30 June 2022, from 24 months to 12-14 months to cope with the implementation of Municipal Solid Waste (MSW) Charging Scheme and selection criteria of service provider for endorsement</p> <p>By presenting the timeline of MSW Scheme, FKW informed members that, after the passage of the Bill in August, there is now a preparatory period of 18 months that will end in February 2023, then a phasing-in period of 6 months that will end in August 2023. He mentioned that the property manager is required to shoulder the responsibility for making appropriate MSW arrangements before dumping collected refuse into the Government truck during the phasing-in period, during which no fine will be imposed on offenders for not using designated plastic bags for domestic refuse collection.</p>	20:50

	<p>In light of the above, CM proposed having the following contractual arrangement for new renewal:</p> <ul style="list-style-type: none"> - Contract A: 8 months from July 2022 to Feb 2023, or up to the end of the preparatory period, during which everything remains the same as the existing arrangement. - Contract B: 4-6 months from Mar 2023 to align with the phasing-in period, during which designated plastic bags will be provided to each residential household and contractor. <p>For contractor selection criteria, it was suggested that the contracts (A&B) should be awarded as a whole based on price only.</p> <p>Instead of setting up a working group for this matter as mentioned by KB, FKW said CM would prepare the tender documents, consult with the COC, then invite potential tenderers for bidding. For Contract B, MSG commented that CM should also think of an option for non-provision of designated plastic bags should the Government withdraw the Scheme for whatever reason. FKW answered that in case of any extension of the preparatory period, Contract A will be extended also. Possible situations would be included in the tender for members' comment later.</p>	
5.2	<p>Retrospective Resolution of Tender Award for Supply and Installation Work of 5G Surveillance System subsidized by Office of The Communication Authority (OFCA) in Discovery Bay (COC Paper No. T1929/21)</p> <p>According to WSY's presentation, a COC paper dated 1 November was issued by CM to inform members that the contract was recommended to be awarded to the lowest bidder, CharmTop, at a cost of HK\$697,955 for the supply of 5G Subsidy Scheme Surveillance System Installation at Coastal Area (the Work). Since the deadline for applying for OFCA's Subsidy Scheme is January 2022, CM has already awarded the contract to the company without receiving any objection from members by the due date.</p> <p>KB drew attention to the high cost only made palatable by the high government subsidy. He said more questions should have been raised at the presentation at the last COC meeting. And the maintenance part be reviewed again. WSY said there would be a 2-year defect liability period to observe the performance of the system and the contractor before considering to award the maintenance contract.</p> <p>VL asked about the purpose of the Work, to which Mr. Chairman answered that we learned in the previous COC meeting's presentation that the surveillance system is set up to prevent burglars from entering DB by boat via the shoreline, and that the area covered will not be only around Peninsula. VL further questioned why the Work should be charged to the City Reserve Fund if it is for a particular village. EL clarified that the system will be able to detect any suspected boats or people from entering DB more efficiently through AI technology, protecting not only Peninsula but DB as a whole. The Work carried out at Coast Area was just a trial and would be expanded to other areas, if necessary, upon successful operation.</p> <p>VL wanted to know if the Lantau Yacht Club nearby could subsidize the Work since it would also benefit from the surveillance system in terms of property protection. WSY confirmed with MSG that in the tender,</p>	20:55

