

Sha Tin District Council
Minutes of the 1st Meeting of
the Culture, Sports and Community Development Committee in 2018

Date : 1 March 2018 (Thursday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Title</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Mr CHIU Man-leong (Chairman)	DC Member	2:30 pm	4:36 pm
Ms CHAN Man-kuen (Vice-Chairman)	"	2:30 pm	4:36 pm
Mr HO Hau-cheung, SBS, MH	DC Chairman	2:30 pm	4:36 pm
Mr CHAN Billy Shiu-yeung	DC Member	2:30 pm	4:36 pm
Mr CHAN Kwok-keung, James	"	2:58 pm	4:36 pm
Mr CHAN Nok-hang	"	2:49 pm	4:36 pm
Mr CHING Cheung-ying, MH	"	2:30 pm	4:36 pm
Mr CHIU Chu-pong, Sunny	"	2:30 pm	4:36 pm
Mr HUI Yui-yu, Rick	"	2:51 pm	4:33 pm
Mr LAI Tsz-yan	"	3:20 pm	4:36 pm
Ms LAM Chung-yan	"	2:30 pm	4:19 pm
Mr LEUNG Ka-fai, Victor	"	2:46 pm	3:49 pm
Mr LI Sai-hung	"	2:30 pm	4:20 pm
Mr LI Sai-wing	"	2:44 pm	3:39 pm
Mr LI Wing-shing, Wilson	"	2:30 pm	4:36 pm
Mr MAK Yun-pui	"	2:42 pm	3:25 pm
Mr MOK Kam-kwai, BBS	"	2:42 pm	3:50 pm
Mr NG Kam-hung	"	2:30 pm	4:36 pm
Ms PONG Scarlett Oi-lan, BBS, JP	"	2:30 pm	3:53 pm
Mr PUN Kwok-shan, MH	"	2:43 pm	4:03 pm
Mr SIU Hin-hong	"	2:30 pm	4:11 pm
Mr TING Tsz-yuen	"	2:30 pm	4:36 pm
Mr TONG Hok-leung	"	2:45 pm	4:36 pm
Ms TSANG So-lai	"	2:58 pm	4:36 pm
Ms TUNG Kin-lei	"	2:30 pm	4:36 pm
Mr WAI Hing-cheung	"	2:30 pm	4:36 pm
Mr WONG Fu-sang, Tiger	"	2:30 pm	4:36 pm
Mr WONG Hok-lai	"	2:40 pm	4:36 pm
Mr WONG Ka-wing, MH	"	2:30 pm	4:33 pm
Ms WONG Ping-fan, Iris	"	2:30 pm	4:36 pm
Mr WONG Yue-hon	"	2:30 pm	4:36 pm
Mr YAU Man-chun	"	2:30 pm	4:36 pm
Mr YIP Wing	"	2:30 pm	4:34 pm
Mr YIU Ka-chun	"	2:30 pm	4:36 pm
Ms YUE Shin-man	"	2:41 pm	4:36 pm
Mr YUNG Ming-chau, Michael	"	2:39 pm	4:36 pm
Ms LUK Tsz-sum, Ada (Secretary)	Executive Officer (District Council) 2 / Sha Tin District Office		

In Attendance

Ms Jan LI Po-yi

Ms LI Wing-sze, Grace

Ms LEE Mei-yee

Ms CHAN Siu-kin, Ester

Mr LEUNG Cheuk-ming, Rico

Ms NG Sheung-han, Alice

Ms TSANG Suet-man

Ms LEUNG Wai-shan, Cecilia

Mr YUEN Chun-kit, Derek

TitleSenior Community Relations Officer Regional Office
(New Territories East) / Independent Commission
Against CorruptionAssistant District Social Welfare Officer (Sha Tin) 2 /
Social Welfare Department

Senior Librarian (Sha Tin) /

Leisure and Cultural Services Department

Deputy District Leisure Manager (District Support)

Sha Tin / Leisure and Cultural Services Department

Senior Manager (New Territories East) Promotion

/ Leisure and Cultural Services Department

Manager (New Territories East) Marketing & District

Activities / Leisure and Cultural Services Department

Senior School Development Officer (Sha Tin) 1 /

Education Bureau

Senior Liaison Officer (West) / Sha Tin District Office

Senior Executive Officer (District Council) /

Sha Tin District Office

In Attendance by Invitation

Ms LAW See-ngar, Briget

Mr WAN Yiu-man, Raymond

Mr LUI Kan-man, Raymond

Mr KOO Siu-lung, Roy

Mr CHAN Siu-tai, Andrew

Ms LAW Wai-yee, Amy

Mr CHAN Cheuk-pui

Mr LUI Chun-kwok

Ms LIU Tsz-chai

Mr LAU Chi-keung

Mr SUNG Li-young

Ms LAM Lai-shun

Title

Assistant District Leisure Manager (District Support)

Sha Tin / Leisure and Cultural Services Department

Assistant Leisure Manager II (District Support) Sha Tin /

Leisure and Cultural Services Department

Liaison Officer in charge (West)4 / Sha Tin District Office

Liaison Officer in charge (East)5 / Sha Tin District Office

Liaison Officer in charge (Youth Programme) /

Sha Tin District Office

Executive Assistant (District Council) 4 /

Sha Tin District Office

Environmental Protection Officer (Regional North) 43 /

Environmental Protection Department

Patrol Sub-unit Two Station Sergeant of Shatin Division /

Hong Kong Police Force

Patrol Sub-unit Four Commander of Shatin Division /

Hong Kong Police Force

Senior Sports Executive / Sha Tin Sports Association

Chairman / Sha Tin Arts Association

Executive Secretary / Sha Tin Arts Association

Absent

Mr PANG Cheung-wai, Thomas, SBS, JP

Mr CHENG Tsuk-man

Mr LEE Chi-wing, Alvin

Title

DC Vice-Chairman (Application for leave of absence received)

DC Member (")

" (")

Action

The Chairman welcomed all members as well as representatives of government departments and organisations to the meeting.

