DISCOVERY BAY CITY OWNERS' COMMITTEE Minutes of Meeting No.1 2013-14 held on 11th December 2013 7:30pm at MPH, Discovery Bay Office Centre

Members Present: Mr. Simon Mawdsley Ms. Alison Dack Ms. Amy Yung Mrs. Baby Hefti Mr. Colin Bosher Mr. David Kwok Mr. Eddy Shen Mr. Eddy Shen Mr. Francis Chiu Ms. Janet Chan Dr. Jennie Lee Ms. Lee Huen Yee Ms. Lee Huen Yee Ms. Maggie Chan Mr. Rene Buts Mr. Sam Cole Mr. Leslie Fung Mr. Tony Cheng Mr. Edwin Lu Ms. Anne Busfield Mr. Vincent Chua Mr. F.K. Wong	(SM) (AD) (AY) (BH) (CB) (DK) (ES) (FC) (JC) (JL) (LHY) (MC) (RB) (SC) (LF) (TC) (EL) (AB) (CKC) (FKW)	Chairman, COC & Midvale VOC Chairlady, Siena One VOC Chairlady, Beach VOC Chairlady, Peninsula VOC Chairman, La Vista VOC Chairman, Chianti VOC Chairman, Headland VOC Chairman, Siena Two B VOC Vice-Chairlady, Bijou Hamlet VOC Chairlady, DB Plaza VOC Chairlady, DB Plaza VOC Chairlady, Neo Horizon VOC Vice-Chairman, Greenvale VOC Chairlady, Neo Horizon VOC Vice-Chairman, Greenvale VOC Chairman, Parkridge VOC Representative, Registered Owner Representative, Registered Owner Representative, Hotel Director, DBSML Chief Manager, Estate, DBSML
Apologies: Mr. Grant Ramsay Mrs. Judy Mathews	(GR) (JM)	Representative, School Chairlady, Greenvale VOC
Secretary: Mr. Kenneth Chan	(CYY)	Senior Manager, Estate, DBSML
Assistant to Secretary: Ms. Key Lam	(KL)	Assistant Manager, Community Relations & Admin, DBSML
By Invitation: Mr. W.S. Yau Mr. Raymond Choi	(WSY) (RC)	Senior Manager, Contract Management and Works, DBSML Territory Manager, LPG ExxonMobil Hong Kong Limited
Staff of City Management: Mr. Wilson Chan Ms. Wendy Li Mr. Alan Mak Mr. Daniel Ma Mr. Steve Kwok Mr. Kenneth Kan Mr. G. H. Koo Mr. Samuel Ip Mr. Frankie Tsang		Manager, Estate, DBSML Manager, Estate, DBSML Manager, Estate, DBSML Manager, Estate, DBSML Manager, Estate, DBSML Manager, Estate, DBSML Assistant Manager, Estate, DBSML Assistant Manager, Security, DBSML

Observers:						
Mr. Edward Fan	Owner, Parkvale Village					
Mr. Al Dack	Owner, Siena One					
Mr. Mario Liu	Owner, Peninsula Village					
Mr. Robin Yang	Owner, Peninsula Village					
Mr. Ed Rainbow	Owner, Peninsula Village					
Mr. Mattras	Owner, Peninsula Village					
Mr. Vic Riley	Owner, Midvale Village					
Mr. Andrew Burns	Owner, Headland Village					
Mr. David Ball	Owner, Headland Village					

The Meeting was declared duly convened with the necessary quorum of Members present.

		Action
1.	APOLOGIES	7:33pm
	CYY announced that apologies were received from GR of School, JM of Greenvale but RB would be representing on her behalf. He also welcomed JC, the Vice-chairlady of Bijou Hamlet.	
	1.1 Before discussion, RB questioned the validity of the COC meeting and AY distributed copies of her statement to members and read out at the meeting:	7:35pm
	According to Section VII, Clause 2 (page 40) of the Principal Deed of Mutual Covenant, concerning the composition of the CITY OWNERS' COMMITTEE:	NOTED
	"2. The Members of the Committee shall consist of(a) The Chairman or in his absence the Vice-Chairman of each Village Owners' Committee"(emphasis added)	
	The plain language of the DMC requires that all villages be invited to send a representative to the COC.	
	The notice attached to the agenda issued by Ms. Emily Yuen of City Management on 4 th December 2013, failed to invite representatives from La Costa and Hillgrove villages to the so-called "COC Meeting" this evening.	
	City Management's action has deprived these two villages of their right to take part in this so-called "COC Meeting". As a result, this "COC Meeting" is not properly constituted.	
	Contrary to City Management's propaganda, the COC is not merely a consultative body. Resolutions passed by the COC are binding on all Owners. This is an extraordinary power, and must be used carefully and lawfully.	
	As the present meeting is not properly constituted, resolutions presented and passed, if any, cannot have a binding effect.	
	I now request that all COC members take note of the above statement and of their potential liability for wilful negligence. I also request that my statement be recorded in any minutes or meeting notes of this so-called "COC Meeting".	