	<p>detailed scope had been listed in schedule of work, including test and commissioning, for pricing.</p> <p>In replying to VL's request, FKW did not think the Club should be required to pay any more for the Work since it already pays the same rate as other villages to share the City's expenses.</p> <p>The Work was retrospectively approved by members at the meeting, while CM was advised by KB to make a more detailed presentation for members' information in future.</p>	
5.3	<p>Tender Award for WR2 Electrical Inspection at Sewage Pumping Station No. 5 (COC Paper No. T1936/21)</p> <p>WSY reported that, following the tendering process, CM recommended awarding the contract to the lowest bidder, Shun Tung, to carry out the inspection at a cost of HK\$9,800, to which members had no objection.</p>	21:10
6	CM Report	
6.1	<p>COC Papers Endorsed</p> <ul style="list-style-type: none"> - Tender for Examination and Certification Services for Lifting Appliances, Air Compressors and Anchorage Points, with contract awarded. 	21:10
6.2	<p>Upcoming Tenders</p> <ul style="list-style-type: none"> - Tender award for Supply and Installation of 5G Subsidy Scheme Surveillance System Installation at Coast Area, with consensus sought at this meeting - Tender award for WR2 inspection in Sewage Pumping Station No.5, with consensus sought at this meeting - Repair/replacement of defective sewage pump No. 2 in Sewage Pumping Station No. 5, with the analysis in progress. Tender analysis in progress and CM hoped to issue a paper for members' consideration in a few weeks. <p>For tenders in upcoming 3 months:</p> <ul style="list-style-type: none"> - Maintenance services of inclined lifts in DB North - Provision of AEDs and Installation of AED Cabinets <p>BH asked if the maintenance fee of HK\$175,000 for inclined lifts would be absorbed by HKR. WSY stated that HKR will no longer subsidise maintenance of the inclined lifts after March 2022, so CM will take up the work. BH believed that HKR's change of stance was the result after the COC pushed hard and requested HKR to shoulder up the inclined lift maintenance fee forever. AY expressed her reservation about this maintenance fee being borne by owners. And VL requested HKR to in future inform members in advance of any material operation of facilities to be paid by owners, so that they could be prepared and provide input.</p>	
6.3	<p>Update on Other Services</p> <p>For updates on COVID-19, EH reported that there were 3 imported cases in DB this month, found in Siena 2B, Headland and Peninsula.</p>	

	<p>Test stations were set up in Graceful Mansion and next to the fire station in respect of the case in Siena 2B, and all the test results were negative. For the case in Headland, about 120 students and their families were sent to the quarantine centre in Penny's Bay for 3 days as advised by the Department of Health since the patient's wife was a teacher in DB International School. Community test stations were also set up for several rounds of testing, with the third round to be conducted on 27 and 28 Nov. Regarding the case in Peninsula, the whole of Jovial Court was locked down for compulsory testing on 21 Nov, and over 90% of residents took the test. There will be 2 more rounds of testing on 26 Nov and 3 Dec.</p> <p>BH asked about the remaining 10% of residents who did not show up for testing. EH referred to the records stating that the related units were empty or the residents were not home or in HK. BH proposed a permanent testing booth be set up in DB, not necessarily all day long but for a few hours each day or week for example, to cope with the regular testing needs of those who have not been vaccinated. EH will approach the Home Affairs Department on this matter. Mr. Chairman supported the idea if it could be implemented in an affordable manner (ie like a mobile testing station van), while KB retorted that people may go to Tung Chung or Tsing Yi for testing, or even buy testing kits in MTR stations. It was pointed out that while this is true, as so many DB residents have to test as part of their regular jobs, the government also wants to keep the commuting and traveling on public transport of such residents to a minimum. To conclude, CM will discuss this subject with the relevant government departments and then report back to the COC.</p> <p>KB said members attending the COC meeting should be fully vaccinated against COVID-19. FC considered it a good idea, but FKW pointed out that CM may appeal, but has no authority to demand, members to be fully vaccinated.</p>	
	<p>6.3.1 – Pilot Scheme of Food Waste Collection</p> <p>As per FKW, lots of promotional and educational activities have been held in DB to advertise the Food Waste Scheme, however the promotional event that was to be held by the Environmental Protection Department (EPD) on 25 Nov has been deferred due to the confirmed case in Jovial Court.</p> <p>There are 2 destinations for food waste collected, being biogas for heat and electricity, and compost for landscaping and agricultural applications. As at 22 Nov, there were about 950 housing units registered for this programme in total. Moreover, Auberge, Recreation Club and the supermarket Fusion have agreed to participate in the scheme. Purple collection bins will be delivered on 25 Nov, and the cleaning contractor will make proper logistics arrangements to ensure a smooth collection operation.</p> <p>KB praised the tremendous efforts by BH and Emily from CM in carrying out the scheme.</p> <p>6.3.2 – Introduce food, goods and pet's delivery service in DB</p> <p>With the increasing need for delivery services in DB due to COVID-19, FKW said CM had taken proactive measures to invite delivery</p>	<p>21:25</p>