Application for Leave of Absence

2. The Chairman said that the Secretariat had received applications for leave of absence in writing from the following members:

Mr Thomas PANG	Attendance at a meeting / an activity of an organisation under the Chinese government
Mr CHENG Tsuk-man	Official commitment
Mr Alvin LEE	”

3. Members unanimously endorsed the applications for leave of absence submitted by the members above.

Confirmation of the Minutes of the Meeting Held on 14 December 2017
(CSCDC Minutes 6/2017)

4. Members confirmed the above minutes unanimously.

Matters Arising

Responses of Government Departments to Matters Arising from the Previous Meeting
(Paper No. CSCD 2/2018)

5. Members noted the above paper.

Discussion Items

Proposed Estimates and Funding Applications from Local Organisations under Expenditure Head 1 (Cultural Affairs) of 2018/2019
(Paper No. CSCD 3/2018)

6. Members unanimously endorsed the proposed estimates set out in the paper above.

7. Members endorsed the funding application from local organisations under Expenditure Head 1 of 2018/2019 as recommended by the Working Group on Screening of Funding Application (Ad Hoc) (WGSFA).

Proposed Estimates and Funding Applications from Local Organisations under Expenditure Head 6 (Recreation and Sports) of 2018/2019
(Paper No. CSCD 4/2018)

8. Members unanimously endorsed the proposed estimates set out in the paper above.

9. Members unanimously endorsed the funding application from local organisations under Expenditure Head 6 of 2018/2019 as recommended by the WGSFA.

Proposed Estimates under Expenditure Head 8 (Festival Celebration) of 2018/2019
(Paper No. CSCD 5/2018)

10. Members unanimously endorsed the paper above.

Proposed Estimates and Funding Applications from Local Organisations under Expenditure Head 10 (Community Development) of 2018/2019
(Paper No. CSCD 6/2018)

11. Members unanimously endorsed the proposed estimates set out in the paper above.
12. Members unanimously endorsed the funding application from local organisations under Expenditure Head 10 of 2018/2019 as recommended by the WGSFA.

Proposed Estimates and Funding Applications from Local Organisations under Expenditure Head 11 (Community Organisations) of 2018/2019
(Paper No. CSCD 7/2018)

13. The views of Mr TING Tsz-yuen were summarised below:
 - (a) he asked the Secretariat of the Sha Tin District Council (STDC), according to the *STDC Standing Orders (Standing Orders)*, if he was required to support the whole set of paper or allowed to single out a few application items that he disagreed about;
 - (b) as the DC Member of the Kam Ying constituency, he was requested by residents to stand up against the use of taxpayers' money by the owners' corporation (OC) of Kam Ying Court Phase II which was rigged by corrupt consultants performing poorly as commented by many residents. Since he was not allowed to single out items he opposed, he asked to be minuted clearly that he was against the funding applications for the three activities put forward by the OC and he would abstain in the vote; and
 - (c) he stated that he was not picking on certain people. Indeed, he was only requested by the residents to guard against irregularities. He said a corrupt consultant rigging the OC acted against the residents' will for a number of times at the OC's meetings. He was hence asked to help.
14. Ms Ada LUK, Executive Officer (District Council) 2 of the Sha Tin District Office (STDO) responded that members of the WGSFA screened and approved the funding based on the application procedures and regulations. The decision was made by the WGSFA members altogether.
15. The Chairman said that to his understanding singling out individual applications was not allowed. The decision had to be made on the whole set of the relevant documents. If members disagreed, they should vote against the whole lot of funding applications. The funding applications, if opposed by all members, would be returned to the WGSFA for another round of discussion before being submitted to the Committee for approval again.
16. The views of Mr CHING Cheung-ying were summarised below:
 - (a) he said that the WGSFA he was responsible for dealt with the funding applications under Expenditure Heads 10 and 11. The WGSFA in general proposed the principles of approving funding applications based on the availability of resources. Subsidies, usually granted to two activities per organisation at most, were allocated according to the total number of activities and the resources given. The WGSFA adopted a principle and attitude of

giving a green light to organisations' funding applications for holding activities as much as possible. Disapproved applications were mainly classified into two categories: (i) funding applications for two activities per organisation had been approved based on the principle of equal allocation, and hence the funding application for the third activity was not approved; (ii) applications submitted after the due date. They were completely rejected in order to avoid controversy. Except for those organisations with an unsatisfactory history, the WGSFA would generally approve funding applications according to the activities, the available resources and the WGSFA's principle. Such practice had always been effective;

- (b) he thanked the STDO Secretariat for helping the WGSFA implement the pilot scheme so that the funding process could run smoothly, in particular Expenditure Head 11. They piloted 40 applications on which computer software was used to input the amount of every item of each funding application, easing the screening process of the WGSFA. He therefore hoped the Secretariat would make use of technology or intelligent applications to process funding applications by continually investing more resources, so that the WGSFA would not need to read aloud every expenditure item on funding. He lauded the performance of the Secretariat of the current term. Only 40 applications were processed this time. He hoped more would be allowed in the future;
- (c) he said that organisations eligible for applying for and receiving the STDC's funding were generally proven to be charitable institutions and trusts exempt from tax under Section 88 of the *Inland Revenue Ordinance* which had gone through review and approval of the Secretariat;
- (d) he said that the beneficiaries were the activities held by the organisations for the residents of the whole Sha Tin District, instead of the applicants. He pointed out that those activities only open to the teachers and students of the organising schools/bodies or to the members of the organising bodies were not eligible for being granted the STDC's subsidies;
- (e) he said that the WGSFA screened and approved over a hundred funding applications at one meeting. Individual members having opinions about the breakdown of the funding applications of certain organisations might voice their views at the Culture, Sports and Community Development Committee (CSCDC). If all members opined that there was a problem with how the breakdown of certain organisations' funding applications were screened and approved, the activity in question could be singled out and the rest be passed. Members might discuss the controversial organisations. If there was a consensus over the issues in question, the applications of the organisations concerned would be returned to the WGSFA for screening again, or the CSCDC might use its authority to judge whether the organisations or breakdown items should be granted subsidies. He believed that would be a reasonable way to deal with the problem; and
- (f) based on previous observations and experience, the Secretariat and the STDO would delegate Temporary Community Organisers to spot-check the activities such as the numbers of people and cars at the meeting time in the morning. If complaints about certain activities were received, the arrangements mentioned

above would be made. If members suspected certain organisations of misusing funding, they might request the relevant departments to spot-check the activities in order to obtain proof such as circumstantial evidence.