	1.2 In response to AY's statement, FKW referred members to Clause 16A, Section VII of the Principal Deed, which states that "A member of the committee shall hold office until he ceases to be the Chairman of the Village Owners' Committee which he represents." FKW further pointed out that according to two sets of legal advice, the previous elections of Hillgrove and La Costa VOCs had been conducted with insufficient quorum, therefore the formation of their VOCs were in question and they were requested to cease operation. In this regard, their absences were not in breach of the Principal Deed.	NOTED
	1.3 Secondly, FKW strongly advised members to be excused from this meeting if they considered the COC meeting informal or invalid. Members were free to take any legal action against CM, the convener of the meeting.	
	1.4 FC agreed with FKW's view.	
	1.5 AY expressed that she would continue to participate in the COC meeting as she was the properly elected representative of her village.	NOTED
	1.6 RB wondered why the court ruling had applied only to the VOCs but not the COC.	
	1.7 To conclude, CKC stated that as Manager of City Management and being the convener of the COC meeting, he noted members' comments and suggested proceeding with the meeting.	
2.	REPORT FROM MR. SIMON MAWDSLEY FOR 2012-13	7:41pm
	2.1 SM firstly thanked all the COC Sub-Committees and Working Groups for contributing voluntarily in the last term.	
	2.2 He then mentioned that the security tender exercise this year had shown how costs had been escalating in DB and members would have to find ways to reduce costs and optimise services in future contracts including the upcoming cleaning tender.	
	2.3 At the beginning of last COC term, he had introduced the COC Meeting Rules. Members had also been more focused towards the DMC. He would continue to establish the rules so that the COC could be more careful and justified in spending money, as well as resolving resolutions.	
	2.4 SM was also pleased to have addressed various issues between DB residents, for example the parents' concern for children's safety on ferries after the Lamma ferry incident. SM thanked DB Transport Division for the way they had addressed residents' concerns.	
	2.5 SM highlighted that the ultimate collaborative project was the opening of	

3.	ELECTION OF COC CHAIRMAN	7:48pm
	3.1 CYY asked members for their nominations.	
	3.2 RB proposed CB but he declined the nomination. CB then proposed FC who also had declined.	
	3.3 FC then nominated SM and SM indicated his acceptance. Being seconded by ES. Since there were no further nominations, CYY declared SM the COC Chairman for the 2013/14 term.	
	3.4 SM then took the Chair for the meeting.	SM
4.	PRESENTATION ON LPG PRICE BY EXXON MOBIL	7:50pm
	4.1 With the aid of PowerPoint presentation, RC presented the LPG selling prices and import costs over the last ten years, and the price change per cubic metre in 2012 and 2013. As the slides were in Chinese, AY requested that both slides in both languages be sent to all members afterwards.	Exxon
	4.2 AY then asked about the cost components, whether they had included the land premium. RC responded that the costs included various items such as cost and delivery. The charging mechanism is similar to the same list price for all estates in Hong Kong.	
	4.3 AY also enquired as to the expiry date of the current contract between Exxon Mobil and HKR, as well as the amount of land premium. TC replied that he would check the expiry date and inform members in due course. Regarding the land premium, he pointed out it has always been a trade practice that contents of any commercial contracts were confidential.	TC
	4.4 RB Requested clarification about the sale price of gas in DB. RC reconfirmed that unit price for gas was the same in all HK districts.	
5.	IN THE WAKE OF THE LANDS TRIBUNAL RULING ON THE VALIDITY OF OWNERS' MEETING OF HEADLAND VILLAGE AND TWO PIECES OF LEGAL ADVICE FROM S.K.LAM, ALFRED CHAN & CO. AND HUEN & PARTNERS (SEE ANNEX), A RESOLUTION IS PROPOSED TO ADOPT THE PREVIOUS RESOLUTIONS PASSED IN THE CITY OWNERS' COMMITTEE MEETINGS HELD FROM THE DATE OF ITS FORMATION	8:06pm
	5.1 Annexes I and II of COC Paper 419/13 had been issued to members before the meeting.	
	5.2 FKW supplemented that the proposed resolution served as a precautionary measure as the formation of the several previous VOCs was in question. He then asked members to second the resolution and FC seconded it.	
	5.3 SC replied that after discussion with his VOC, he requested a list of resolutions passed in recent years. He then moved a motion to defer the vote until the list was provided.	