	<p>companies to set up a business here, and finally LALAMOVE had agreed to be stationed in DB, and residents will be given its advertising materials starting from 25 Nov. CM regarded it as a trial move and will review the pros and cons of this initiative. LALAMOVE's business should be in full compliance with the laws of Hong Kong. Mr. Chairman asked if LALAMOVE services would also be beyond just food delivery, and CM confirmed with a light goods license they would for example be able to deliver a table from one end of DB to another. And even as an example, Mr. Chairman confirmed with CM that he could have his thermos delivered in the same way and accompany it in the LALAMOVE van. He asked CM to confirm if these LALAMOVE vans are also able to go both ways through the tunnel offering the same services.</p> <p>KB said there would be too many vehicles in DB if nothing could be done to reduce such licences, adding that the annual charge for vehicles had not been reviewed this time. FKW responded that up to the present moment, LALAMOVE provided food delivery service for those F&B restaurants which did not possess their own vehicles. With the engagement of LALAMOVE, F&B restaurants will have no need to run own vehicle for business and therefore the demand of vehicle by F&B restaurants will be suppressed. Mr. Chairman asked CM to provide five years' statistics to 31 Dec 2021 about tunnel usage in the next COC meeting for members' information.</p>	
6.4	<p>Community Events</p> <p>EH reported that CM has been running leisure workshops in Community Green Square, including the creative vegetable bouquet workshop held on 30 Oct. Upcoming events include 2 festive workshops about sustainable Christmas trees and wreaths events were to be held on 4 and 11 Dec respectively, and the Christmas plant market on 18 Dec. In addition, CM has just been informed by the organizer that the 10K Run for charity from 4 to 5 Dec will be conducted virtually due to the pandemic, and because they could not get government approval to hold the event live. A new group for kids has been added this year, and the winners in each group will be announced in late December or early January.</p> <p>CM has also started its biennial customer survey, targeting a 20% response rate from residential units. Residents were advised to complete the survey on smartphones by scanning the QR code posted on the management notice. CM will make a report on this in the next COC meeting.</p> <p>BH recommended members adopt sustainable festive decorations such as perennial flowers for their own villages in a bid to reduce waste.</p>	21:35
7	AOB	21:45
7.1	<p>Proxies and Discussion regarding the Independence of City Management in VOC Meetings/AGMs regarding elections and specific candidates</p> <p>Mr. Chairman briefed members on the background: CM had recently collected proxy forms for an election during a village's AGM (the case of Peter Whalley & Siena One), and in his opinion, CM and the estate manager of that village had overstepped their authority by collecting those forms not merely to constitute a quorum. Thus, he proposed this</p>	

	<p>agenda item to seek recommendations or improvements on this subject so as to prevent any reoccurrence in any village.</p> <p>FKW told members that, upon investigating the situation, he had already reminded that estate manager not to cause any suspicion by providing his personal recommendation to the subject owner who appointed him as a proxy. The Estate Manager who recommended the owner concerned to appoint another representative instead of him was because there was only one candidate known to be running for election at that moment.</p> <p>Taking a forgery case that happened years ago in Parkvale as a criminal offence after police investigation, in which CM was alleged to put a particular candidate's name on the blank proxy form it collected from owners, AY cautioned CM to teach its staff to be neutral and not advise people on voting. All the proxy forms collected by CM should be for the purpose of forming a quorum only.</p> <p>Mr. Chairman asked what exact name has to be put on the proxy form for it to be valid for in counting toward reaching a quorum if any owner authorises CM to be his/her representative at an AGM. FKW replied to put the name of "CM" or "City Management" in the proxy form. For any signed proxy form without the name of a representative, the form would be returned to the owner for filling in the name of the proxy. FC sought clarification if the signed form appointing the Estate Manager in person should mean that the Estate Manager could determine how to vote. FKW replied that if owners gave their proxy in the name of the Estate Manager, then it could vote in his personal desire and capacity.</p> <p>BH raised her concern that foreigners who have no family here may not be able to find someone to vote in their interest since her village or similar older villages do not allow owners to grant proxies to anyone except family members. Even CM was not allowed to vote on behalf of owners by proxy. Therefore, she thought CM should take into account of foreigners' needs in solving this issue.</p> <p>KB regretted PW's retirement from the COC because PW had been a proactive, constructive and diligent member.</p>	
7.2	<p>Exposure of COC Members to a risk of being claimed arising from wilful negligence</p> <p>ER suggested in the last COC meeting to form a working group to look into the matter mentioned by Mr. Andrew Burns, and to try and resolve this with CM and HKR in an amicable way to ensure members stay clear of any liability for wilful negligence. He thought members should take it seriously and review it regularly.</p> <p>With reference to the legal advice submitted by CM stating that the COC has no duty nor is liable for this issue, FKW suggested this item be stricken out and that separately ER should submit a paper recommending the COC form a working group for discussion in the next meeting. KB advised ER and AY to work together and report to the COC with any ideas on this subject. He also considered it good practice for CM to go through all the minutes of the year at the final meeting of the year to remind members of any matters missed or overlooked, or needing follow-up, so that they can be better informed about the progress of items discussed. KB suggested EH to check the minutes for</p>	21:55