17. The views of Mr Michael YUNG were summarised below:

- (a) to his knowledge, only eligible organisations were allowed to apply for funding. He asked if the aforementioned controversial organisations were eligible;
- (b) he asked if the ultimate beneficiaries were the applying organisations or the participants of the activities;
- (c) the funding of the breakdown was decided by the WGSFA while the lump sum funding was endorsed by the CSCDC. He asked if there was a mechanism for non-WGSFA members to express their views about certain applications, or if members of the CSCDC might take part in the meetings of screening and approving the funding applications according to their needs or time because the WGSFA was non-standing. He wished to learn about the procedure for approving funding;
- (d) he opined that it was normal for members of the public to worry about how public money was used, and asked if the STDC had any mechanism to regulate whether the funded organisations were using the money properly lest the money might be embezzled; and
- (e) he asked the Secretariat to pay more heed to relevant activities or arrange spot-checks to ease the worries.

18. The views of the Chairman were summarised below:

- (a) he said that the convenor and members of the WGSFA worked hard on screening and approving each item and, before recommending the funding to the CSCDC, verified the eligibility of the applicants, including the proof submitted by charitable institutions and trusts exempt from tax under Section 88 of the *Inland Revenue Ordinance*. The applicants had also gone through the review and approval of the Secretariat. The principles of approving the funding were that the majority of the residents would benefit and the target of community participation would have to be fulfilled. The organisations were required to submit post-activity photos, receipts, etc. Hence, the funding would not fall into the hands of OCs and Mutual Aid Committees. He hoped members would now be able to understand the funding procedure. He understood Mr TING Tsz-yuen's views about people from certain organisations, and opined that Mr TING could make his own decision about whether to support the funding applications if the activities organised would benefit the residents;
- (b) the proof, including photos and receipts, submitted by the organisers after the activities would be available for public inspection. Members having found such activities suspicious might approach the Secretariat for checking the records of the activities; and

- (c) he asked the Secretariat to pay more attention to the activities of the three programmes numbered 77, 78 and 79 respectively that Mr TING Tze-yuen was concerned about.

19. Members endorsed the paper above and the Funding Applications from Local Organisations under Expenditure Head 11 (Community Organisations) of 2018/2019 as recommended by the WGSFA, with 24 votes in favour, 0 against, 2 abstentions and 1 member choosing not to vote.

Updated Membership Lists of Working Groups under the Committee
(Paper No. CSCD 8/2018)

20. Members unanimously endorsed the Updated Membership Lists of the Working Group on Recreation and Sports Development under the Committee.

Funding Applications

Proposed District Free Entertainment Programmes from April 2018 to March 2019 Jointly Organised with the Leisure and Cultural Services Department
(Paper No. CSCD 9/2018)

21. Mr Rick HUI said that some organisations disturbed the residents of Golden Lion Garden Phase 2 by holding activities at the open space off the New Jade Shopping Arcade on Saturdays and Sundays with the amplifiers turned up too much. He hoped that the organisers would take note of it when holding future activities.

22. The views of Mr SIU Hin-hong were summarised below:

- (a) he said that the noises created by the activities often affected the residents and opined that the Racecourse's response measures could be used as a reference, i.e. arranging for professional companies to gauge the volume. The organisers would be notified of excessive volume so as to help control the noises; and
- (b) he opined that employing professional companies to gauge the noise volume would be particularly suitable for large-scale events as they would provide neutral and authoritative findings and hence argument could be avoided.

23. Mr Rico LEUNG, Senior Manager (New Territories East) Promotion of the Leisure and Cultural Services Department (LCSD) gave a consolidated response as follows:

- (a) he noted Mr Rick HUI's opinion and would relay it to the Entertainment Office; and
- (b) he pointed out that the Entertainment Office enforced noise control measures every time it held outdoor entertainment activities. Officers would bring noise-gauging equipment to gauge the background noise volume before the programme and gauge the noise volume regularly during the programme. If the latter was 10 decibel higher than the former, the performers would be notified and required to turn down the volume.

24. Members unanimously endorsed the above funding application. Since the funding amount exceeded \$1 million, the application would have to be recommended via the Finance and General Affairs Committee (FGAC) to the STDC for approval.

Recreation and Sports Activities Programme from April 2018 to March 2019 Organised by the Leisure and Cultural Services Department in Sha Tin District
(Paper No. CSCD 10/2018)

25. Members unanimously endorsed the above funding application. Since the funding amount exceeded \$1 million, the application would have to be recommended via the FGAC to the STDC for approval.

Promotional Activities of Public Libraries from April 2018 to March 2019 Organised by the Leisure and Cultural Services Department in Sha Tin District
(Paper No. CSCD 11/2018)

26. Members unanimously endorsed the above funding application.

Funding Application from the Sha Tin Sports Association
(Paper No. CSCD 12/2018)

27. The Chairman welcomed Mr LAU Chi-keung, Senior Sports Executive of the Sha Tin Sports Association (STSA), to the meeting to answer members' questions.

28. Mr HO Hau-cheung, Mr CHING Cheung-ying and Mr MOK Kam-kwai declared their interests and identity as members of the STSA. The Chairman said they were allowed to attend the meeting, but had no right to vote on this funding application.