5.4 RB questioned the validity of the resolution by referring to Clause 2, Section 34D of the BMO, <i>"a reference to a resolution of the owners'</i> <i>committee is a reference to a resolution passed by a majority of the votes</i> <i>of the members of the owners' committee present at a meeting convened</i> <i>and conducted in accordance with the deed of mutual covenant."</i> He also reminded members that the judgement of Headland did not apply to other villages and the COC. Members would be liable to their decision if the resolutions were endorsed.	
5.5 To compromise, CB suggested adopting the resolutions of the last 12 months instead of from the date of the formation of the COC, and to defer the matter on all other resolutions prior to the last 12 months.	
5.6 SC asked if his motion could be voted on. SM explained that only amendments to the motion could be allowed and suggested that he could vote against FKW's motion to express his objection.	
5.7 CB then put forward his amended motion, with the support of SC and agreement from SM, as follows:	
To endorse the resolutions made by the COC during the last COC term. The matter of older resolutions is to be dealt with later.	
5.8 LHY seconded CB's amended motion.	
5.9 AY commented that according to the legal advice, approving the previous resolutions would be ultra vires, as the nine village representatives were not properly appointed.	
5.10 SC pointed out that approving the past resolutions without verifying them with the BMO and DMC might cause wilful negligence.	
5.11 By a show of hands, seven members voted in favour (RB, AY, SC, AD, CB, BH and LHY), twelve members voted against (LF, TC, EL, AB, CKC, FKW, JL, JC, ES, DK, MC and FC) and SM abstained. CB's amendment to FKW's motion was defeated.	NOTED
5.12 BH was concerned if she and her VOC could be legally liable for adopting the past resolutions. FKW replied that wilful negligence was a deliberate use of wrongful action amounting to the breach of a duty and they would not.	
5.13 LHY further sought assurance from CM on the matter. FKW pointed out that according to the Principal Deed, the COC was a consultative body and CM was the ultimate party responsible for the management of the City. He reiterated that according to the legal advice regarding the liability of the VOC in making resolutions, as long as the decision of the COC/ VOC was within the ambit of the DMC/Sub-DMC, the COC/ VOC would be protected. Thus, members were not liable to their decisions made. Moreover, for example City reserve fund had been spent for the approved resolutions in the past, his motion served merely as a precaution to avoid possible challenges from the owners. LHY saw the rationale of the resolution.	

	5.14 In view of the worries of some members, TC assured all members that CM would be prepared to pay for any legal costs from the Manager's account if any COC member was being sued for the action he had taken in good faith.					
	5.15 SC pointed out that some past resolutions had not been put on the agenda in compliance with the BMO and DMC, so he had difficulty in approving all the resolutions without seeing the list.					
	5.16 In response to BH's concerns, RB said that any members approving the past resolutions, which they had never seen, would be wilfully negligent.					
	5.17 CKC suggested voting on FKW's motion. RB, with the support of AY, requested voting by poll.					
	5.18 Twelve members voted in favour (LF, TC, EL, AB, CKC, FKW, JL, JC, ES, DK, MC and FC), five members voted against (RB, AY, SC, AD and CB), and three members (BH, LHY and SM) abstained.	NOTED				
	5.19 After calculation of shares represented by each member, CYY announced the result for FKW's motion. The shares in favour were 143,470, against were 47,319 and 43,857 abstained. The motion was carried.					
6.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING	8:33pm				
	6.1 CYY advised that minutes of the previous meeting had been circulated to members and others who had attended the last meeting for comments, and so far no comments had been received.					
	6.2 AY doubted the legitimacy of the COC minutes, as the nine representatives were not legally elected. Therefore, she would abstain from approving the minutes.					
	6.3 With FKW proposing and FC seconding, 15 votes in favour, nil against and three abstain votes, SM declared the minutes of meeting No.4-12/13 held on 3 July 2013 confirmed.					
7.	MATTERS ARISING FROM PREVIOUS MINUTES					
7.1	Introduction of Resident's Card	8:37pm				
	7.1.1 COC Paper 422/13 had been issued to members before the meeting.					
	7.1.2 CKC updated members that the quotation of setting up the "Whitelist System" was around \$1.1 million. CM would try to lobby the ferry and bus operators to subsidise part of the set up cost, and to introduce a differentiated fare system for DB residents and non DB-residents.					
	7.1.3 AD requested a breakdown of the cost including hardware, software and services, as well as the maintenance cost. CKC would address this in the next COC paper.	СКС				