	<p>the past two years to see if there were any outstanding issues. Mr. Chairman agreed with the proposal and asked EH to follow it up.</p> <p>AY would like to invite Tim Conti, who is a lawyer, for the idea of setting up a a working group. Mr. Chairman showed no objections.</p> <p>FC believed the issue of wilful negligence only involved half of DB's villages if it were proved valid according to Mr. Burns' calculation because not all villages would suffer/benefit in the same way if management unit and other calculations were different. AY stressed that the City Common and City Retained Areas should also be considered rather than the village level alone since there are a lot of City Common and City Retained Areas where HKR is responsible for management fee contributions.</p> <p>FC and MC were excused at 10:15pm.</p>	
7.3	<p>Unauthorized taxi drop-off in DB authorized areas</p> <p>ER saw this as a problem out of control because many residents in his village were talking about this matter.</p> <p>According to GHK's comment, the standard procedure was that CM's patrol car will catch taxis or report cases to the police for action whenever they enter the restricted area of DB. So far there have been fewer than 6 cases per month on average of this kind recorded, and all have been reported to the police.</p> <p>BH believed a taxi drop-off station should be set up near the main residential area near the tunnel in DB North, and not only taxi drivers but also passengers should be made aware of places where taxis are not allowed entry.</p> <p>KB said when the Transport Department (TD) agreed to an amendment to the Tunnel Ordinance allowing taxis into DB North it had been subject to an agreement between HKR and TD on control at the roundabout that had worked for a long time. He asked EL if such agreement is still in place.</p> <p>EL believed most of the taxis entering DB follow the law and security guards have tried their best to control the situation including to report to the police when the case is found, and said that it might be the passengers who intentionally directed taxi drivers to stop in restricted areas. CM will remind security guards to pay more attention to access control in addition to reporting cases to the police.</p> <p>Referring to HKR's rezoning application for Area 6F, KB referred to HKR statements in their application to the TPB which said all developments (in DB) should satisfy the guiding principles of tranquillity, serenity and safety, as put forward by HKR and CM more than 30 years ago. These principles are still valid now, among which tranquillity and serenity could be related to road developments. And there is also a commitment to a car-free environment for DB unless HKR changes its overall policy.</p> <p>Mr. Chairman considered it necessary to think of developing additional taxi pickup and drop-off stations for residents' convenience around the Discovery Bay Tunnel Road, Roundabout, and Siena Avenue entry area west of the internal DB tunnel, and suggested the COC and CM work on</p>	22:15

	<p>it. KB disagreed with the idea. AY also thought DB should still stick to the commitment of a car-free environment.</p> <p>On a separate topic, AY asked CM if the guidelines issued by CM regarding the Legislative Council election were for information only or for endorsement by the COC. FKW replied that these guidelines were open for members' comments for 7 days, and would be submitted to the EAC if no comments were received. AY strongly advised the COC not to raise anything about the election since it should follow the laws of Hong Kong, particularly in this year when many sensitive issues have arisen. CM should be responsible for handling it, not the COC. FKW took the view that it has been a long-standing practice for members to comment on the election arrangements in DB residential areas. This year's arrangement is more or less the same as that of previous years, so he did not see any risk in making comment.</p> <p>ER doubted the EAC asked for the COC's comments on election matters. EL explained it was a respectable practice for the management company to consult with the owners' committee on such matters in Hong Kong. The government even requested all property management companies to consult their respective owners' organizations.</p>	
8	<p>Proposed Dates of Meetings for 2022</p> <ul style="list-style-type: none"> - 16 Feb (Wed) - 13 Apr (Wed) - 29 June (Wed) - 14 Sept (Wed) - 23 Nov (Wed) <p>Mr. Chairman asked members to mark down the meeting dates.</p>	22:25
	Members were thanked for attending, and the meeting was closed at about 22:30.	