29. The views of Mr Billy CHAN were summarised below:

- (a) he did not object to approving the funding. He said that the STDC gathered a team to take part in the aforementioned activity which turned out to be chaotic. Though he had already signed up for the Dragon Boat Race, he nearly could not participate in the end. He opined that the Secretariat would have to pay closer attention if the STDC was to join this year's event. Also, he hoped that no DC Member would lead about 20 residents to the event again as that would make it look like a district event held by that DC Member; and
- (b) he agreed that it was not necessary to form a team if there were not enough participants. He suggested using the new application rules set up by the Marathon with details to be discussed by the Working Group on Public Relations and Publicity (WGPRP) to avoid the recurrence of last year's chaos.

30. The views of Mr James CHAN were summarised below:

- (a) he said that the Dragon Boat Race was chaotic last year. One DC Member brought a number of residents to join the race and asked other DC Members to quit. He said that it was necessary to clarify whether the STDC team would hire people to join for the sake of winning, just as the Marathon. The hired claimed themselves volunteers, and it was inappropriate of them to provoke DC Members. He hoped improvements would be made this year;

- (b) he said nobody signed up for the race on site last year because all applications were made beforehand. He said that former DC Member Mr LAW Kwong-keung decided on that very day that DC Members were given priority to participate in the race and that participants wearing slippers might be banned from joining the race based on safety reasons. He opined that it would be best to have one leader per activity to give orders for others to follow and the Dragon Boat Race in the future should adopt such arrangements; and
- (c) he said that everyone very much expected him to become the convenor of the WGPRP which was composed of 15 members. Unfortunately, of the three previous meetings, the first one was held successfully; the second was aborted due to the lack of a quorum; the third almost became aborted due to the lack of a quorum. He understood that he became the convenor out of everyone's high expectations, and hoped that members would attend the meetings to discuss business.

31. The views of Mr Michael YUNG were summarised below:

- (a) he said that those participating in the Dragon Boat Race showed their support for the event organised by the STSA, and asked if there was room for improvement in every aspect concerning the preparation and the arrangements. The Secretariat, given its long-term shortage of manpower, had performed rather well with its current establishment. He found that the STDO had never directly tackled the problem of manpower shortage, and he asked whether it was fair to require the Secretariat to undertake the extra work of attending the event;
- (b) he said that the detailed rules of joining the race should be stipulated on the application form for all the DC Members and participants' perusal, e.g. the number of friends every DC Member was allowed to bring to join the race and the arrangements for setting the maximum number as well as the priority;
- (c) as to whether support from the outsiders was necessary, he said that since DC Members might not have enough number of people, time and strength to participate in so many activities, it was understandable that some zealous members of working groups and volunteers of DC Members wanted to take part. However, the main point was how to make a meaningful event last instead of pointing fingers at one another; and
- (d) he agreed that the WGPRP could take care of the event as it was the organiser. He believed the convenor of the WGPRP would note and take care of the opinions given by the CSCDC. He supported the event and hoped that the application arrangements would fare better and reasonable rules would be set up next year.

32. Mr WONG Hok-lai supported the Dragon Boat Race. He did not think the STDC had to form a team for the race if there were not enough participating DC Members or DC Members' assistants. There would be some other ways to show support, e.g. being presenting guests and showing up as a cheer squad. It would then save money for the STDC. Forcing to form a team would increase the workload of the Secretariat as it would have to find enough people to join the team and attend the event to help.

33. The views of Mr SIU Hin-hong were summarised below:

- (a) the STDC sponsored the Dragon Boat Race for about \$800,000 over the past few years. He asked if the amount of the STDC's funding would be decided based on the sponsorship amount given to the STSA. He asked when the STSA could not exhaust the funding, whether the remaining amount would cover the STSA's expenses, and what if the sum of the sponsorship and the STDC's funding was still not enough to cover the expenses of the event;
- (b) he agreed that a team should not be forced to form when there were not enough participating DC Members or DC Members' assistants. He said that he accepted the invitation to join the race last year because there was a shortage of participants. He was then encouraged to invite neighbours, assistants and the rowing savvy, including teachers of physical education from The Chinese University of Hong Kong, to join the race and the pre-race practice sessions. On the day of the race, he was asked to reduce the number of participants he invited due to the large amount of participants. Participants having practised avidly were then not able to join the race, but those showing up on that day were allowed to compete. Misunderstanding and argument resulted, making a bad impression. Hence, he suggested applying for the race early and giving up the idea of forming a team if not enough people joined, in order to avoid the recurrence of what happened last year; and
- (c) he said that a decision maker was needed on that day. When he stood up to make a decision, his eligibility for representing the STDO was questioned. He said that he, as a DC Member, was unable to join the race after training because he had to give his place to other trained participants. He said he would not lead a team next year.

34. The views of Mr MAK Yun-pui were summarised below:

- (a) he hoped the eligibility for joining the race would be formulated, e.g. the maximum number of people each DC Member was allowed to bring, or participation was limited to DC Members or their assistants, so that the teams representing the STDC would be more significant; and
- (b) he opined that it was a must for participants to apply in advance and attend the practice sessions. No residents and friends could be invited to join the race because of a shortage of participants. It was unreasonable to ban DC Members and their assistants from competing on the day of the race.

35. The views of Mr WONG Yue-hon were summarised below:

- (a) he said that DC Members should be given priority to join the race as far as eligibility was concerned. A deadline had to be set. If there were not enough people to form a team after the deadline, DC Members' assistants, or even residents in Sha Tin and friends, might join. He opined that finalising the lists of participants early would be able to avoid what happened last year and ensure all applicants could compete;
- (b) the whole event had always been organised by the WGPRP. He asked if the convenor of the WGPRP would still be the decision maker; and

- (c) the dragon boat race was a team sport. Participants ought to attend a certain amount of training sessions before the race; otherwise it would be inappropriate of DC Members to skip the training sessions after application and only show up on the day of the race. Thus, he asked whether it would be necessary to require participants to attend a certain amount of practice sessions in the future. He suggested the convenor of the WGPRP consider entrusting Mr LAW Kwong-keung or those experienced to make the arrangements regarding the race.