	7.1.4	CKC replie	ed as to why the set up cost applied to transportation only. ed that it was because most COC members were not keen ne Octopus card for access control.		
	7.1.5	7.1.5 ES supported differentiating DB residents from non DB-residents with the Resident's Card on transportation, so that different fares can be adopted for DB/non-DB residents.			
7.2	Rules	of Order of	FCOC Meeting and Renovation Control	8:43pm	
	reques	sted that a	s with SC and LHY before the next COC meeting. SC representative of Registered Owner and City Management to discuss the rules of order. SM would compile a list.	SM/SC/LHY	
8.1	COC	SUB-COMM	ITTEE/WORKING GROUP UPDATE	8:45pm	
			nt of the sub-committees, SM invited the conveners of the brief report.		
	8.1.1	Environme	ntal Protection Sub-Committee		
		8.1.1.1	COC Paper 424/13 had been issued to members before the meeting.		
		8.1.1.2	In response to FC's mentioning on the Shek Ku Chau Incinerator, AY advised FC not to confuse the Incinerator with the development of the Integrated Waste Management Facilities near Shek Ku Chau.		
		8.1.1.3	RB suggested SM should write a letter on behalf of the COC to the Government to raise objection to the Super Incinerator. SM agreed and asked FC and AY to draft the letter.	SM/FC/AY	
	8.1.2	Sports and	Leisure Sub-Committee		
		8.1.2.1	SM would continue to discuss the opportunities of more sports facilities and a better environment and bring back the suggestions to the COC.		
	(JC wa	as excused a	at 9pm.)		
	8.1.3	Rehabus V	Vorking Group		
		8.1.3.1	COC Paper 423/13 had been issued to members before the meeting.		
		8.1.3.2	CB reported that despite various weekend trips that had been organised, there were still some time slots yet to be occupied, therefore the villages could still organize outings.		
		8.1.3.3	He also proposed writing a letter to TD to allow additional qualified organisations to charter the Rehabus. Simon		

		recapped the following motion	
		"To seek COC's agreement to apply to the Transport Department to seek to amend the ACEESSDB Rehabus licence further in order to allow additional qualified organisations to charter the bus."	
	8.1.3.4	Being seconded by RB, 17 members voted in favour and two abstained, the motion was passed. CYY to help drafting the letter.	CYY
	8.1.3.5	In response to ES's suggestion for the COC to subsidize the bus with the Owners' Fund, FKW responded that according to the DMC, the Owners' Fund could only be used for common facilities but not for donation.	
8.1.4	BMS Tend	er Working Group	
	8.1.4.1	Discussion was deferred to Item 9 below.	
8.1.5	Seniors Co	ommunity Group	
	8.1.5.1	ES advised that the 1 st task would be finding out the number of senior residents in the community before planning any projects. Other suggestions identified including liaising with HKR for suitable premises to form a "Senior Citizens Club", a discussion with CM for installing a Safety Alarm for the elderly, and improving transportation for the senior residents. RB advised that there was a scheme under Social Welfare Department for the installation of a safety alarm for elderly.	
8.1.6	Security Li	aison Group	
	8.1.6.1	COC Paper 425/13 had been issued to members before the meeting.	
	8.1.6.2	FC reported back on the discussions that had taken place at the last SLG meeting, mainly on burglary, theft and traffic issues. He then sought members' views on subsidizing the police on the tunnel fees charged while coming to DB for traffic operations.	
	8.1.6.3	In response to CB's enquiry in the case of emergency, TC explained that government vehicles coming in for emergency purposes could pass through the tunnel immediately without paying the toll on the spot. The tunnel company would send a monthly invoice to various government departments. He further advised that it was the government who had determined the toll charge and the government also shared a percentage of the toll income. Therefore, it would be up to the government to decide whether the toll for government vehicles could be waived. Nevertheless, TC worried that the exemption would set a precedent to other vehicles like	