36. The views of Mr WONG Ka-wing were summarised below:

- (a) he opined that the dragon boat race, different from running, was a sport requiring cooperation. It was the responsibility of DC Members to attend most of the training sessions after submitting their applications, so as to make it possible for more than 20 people to row a boat. Some DC Members were unable to attend the training sessions due to other commitments. If they had cancelled their participation due to a shortage of participants, the application fee of about \$2,000 would have been wasted. Mr SIU Hin-hong was hence responsible for inviting volunteers to join the training sessions. The controversy that day started from those who had not attended the training sessions asking to join the race, but the volunteers who had trained a few times did not have a place to compete. DC Members opined that the representative team of the STDC should be composed of DC Members whereas the volunteers questioned why they having trained a few times, unlike the DC Members who had not trained, were not allowed to compete; and
- (b) he agreed about not inviting volunteers to participate if the event was only for DC Members and their assistants to take part in. It was not necessary to form a team if there was a shortage of participants at the time of application, so that the application fees would be saved as well. He opined that the decision would have to be endorsed by the STDC. Other items could be left for further discussion. If a person in charge had been selected to organise things, it would not be necessary to deter him/her from inviting other people to help. What happened that day gave people the impression that those from the STDC were unreasonable. He opined that the DC Members should have let the volunteers who had trained for the race to compete. He said he did not want to compete in the first place, but then filled in as the drummer at the coach's request for fear that not enough people joined. He hoped people would understand what happened that day.

37. The Chairman said that the Dragon Boat Race was a territory-wide highlighted annual event taking place in Sha Tin. The STDC used to join the race as a team. The event helped not only promote the STDC, but also boost its team spirit. Under the application procedure, the WGPRP's name lists prevailed. Further selection criteria were as follows:

- (a) the STDC Members were given the first priority;
- (b) the members of the STDC Working Group came second; and
- (c) the assistants/representatives of the STDC Members and the people nominated by DC Members came third.

If the number of applicants exceeded the capacity of a dragon boat, the working group would decide the final list of participants by a draw based on the principles above.

38. The Chairman said that the Dragon Boat Race required team spirit and trained participants. The whole performance would be affected even if one participant fared unsatisfactorily. He asked the convenor and the members of the WGPRP as well as the Secretariat to note the opinions in order to review whether the number of training sessions should be included in the application criteria next year. He opined that a due date should be set to finalise the name lists of participants and reserves before the race. Such opinions might be considered by the WGPRP while the improvements made to the details of the application procedure and criteria might be further discussed by the WGPRP.

39. Mr LAU Chi-keung gave a consolidated response as follows:

- (a) the STSA did not have the name lists of the STDC's participants. The race that the STDC participated in was an invitational tournament with TVB Cup as the prize which did not require the submission of the name lists beforehand. The team was allowed to assign team members to compete on the day of the race;
- (b) the Sha Tin Dragon Boat Race Organising Committee had a fundraising team whose chairman and members would invite support and sponsorship from all fields for the race. Of about 23 tournaments every year, most had title sponsors but the sponsors were not necessarily annual, so the fundraising team had to work hard every year to invite different companies or organisations to sponsor the event. Fundraising faced a lot of competitions and was not an easy task. The fundraising team should be fully credited for their effort to secure the sponsorship; and
- (c) he said that they used the STDC funding just as how it was used in other STDC-sponsored activities. According to the requirements, the fund raised should first be used before applying for the STDC funding. The sponsorship and the STDC funding received by the STSA would be entirely used in the Dragon Boat Race. Thus, if there was a remaining amount, an application for the STDC funding to cover all the expenses would not be allowed, or the corresponding pre-paid amount would have to be returned. Members might see the activity report, the statement of income and expenditure and the audit report submitted annually to find the race was a non-profit-making activity. If the sponsorship and the STDC funding were still not enough to cover the expenses, the STSA would foot the bill.

40. Members unanimously endorsed the above funding application. Since the funding amount was more than \$250,000 but less than \$1 million, the application would have to be recommended to the FGAC for approval.

Funding Application of the Sha Tin Arts and Culture Promotion Committee
(Paper No. CSCD 13/2018)

41. Mr CHIU Man-leong, Mr Billy CHAN, Mr CHING Cheung-ying, Mr WAI Hing-cheung, Ms LAM Chung-yan, Mr Tiger WONG, Ms Iris WONG and Ms YUE Shin-man declared their interests as members of the applying organisation and the co-organiser, i.e. the Sha Tin Arts and Culture Promotion Committee and the Sha Tin Arts

Association respectively. The Chairman said they were allowed to attend the meeting but would not have voting rights on this funding application.

42. Members unanimously endorsed the above funding application.

Question

Question to be Raised by Mr YAU Man-chun on Noise Nuisance at the Riverside of Shing Mun River
(Paper No. CSCD 14/2018)

43. The views of Mr YAU Man-chun were summarised below:

- (a) he regretted to raise again at the STDC the question on noise nuisance which remained unresolved for the last seven years. He reiterated that the question was raised every time in the hopes that departments would solve or improve the problem, but to no avail over the years. The Hong Kong Police Force (HKPF) arrested two persons in a prosecution case in 2014/2015 and the problem was alleviated for a few months afterwards, but it aggravated in the following years. The noise nuisance used to happen one or two days per week, but now the location of the complaint resembled a layman night club where groups of people gathered all the time, except on days of bad weather. The noise nuisance bombarded the residents non-stop and was even worse before and after public holidays. He re-stressed that he was not against people singing and dancing lawfully without causing nuisances. However, these people were frolicking at the expense of residents of three housing estates. The problem had gone much complicated than before as it used to involve several groups, some of which were well-equipped with an entire PA system, chairs, karaoke systems, etc. He opined that such an activity would have been a feature of Sha Tin if it had not affected the residential areas. Unfortunately, Jat Min Chuen, Yu Chui Court, Sha Kok Estate and even as far as Garden Rivera were currently disturbed. Recently, playing musical instruments connected to mobile amplifiers had been on the rise;
- (b) he said some residents had kept complaining over the past few years, including repeated and new complaints. Some complainants worked the night shift and needed to rest in the daytime. Jat Min Chuen belonged to Tin Sam Division while the part across the river belonged to Sha Tin Division, so they called the Sha Tin Police Station. However, no one picked up the phone; or no one was sent to the scene to follow up even if the call got through; or the complained deliberately positioned the amplifiers directly at the complainants after the policemen left;
- (c) he said that the HKPF had not initiated prosecution since 2014/2015, and that there were merely 7 verbal warnings from 2017 to 2018. The number was rather low. He asked if the HKPF had been slacking on law enforcement. Besides, he understood that the STDO had worked actively on coordinating different parties but seemingly to no avail, so it should resort to other solutions;
- (d) he said that the problem involved several constituencies and affected a lot of residents. It was worth setting up a working group to follow up because the problem would have to wait for six months before it could be raised at the

CSCDC meeting again. DC Members could voice their opinions at the meeting, but the residents were extremely helpless. The residents were invariably sworn at and almost assaulted when trying to talk those people into turning down the volume. He was worried that the unceasing disturbance to the residents would end up in violence;

- (e) he provided the HKPF with the following information:
- (i) a resident called the Sha Tin Police Station on 27 February 2018 to lodge a complaint, but the police said there was a shortage of manpower to handle the problem on site;
 - (ii) a case numbered 18005667 was reported at 2:50 pm on 25 February 2018. Again, no policemen were sent to the site afterwards;
 - (iii) a case numbered 18003648 was reported at 2:30 pm on 4 February 2018. It was unknown whether policemen were sent to the site; and
 - (iv) a case numbered 18002755 was reported at 10:30 am on 27 January 2018. The complainant started playing music in the morning.

he pointed out that a resident reported to the police because he/she was disturbed, but the problem had never improved. That resident reported the case to the police repeatedly over more than a month after switching from day shift to night shift at work and even went to the site to advise those causing nuisances in person. It almost ended up in violence;

- (f) he found the STDO's way of handling the problem not effective at all. He thus suggested tackling the problem as painstakingly as possible by using a working group. He then asked if it was feasible to set up a working group and formulate the relevant handling procedure spontaneously;
- (g) he disagreed with setting up a working group at the Health and Environment Committee (HEC) meeting. The problem was discussed at the CSCDC meeting over the past two terms, the CSCDC had done on-site inspection with the STDO, and the STDO had reported the work at the CSCDC meeting. He opined that it was feasible to discuss and vote on the setting up of a working group spontaneously; and
- (h) he asked the Secretariat whether the procedure for setting up a "non-standing working group" was the same as that for a "standing" one, just as the Chairman had said.

44. The views of Mr CHAN Nok-hang were summarised below:

- (a) he said that the problem affected the residents not only at Jat Min Chuen, Yue Shing Court and Garden Rivera, but also The Riverpark. The paper said the location in question was not under the purview of the LCSD. He asked if no department was in charge of that location and which department should be ultimately in charge of it;

- (b) he played a video filmed at the location showing the enormous scale of the activity. It occupied the whole area and was equipped with tables, chairs, big amplifiers, marquees and power supplies. Someone was playing the saxophone as well. He said that no power generators were spotted on site, so it was unsure if power was stolen. He asked the Government to pay heed. He said that the problem would intensify if the venue did not need to be reserved or paid for. There were several activities of the same kind along the banks of Shing Mun River on Sunday afternoon. He asked how the Government would tackle the problem. Some residents told him money deals were involved and he suggested that the Government send undercover officers to spot-check. If anything was identified, prosecution could be initiated. He hoped the police would address the problem directly. Besides, those people occupied both sides of the pedestrian way. He asked if they were suspected of obstructing the roads. He suggested handling the problem from these aspects to prevent those suspected of violating the law from gathering, so as to reduce the nuisance to the surrounding residents;
- (c) he was not against people singing, but the volume should not be too high, lest it should cause nuisances. Both the response of the Environmental Protection Department (EPD) and the written reply of the STDO focused on advising them. No sterner action was taken. He did not find advice an effective and long-term method and hoped the departments concerned would handle it with sterner methods;
- (d) he said that the problem had persisted for years and involved several constituencies amounting to tens of thousands of people. He opined that a working group should be set up to follow up on it;
- (e) he found the suggestion on setting up a working group at the HEC meeting to be a suspicion of shirking responsibilities; and
- (f) he hoped to propose a provisional motion on this issue.

45. The views of Mr Billy CHAN were summarised below:

- (a) he said the problem had persisted for years, and asked the HKPF why no prosecution case had been initiated since 2014/2015. Many residents told him they were willing to testify whereas the HKPF said in its reply that it lacked people reporting the cases to testify for the prosecution. He thus wished to know about the situation;
- (b) the number of complaints in these several months had risen to an average of 20-odd cases, but only one or two verbal warnings were given. There were some months even without verbal warnings. He asked why;
- (c) he said that the HKPF handled the noise problem on site upon receipt of complaints. Afterwards, the problem reoccurred, but the HKPF did not handle it on site again. He asked how enforcement action could be taken in this regard. He said that members of the public had to wait for more than one hour for the police to arrive after calling the emergency hotline 999 to report a case. During the wait, the noise nuisance turned so bad that it severely affected the residents at Jat Min Chuen, Yue Shing Court and Garden Rivera.