FC	non-government ambulances. SC asked if the tunnel company would support waiving the toll for police cars. TC replied that they would consider it. With the assistance of SM, FC would approach the Transport Commissioner.	
	8.1.6.4 BH also raised her concerns on the increasing burglary cases in Crestmont Villa of Peninsula Village. AD was worried about the speeding vehicles and overtaking buses on Discovery Bay roads.	
	8.1.6.5 FC relayed the reply from the police that they could come to DB more regularly for speed checks and patrols but the cost of operations could not be neglected. He urged other villages to install more CCTV in the long term.	
	8.1.7 Unresolved Issues Working Group	
	8.1.7.1 A meeting was held after the last COC Meeting. The discussion summary had incorporated the comments made by two members and had also been circulated to members, though it had not been passed to HKR yet as the Working Group had not discussed it.	
	8.1.7.2 AY circulated to members the comments and the email correspondences but the secretary had not tabled them as requested by her. She then expressed her dissatisfaction towards the secretary.	
	8.1.7.3 CYY clarified that firstly, the email sent out by AY was received in the late afternoon before the meeting so he did not have enough time to go through it. Secondly, AY's proposed amendments were not the discussion in the Working Group meeting. He reiterated that the discussion summary had already included comments made by the working group members. Besides, circulating the email exchanges between members after the meeting was not standard practice.	
	8.1.7.4 AY responded that CYY had only sent out the report late on the day before the meeting and she had tried her best to retrieve the old information. She would have printed all the comments and email exchanges if she knew they were not being prepared. AY then requested a higher transparency.	
	8.1.7.5 FC enquired as to which part of the minutes were not factual as claimed by AY. She pointed out that the COC had never approved the maintenance of the footpath, which was contrary to the email. CYY responded that he had never mentioned in the email that the Unresolved Issues Working Group had approved it.	

		8.1.7.6 8.1.7.7	SM confirmed that the comments from two members had been included in the discussion summary. He further stressed that no post-meeting discussion should be added in the summary. With regard to the accuracy of the discussion summary, AY wondered why some remarks had not been removed as requested by a working group member. CYY replied that the discussion summary had not been confirmed by the Working Group yet and hence they had not been sent	
		8.1.7.8	to HKR yet as requested by members. To conclude, CKC suggested further discussion of the issues in the working group meeting.	
8.2	Арроі	intment of S	Sub-Committees and Working Groups	9:39pm
	8.2.1	Finance Su	ub-Committee	
		8.2.1.1	CB proposed AY and AY accepted the nomination. RB seconded it. FC nominated MC. MC accepted the nomination and DK seconded it. AY requested and RB supported the voting be conducted by poll. Before voting, the two candidates made a self-introduction.	
		8.2.1.2	AY introduced to members that she is a certified public accountant holding a practice certificate in Hong Kong and CPA in the UK. She has practiced accounting for many years and has her own practice. She has been the FSC convener since it was formed and knows the deeds of the DMC, BMO relating to all the finance requirements from the building manager. In the last 10 years, AY said that she had managed to chase millions of dollars on behalf of the owners with regards to management fees and insurance claims. She felt that someone with an accounting background should be the convener.	
		8.2.1.3	MC said she has retired now but used to run her own business. Although accounting was not her expertise, her 20 years of involvement in the business industry had trained her alertness towards figures, particularly on income and expenditure. Therefore she believed that she is capable and suitable to manage the CM accounts. Being the FSC convener for the last term, MC said she had successfully reduced the City expenses in the past 6 months, reducing the cost of cleaning the pier from \$300,000 to \$150,000 and the Halloween decoration cost from \$80,000 to \$60,000. If she were to be re-elected, she would continue to fulfil the responsibilities of being the convener of the FSC.	
		8.2.1.4	Seven members voted in favour of AY (RB, AY, SC, AD, CB, BH and LHY). Eight members voted in favour of MC	