Singing activities of the same kind kept increasing. Though he was not against people singing for fun, the volume could not be as high as causing a nuisance to the neighbourhood. He hoped the HKPF would take enforcement action and would not ascribe the reason for not taking enforcement action to a lack of witnesses. Also, he asked what measures and duties the STDO had to deal with the problem over these two years;

- (d) he asked the HKPF if it had to seek legal advice on verbal warning every time. As the residents told him, they took the initiative to persuade those people causing a nuisance before the police arrived, but they were sworn at. He asked how much time the police would need to send police officers to follow up on the case on site, and he opined that the police had not taken enforcement action against the singing nuisance. He said that the noise nuisance seriously disturbed the residents and hoped that the HKPF would step up its efforts in enforcement action to prevent tragedies;
- (e) he agreed that setting up a working group was a feasible proposal, and suggested setting up a “non-standing working group” to tackle the noise nuisance along the banks of Shing Mun River because the STDO held an inter-departmental meeting only once every six months which demonstrated average effectiveness; and
- (f) he asked how things would proceed if the HEC Chairman opined that the working group should be set up by the CSCDC.

46. Mr LUI Chun-kwok, Patrol Sub-unit Two Station Sergeant of Shatin Division of the HKPF gave a consolidated response as follows:

- (a) the HKPF would send officers to handle every case of complaint or report made by members of the public. A designated officer was responsible for taking reporting calls at the police station. If that officer temporarily left for other business, he/she might not be able to take the incoming calls in time. He said he would instruct the officer to do his/her best to take the calls from members of the public and send officers to handle the case. If no one answered the phone at the police station, members of the public could also call the emergency hotline 999. The police would also send officers to handle the case;
- (b) the police would take care of the area of Shing Mun River in Sha Tin and the riverside such as the cycle track and the places outside the parks;
- (c) regarding the prosecution figures, he said that the police was willing to initiate prosecution. He stated that the police had sought legal advice and learnt that prosecution required subjective and objective criteria. Hence, the police would send uniformed officers to the location to evaluate whether the volume reached a disturbing and unacceptable level. At the same time, if members of the public or those who reported the case were willing to cooperate, the police officers would study the severity of the noise at their apartments. With the assistance of members of the public, the police would initiate prosecution when evidence from different aspects was gathered. He said that usually when the police officers talked to the complained on site, they were willing to turn down the volume. If the volume went up again after half an hour, he

hoped members of the public would report the case to the police again. The police would be glad to send officers to handle the case again upon receipt of complaints;

- (d) he said he would pay attention to cases of power theft, road obstruction and illicit money deals; and
- (e) he said there were 140 complaints in total from February 2017 to January 2018, along with 70 times of advice and 7 verbal warnings. Every time a complaint from members of the public was received, it would be taken care of expeditiously and handled on site as promised under the performance pledge. As far as prosecution was concerned, the noise would have to persist without improvements till it reached a disturbing and unacceptable level. If giving advice and warnings worked, no summons would be issued immediately.

47. Mr CHAN Cheuk-pui, Environmental Protection Officer (Regional North) 43 of the EPD responded that the EPD went to the location in question with the STDO and the HKPF, and found that there often were people singing and dancing on the pedestrian way. During this joint operation, those people were advised not to cause nuisances. The EPD would keep advising those people properly.

48. The views of the Chairman were summarised below:

- (a) according to the *Standing Orders*, no more than three “standing working groups” were allowed to be set up simultaneously under each committee. The CSCDC currently had two standing working groups, so one more could be set up. However, he personally opined that the HEC was in a better position to handle the noise nuisance and the setting up of the working group would have to be endorsed by the whole committee. He suggested submitting papers to the HEC and handling the request by discussion and consideration of endorsing so; and
- (b) he said that members might decide whether the working group should be set up by the CSCDC and submit papers for the CSCDC’s consideration and endorsement. Since the terms of reference and other relevant information were not yet available on the spot to help make such a decision, he suggested that the papers be submitted at the next meeting or post-meeting follow-up action be taken in order to study the terms of reference of the working group.

49. Ms Ada LUK responded that according to the *Standing Orders*, no more than two “non-standing working groups”, with a term not exceeding eight months, were allowed to be set up simultaneously under each committee. For instance, to set up the Working Group on Screening of Funding Application (Ad Hoc) under the CSCDC, a meeting paper detailing the term of the working group, the terms of reference, the procedure for selecting the convenor, etc. would be submitted for members’ information and consideration of endorsing the establishment of the working group and selecting the convenor.

50. The views of Mr WONG Yue-hon were summarised below:

- (a) he disagreed with the saying that the responsibility was shirked to one another. The HEC had never refused to handle this issue. He, as the Chairman of the HEC, also let members include relevant questions in the agenda items and

discuss them. He had no comment on setting up the “non-standing working group” by the HEC. He opined that members selecting the convenor by vote should join the working group so as to make it function effectively; and

- (b) he opined that other methods should be used if the existing measures had failed to solve the problem effectively. He identified the biggest problem as the fact that anyone could put amplifiers there to produce noise. If the departments concerned could formulate regulations forbidding the use of amplifiers at the location or install flower planters, workout facilities, etc. to prevent people from gathering, the problem would be solved.

51. The views of Mr Michael YUNG were summarised below:

- (a) he asked the Secretariat whether it was feasible to set up one working group by two committees together to deal with one issue. In his opinion, noise nuisance was under the HEC’s purview while venue management was under the purview of CSCDC or even the District Management Committee (DMC). If the working group was under one committee, he wondered if its function would be confined by the purview of that committee;
- (b) he wished to learn about the term of the “non-standing working group” which could not exceed eight months. If the problem could not be handled properly within the term, he asked if the procedure for setting up a “non-standing working group”, including such things as the re-selection of the convenor, would have to be endorsed again; and
- (c) he said that the working group was allowed to have a maximum of 15 members, and non-DC Members could join by nomination. He was concerned about the effectiveness in discussion and the continuity in handling the problem. He asked what the plans would be if the setting up of a “standing working group” or “non-standing working group” resulted in discussion without effectiveness and the problem remained unsolved. He also asked for the arrangements as to how the DMC and the Steering Group should follow up on the problem.

52. Mr Rick HUI said that spontaneously setting up a “standing working group” or “non-standing working group” did not breach the *Standing Orders*. He was in favour of Mr YAU Man-chun’s suggestion.