		(FC, MC, DK, ES, JL, TC, LF and EL) and three members abstained (SM, CKC and FKW).	
	8.2.1.5	After the calculation of shares represented by each member, CYY announced the result for the post of FSC convener. The shares in favour of AY were 83,706, the shares in favour of MC were 120,770 and 30,170 abstained. CYY announced that MC was elected the convener of the FSC.	
8.2.2	Environme	ntal Protection Sub-Committee	
	8.2.2.1	LHY proposed FC and FC accepted the nomination. MC seconded it. RB nominated BH but BH declined.	
	8.2.2.2	There were no other nominations. CYY declared FC to be the convener.	
8.2.3	Sports and	Leisure Sub-Committee	
	8.2.3.1	CB proposed RB and RB accepted the nomination. AY seconded it. ES nominated SM. SM accepted it and JL seconded it. Before voting, the two candidates made a self-introduction.	
	8.2.3.2	RB only said that the COC Chairperson should not chair any other Sub-Committee	
	8.2.3.3	SM informed members that over the past 2 years, he had enjoyed interacting with the people around DB, and learnt a lot about what people actually want to and didn't want to do. He discovered that a large number of people regularly come to DB as part of their sporting activities. Many sports teams came in after the opening of the DBN Sports Pitch and he has even heard talk of holding tournaments in DB. SM said he had a passion to help people in DB and to understand what they want to do in their leisure time.	
	8.2.3.4	AY requested and supported by RB the voting to be conducted by poll.	
	8.2.3.5	Five members voted in favour of RB (RB, AY, SC, AD and CB). Twelve members voted in favour of SM (LHY, FC, MC, DK, SM, CKC, FKW, TC, LF, ES, JL and EL) and BH abstained.	
	8.2.3.6	After calculation of shares represented by each member, CYY announced the result for post of SLSC convener. The shares in favour of RB were 47,319, the shares in favour of SM were 160,222 and 26,120 abstained. CYY announced that SM was elected the convener of the SLSC.	

8.2.4	Rehab Bus	Working Group	
	8.2.4.1	RB nominated CB. CB accepted the nomination, which was seconded by three members including AY, RB and LHY.	
	8.2.4.2	There were no other nominations. CYY declared CB to be the convener.	
8.2.5	BMS Tende	er Working Group	
	8.2.5.1	WSY advised members that tenders had been received which were being analysed by the consultant. Before presenting the tender analysis and recommendation to the COC, there was no task for the working group.	
	8.2.5.2	RB opined that the working group should conduct the tender analysis. WSY clarified that the consultant was the professional party and was to conduct the analysis. RB further queried whether the tender document had incorporated all comments made by the working group. FKW confirmed that all members' comments were already included.	
	8.2.5.3	FKW was of the view that RB was not in a position to be involved as his village selected to opt out of the tender. He further advised that the working group could be suspended as the working group had finished its duty to comment on the tender document. The next step was for the COC and VOCs to discuss and confirm the recommendation.	
8.2.6	Seniors Co	mmunity Group	
	8.2.6.1	RB proposed ES and ES accepted the nomination. MC seconded it.	
	8.2.6.2	There were no other nominations. CYY declared ES to be the convener.	
8.2.7	Security Lia	aison Group	
	8.2.7.1	DK proposed FC and FC accepted the nomination. MC seconded it.	
	8.2.7.2	There were no other nominations. CYY declared FC to be the convener.	
8.2.8	Unresolved	I Issues Working Group	
	8.2.8.1	MC proposed SM and SM accepted the nomination. DK seconded it.	

	8.2.8.2 There were no other nominations. CYY declared SM to be the convener.	
9.	CM REPORT	10:02pm
	9.1 CYY and WSY presented the CM Report with the following items: Upcoming tenders, COC papers endorsed, fall arrest system at slopes, HD CCTV system along Discovery Bay Road and community events.	
	(JL and AB were excused at 10:05pm.)	
	9.2 Regarding the tender for insurance 2013-14, replacement of defective road lighting poles in DB, tender for corrective maintenance work on ELV system, comprehensive maintenance of SMATV system, tender for audit service 2013-15, replacement of activated carbon media, filters and associated works for deodorizer units in pumping stations and supply and installation of wireless HD CCTV at City area, CYY reported that as there had been no objections and had majority support from members, and that the contracts had been signed.	
	(FC was excused at 10:20pm.)	
	9.3 AY had two comments on the report. Firstly, she could not endorse the papers since she had not been properly elected in the previous election. Secondly, she wondered why CM had rejected the Islands District Council funding for Chinese New Year Decorations as some funding had been allocated to DB.	
	9.4 In response to the second comment, CYY explained that CM had not applied for the funding since the Piazza decorations had already been undertaken by HKR and no other venue was considered appropriate for the decorations. He took AY's suggestion that the bus stops could be decorated next year but he reminded members that a budget had to be provided, as the funding could not cover all the expenses.	
	(MC was excused at 10:25pm.)	
	9.5 Regarding the fall arrest system at slopes, AD observed that the anchor plinths were larger than those shown before the trial. WSY agreed that they had been made larger after a detailed design by the contractor. This was done to eliminate kicking and falling down because bigger plinths could catch workers more easily. As for the eyesore, when the grass grew longer, it would cover the plinths.	
	9.6 FKW supplemented that CM was carrying out a pull out test with smaller plinths. When an optimum plinth size was identified, it would be installed in other villages.	
	9.7 While showing two videos using the system, FKW advised members that the efficiency of grass cutting would be reduced after the fall arrest system was installed. After evaluating the impact CM would report to the COC.	
	9.8 SM enquired about the way forward. FKW replied that CM would complete the installation at the dam and invite outside contractors to use it before	

	introducing it to other villages.	
	9.9 RB suggested CM should invite COC members to watch the grass cutting using the fall arrest system. FKW assured he would.	FKW
	9.10 Regarding the COC papers endorsed, RB wondered who had endorsed the papers. CYY explained that utilizing the Reserve Fund would need a simple majority of support while using the City and Villages accounts would be allowed if there was no more than one-third in objection. RB then pointed out that it was illegal based on Clause 2, Section 34D of the BMO.	
	9.11 Referring to a paper issued by RB in the past regarding the approval of COC papers by circulation, FKW reminded RB that he had agreed adopting paper circulation as the approval process. Members could call for a poll during paper circulation.	
	9.12 SC enquired if the papers endorsed were resolutions. FKW reiterated that CM had been following the established practice to carry out the consultation.	
	9.13 After that, WSY presented the preliminary figures from the lowest bidder of the BMS upgrading tender. Based on a ten-year model, average upgrading plus maintenance costs would be 10% less than the current maintenance cost. He also advised members that as the current maintenance contract would expire by January 2014 and it was not possible to award the upgrading contract by January, the current contractor agreed to maintain the services at current price until the contract was terminated/new contract was signed, but with a maximum of six months. No members objected to the extension of contract.	NOTED
	9.14 AD requested that all CM's slides used in the presentation were sent to all members following the meeting.	CYY
	9.15 ES suggested CM prepare a separate tender for the opt-out villages to maintain their system in the six months. WSY replied that after the analysis, which included the opt-out villages, was completed, CM would prepare VOC papers for those villages to confirm their participation in the upgrading exercise. If they chose to not participate, then CM would arrange, with the consultant, another tender for the opt-out villages to pick up and divert alarm signals to LMO.	
	9.16 AY stated that since an opt-out village could select to re-join the exercise, she demanded that the comments, which she thought were rather rude, made by FKW about RB, were to be withdrawn.	
10.	ITEMS FOR DISCUSSION	
10.1	DB North Sports Pitch Usage and Management	10:30pm
	10.1.1 With the aid of a PowerPoint presentation, CYY presented photos of the 'before and after' resurfacing completion, booking rates, and the opening ceremony held on 23 November. There was also information on pitch usage, booking requests for 2014, proposed storage charges, and the financial figures for 2013 and 2014.	