53. The views of Mr HO Hau-cheung were summarised below:

- (a) he said that the noise nuisance had persisted for more than a decade. DC Members of the previous terms already tabled the issue, paid heed to nuisances to the residents, etc. At that time, the STDO was requested to coordinate relevant departments, instead of forming a working group at the STDC, to tackle or solve the problem. The DC Members concerned, including himself, also attended the interdepartmental meetings coordinated by the STDO. In fact, it had been mentioned in this question session that the measures were effective to a certain extent; unfortunately the problem soon resumed and worsened. He completely agreed that some residents had been disturbed and the STDC should indeed address the problem directly by doing its best to help them solve the problem within its purview and capacity;

- (b) he opined that setting up a working group under the committee of the STDC for the problem was not an elixir, and that a “non-standing working group” with a term of eight months would not work more effectively than a number of interdepartmental meetings previously coordinated by the STDO in handling the problem. Hence, before the formation of a working group, he wished to request the government departments to directly and painstakingly handle the problem and follow up on the effectiveness. A relatively ideal mechanism would be passing the ongoing and previous discussion details of the STDC meetings to the DMC. The DMC was chaired by the District Officer (Sha Tin) (DO/ST) who was responsible for leading and coordinating different departments to jointly tackle problems. Conversely, forming a “non-standing working group” lasting for a term of eight months under any committee of the STDC would hardly handle the problem effectively; and
- (c) he opined that if members wanted to set up a working group spontaneously, a provisional motion could be proposed to be endorsed after discussion. He reminded members to think twice whether they were confident enough about making progress in solving the problem within the term of eight months.

54. The views of Mr LAI Tsz-yan were summarised below:

- (a) he had raised questions about the noise problem at Shing Mun River at two committees under the STDC. Though the reply mentioned meetings held by the STDO together with inter-departments, he questioned how the government departments could be requested to make an effort when the replies and papers were identical every time. He believed the relevant meetings would not make any progress if not chaired by DC Members; and
- (b) he had suggested that the riverside of Shing Mun River be managed by one government department, and could not understand why the financially abundant Government had no resources to spare for one department to manage the location.

55. Mr YAU Man-chun agreed with the views of the STDC Chairman Mr HO Hau-cheung. He withdrew his proposal for setting up a working group. He and Mr CHAN Nok-hang had an updated provisional motion.

56. Mr YIU Ka-chun said that the content of the new provisional motion was not yet known, but he wished to offer opinions for members’ reference. Since the STDO was responsible for coordinating different departments and the DO/ST chaired the DMC, two channels could be considered. First, area committees: members in attendance belonged to different area committees and had voiced their opinions at the relevant meetings, but the effectiveness was not up to satisfaction. Second, three steering groups set up by the former DO/ST pertinent to creating activity space, solving mosquito problems and handling illegally parked bicycles: the incumbent DO/ST was still in charge of the operation of these groups. He found that the formation of a structure containing various levels had been an effective way to interdepartmentally solve problems at specific locations. The provisional motion might suggest that the DO/ST use the several existing steering groups as an example and that the STDO invite DC Members to convene meetings to discuss which district items needed special attention or solutions. Such a model might be a feasible way to handle a single or nuisance-causing issue.

57. The Chairman asked members whether they agreed to address the provisional motion put forward by Mr CHAN Nok-hang.

58. Members agreed to discuss Mr CHAN Nok-hang's provisional motion.

59. Mr CHAN Nok-hang proposed the provisional motion as follows:

“The Culture, Sports and Community Development Committee of the Sha Tin District Council strongly requests the District Officer (Sha Tin) to coordinate different departments, set up working groups and adopt effective measures to solve the problem of noise nuisance caused by dancing and singing at the riverside of Shing Mun River.”

Mr YAU Man-chun seconded the motion.

60. The Chairman asked members if they agreed to endorse the provisional motion in paragraph 59.

61. Members unanimously endorsed the provisional motion in paragraph 59.

62. The Chairman said the Secretariat would submit the aforementioned provisional motion to the DO/ST, with a view to studying how to feasibly set up a working group to tackle the noise problem at the riverside of Shing Mun River.

63. Mr Michael YUNG said that a DMC meeting would be held soon. He asked the Chairman to relay the problem at the DMC meeting on behalf of the CSCDC. He also urged the DO/ST to expeditiously handle the problem and set up a working group.

64. The Chairman said that the relevant information and the provisional motion endorsed just now would be passed on to the DMC meeting held on the following day.

Information Item

Reports of Working Groups (Paper No. CSCD 15/2018)

65. Members noted the report submitted by the Working Group on Screening of Funding Application (Ad Hoc).

Information Papers

Report and Plan by the Leisure and Cultural Services Department on Organisation of Cultural Activities and Utilisation of Facilities in Sha Tin District (1st and 2nd Quarters of 2018) (Paper No. CSCD 16/2018)

66. Members noted the above information paper.

Report and Plan by the Leisure and Cultural Services Department on Organisation of Recreation and Sports Activities and Management of Facilities in Sha Tin District (1st and 2nd Quarters of 2018)

(Paper No. CSCD 17/2018)

67. Members noted the above information paper.

Report and Plan on Public Libraries Promotion Activities Organised by the Leisure and Cultural Services Department in Sha Tin District (1st and 2nd Quarters of 2018)

(Paper No. CSCD 18/2018)

68. Members noted the above information paper.

Progress Report of the Sha Tin Arts Association

(Paper No. CSCD 19/2018)

69. Members noted the above information paper.

Progress Report of the Sha Tin Sports Association

(Paper No. CSCD 20/2018)

70. Members noted the above information paper.

Date of Next Meeting

71. The next meeting was scheduled to be held at 2:30 pm on 26 April 2018 (Thursday).

72. The meeting was adjourned at 4:36 pm.

Sha Tin District Council Secretariat
STDC 13/15/50

April 2018