	10.1.2 Members agreed that the booking rates would remain the same in 2014. There were no objections from members regarding the charging rate for the hiring of storage areas	NOTED
	(DK was excused at 10:32pm.)	
10.2	Right of Way – Pedestrians, Cyclists and Vehicles and Proposed Amendment / Addition to the City Rules	10:45pm
	(SC was excused at 10:45pm.)	
	10.2.1 COC Paper 416/13 had been issued to members before the meeting.	
	10.2.2 Apart from the two recommendations as stated on her paper, AY highlighted four additional recommendations which included setting more pedestrian crossings near the schools and the bus terminal, erecting speed limit signs at the exit of the DB Tunnel to alert incoming drivers of the speed limit in DB, painting double white lines all along DB Road to stop overtaking, and requesting the Police to conduct more speed tests. Instead of amending the City Rules, she viewed that the above measures should be taken.	
	10.2.3 SM introduced a device that could tell the travelling speed of a vehicle and had a camera attached to take photos. If a vehicle broke the speed limit, a photo would automatically be taken and sent to CM.	
	10.2.4 With respect to AY's paper, FKW clarified that Clause 1A Section VI of the City Rules was only applicable to external vehicles. Therefore, it was not applicable to AY's recommendation of issuing HKR/DBR number plates, as they were licensed vehicles. Instead, there was another provision in the City Rules, governing the speeding of licensed vehicles, which was a more stringent penalty system.	
	10.2.5 Regarding the additional recommendations, FKW explained that if the signs and road markings were not included in the Code of Practice, they would be required to be approved by TD and, to do so, a consultant was required to be appointed for application.	
	10.2.6 In response to BH's enquiry of the installation of road humps in villages, FKW indicated that CM was open to the idea and it was up to the decision made between the individual VOC's.	
	10.2.7 AY would conduct further research to address the concern on road safety and would provide an update at the next COC meeting.	AY
10.3	Letter to Transport Department regarding a Two Dollar Bus Fare Petition from DB Seniors	10:56pm
	SM received a petition from a group of seniors urging TD to explore the possibility of introducing a \$2 bus fare to the two licensed external routes. Although it was not possible, HKR had offered concession fares to seniors for the Sunny Bay and Tung Chung routes. SM would pass it on to ES to pursue other options as part of the Seniors Community Working Group.	ES
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10.4	Updated Guidelines of Buildings Department against Unauthorised Building Work	10:57pm
	10.4.1 COC Paper 414/13 was issued to members before the meeting.	
	10.4.2 FKW advised members that as the Buildings Department (BD) guidelines were updated, and that owners could no longer refer to the previous COC discussions asking for exemption on the action taken by BD.	
	10.4.3 In view of past experience, CB would like to ask for more support from the senior level of CM in pursuing UBW cases in the villages.	
	10.4.4 Referring to the past case in La Vista, CYY assured that the previous manager Ms. Alice Chung had received advice from the senior management of CM in the proceedings of the case. CM would definitely give full support to other villages.	NOTED
10.5	Speeding on DB Roads – Effective Measures Available to Control All Vehicles	
	This discussion of this item was already included in item 10.2.	
10.6	To seek COC's agreement to apply to the Transport Department to seek to amend the ACCESSDB Rehabus licence further in order to allow additional qualified organisations to charter the bus	
	This item had already been discussed in item 8 under the Rehabus Working Group.	
11	AOB	
11.1	Proposed Dates of Meetings for the New Term	11:01pm
	As a lot of members had already left the meeting by this point, CYY would circulate the proposed dates to all members so as to decide the dates.	CYY
11.2	IDC Working Group on the development of the Integrated Waste Management Facilities near Shek Kwu Chau	11:03pm
	A paper was circulated in the meeting. AY reminded members not to confuse the proposal by the Environmental Bureau with the town planning application.	
11.3	Proposed rent increase of Short Term Tenancy No. CX 1376 & CX 1377 by District Lands Office, Islands	11:05pm
	11.3.1 FKW reported that CM had just received a notice from HKR advising that the District Lands Office would like to renew the Short Term Tenancy for the drainage and potable water pipes for three years and the rental was increased by one-third. While gathering the property price index for the last three years, CM had asked HKR to apply for an extension of reply of one month.	
	11.3.2 AY explained that in the past she had proposed not to approve all	NOTED

	 resolutions en bloc because the terms and details of the financial implications were never disclosed to the COC when HKR negotiated with the Government. All the agreements were signed by HKR and the Lands Department. When she was the FSC convener at the time, she discovered that it was CM who paid the bill that was sent to HKR. She viewed that it was inappropriate according to the accounting principle. Therefore, she suggested not discussing it because she disagreed with the bill being borne by the small owners. She also said that members who approved those resolutions would bear the consequences if the owners took legal action against CM for paying the bills and putting financial responsibility on the owners in the past. 11.3.3 LHY enquired as to the amount of the rent. FKW replied that the rent for the drainage pipe had increased from \$467,000 to \$622,000, and the potable water pipe had increased from \$486,000 to \$648,000. 		
	11.3.4 In response to CB's enquiry of the rent for the pumping station, FKW said that it was under STT No. CX 1333. CB agreed with AY that the rent should be paid by HKR.	NOTED	
11.4	Hong Kong International Airport visit	11:10pm	
	CYY informed that the Hong Kong International Airport would like to invite members to attend the site visit, regarding the proposed third runway. When the date was confirmed CYY would notify all members.	CYY	
12	Items for Discussion at the Next Meeting	11:15pm	
	ES proposed an item for discussion for the next meeting with regards to the underground water pipe replacements throughout DB. He suggested that a working group should be assembled along with appointing a consultant to discuss the matter. He also asked WSY to find the previous consultant report for reference. RB commented that the commencement of the work should start in Year 2015 as agreed by the COC previously.		

The meeting was adjourned at 11:15pm.

Chairman