

**Sha Tin District Council**  
**Minutes of the 4<sup>th</sup> Meeting of**  
**the Culture, Sports and Community Development Committee in 2018**

**Date** : 6 September 2018 (Thursday)  
**Time** : 10:00 am  
**Venue** : Sha Tin District Council Conference Room  
 4/F, Sha Tin Government Offices

<b><u>Present</u></b>	<b><u>Title</u></b>	<b><u>Time of joining the meeting</u></b>	<b><u>Time of leaving the meeting</u></b>
Mr CHIU Man-leong (Chairman)	DC Member	10:00 am	1:30 pm
Ms CHAN Man-kuen (Vice-Chairman)	"	10:00 am	1:30 pm
Mr HO Hau-cheung, SBS, MH	DC Chairman	10:00 am	1:30 pm
Mr CHAN Billy Shiu-yeung	DC Member	10:00 am	1:30 pm
Mr CHAN Nok-hang	"	10:00 am	1:30 pm
Mr CHENG Tsuk-man	"	10:13 am	1:30 pm
Mr CHING Cheung-ying, MH	"	10:00 am	1:30 pm
Mr CHIU Chu-pong, Sunny	"	10:28 am	1:30 pm
Mr HUI Yui-yu, Rick	"	10:00 am	11:19 am
Ms LAM Chung-yan	"	10:28 am	1:30 pm
Mr LEUNG Ka-fai, Victor	"	10:00 am	12:36 pm
Mr LI Sai-hung	"	10:00 am	1:30 pm
Mr LI Sai-wing	"	10:00 am	1:30 pm
Mr LI Wing-shing, Wilson	"	10:00 am	12:31 pm
Mr MOK Kam-kwai, BBS	"	10:00 am	11:35 am
Mr NG Kam-hung	"	10:34 am	1:30 pm
Mr PUN Kwok-shan, MH, JP	"	10:00 am	12:01 pm
Mr TING Tsz-yuen	"	10:00 am	1:30 pm
Mr TONG Hok-leung	"	10:07 am	1:30 pm
Ms TSANG So-lai	"	10:13 am	12:32 pm
Ms TUNG Kin-lei	"	10:00 am	1:22 pm
Mr WAI Hing-cheung	"	10:00 am	1:30 pm
Mr WONG Fu-sang, Tiger	"	10:00 am	1:30 pm
Mr WONG Hok-lai	"	10:00 am	10:19 am
Mr WONG Ka-wing, MH	"	10:00 am	12:31 pm
Ms WONG Ping-fan, Iris	"	10:11 am	1:30 pm
Mr WONG Yue-hon	"	10:46 am	12:35 pm
Mr YAU Man-chun	"	10:00 am	1:27 pm
Mr YIP Wing	"	10:00 am	10:31 am
Mr YIU Ka-chun, MH	"	10:00 am	1:30 pm
Mr YUNG Ming-chau, Michael	"	10:00 am	1:30 pm
Ms LUK Tsz-sum, Ada (Secretary)	Executive Officer (District Council) 2 / Sha Tin District Office		

**In Attendance**

Ms LEE Po-yee

Ms CHAN Yee-chi, Elaine

**Title**

Senior Community Relations Officer /

Independent Commission Against Corruption

Assistant District Social Welfare Officer (Sha Tin) 2,  
Social Welfare Department

**In Attendance**

Miss LEE Mei-yee

Miss CHAN Siu-kin, Ester

Mr LEUNG Cheuk-ming, Rico

Ms SAM Fung-mei, Esther

Ms YAU Ming-wai, Nellie

Ms CHENG Siu-ling, Katy

Ms LEUNG Wai-shan, Cecilia

Mr YUEN Chun-kit, Derek

**Title**

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 and

District Activities / Leisure and Cultural Services Department

School Development Officer (Sha Tin) 11 / Education Bureau

Chief Liaison Officer / Sha Tin District Office

Senior Liaison Officer (West) / Sha Tin District Office

Senior Executive Officer (District Council) /

Sha Tin District Office

**In Attendance by Invitation**

Ms LO Lai-fong, Jackie

Mr LAI Chun-lung

Ms AU Wai-ha

Ms LO Sze-man

Mr WONG Chi-wai

Mr Peter ROICHANDANI

Ms LEUNG Chung-choi, Katie

Ms CHEUNG Lok-yee

Miss LI Hoi-man

Ms LEE Kit-ling

Ms SHEK Nga-wing, Irene

Mr KOO Siu-lung, Roy

Miss FUNG Kit-ling, Daisy

Mr TSANG Yee-lak, Clement

Ms OR Man, Flicka

Miss CHEUNG Sau-ki, Jessica

Mr LEE Chee-kwan

Mr KWOK Tin-ho

Ms HO Yuen-fei

Ms LAM Lai-shun

**Title**

District Leisure Manager (Sha Tin) /

Leisure and Cultural Services Department

Sub-Unit Commander (Patrol) (2) (Shatin Division) /

Hong Kong Police Force

Chief Health Inspector 1 /

Food and Environmental Hygiene Department

Chief Health Inspector 2, Sha Tin District /

Food and Environmental Hygiene Department

Senior Health Inspector (Environmental Hygiene) 1 /

Food and Environmental Hygiene Department

Liaison Officer (East) 2a / Sha Tin District Office

Liaison Officer In-charge (East) 1 (Acting) /

Sha Tin District Office

Programme Coordinator (District Council) 7/

Sha Tin District Office

Liaison Officer (East) 3b / Sha Tin District Office

Liaison Officer In-charge (West) 3,

Liaison Officer In-charge (West) 4 (Acting) /

Sha Tin District Office

Liaison Officer (West) 3a, Liaison Officer (West) 4 (Acting) /

Sha Tin District Office

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

Executive Assistant (District Council) 1 /

Sha Tin District Office

Executive Assistant (Special Duty) / Sha Tin District Office

Liaison Officer In-charge (East) 4 / Sha Tin District Office

Liaison Officer (East) 4a / Sha Tin District Office

Senior Environmental Protection Officer (Regional North) 4 /

Environmental Protection Department

Assistant Project Officer / ELCHK, Grace Youth Camp

Centre-in-charge /

HKFYG Jockey Club Yat Min Youth S.P.O.T.

Secretary General / Sha Tin Arts Association

**Absent****Title**

Mr PANG Cheung-wai, Thomas, SBS, JP	DC Vice-Chairman	(Application for leave of absence received)
Mr LAI Tsz-yan	DC Member	( " )
Mr MAK Yun-pui	"	( " )
Ms PONG Scarlett Oi-lan, BBS, JP	"	( " )
Mr CHAN Kwok-keung, James	"	(No application for leave of absence received)
Mr SIU Hin-hong	"	( " )

**Action**

The Chairman welcomed members, representatives of government departments and organisations to the meeting.

**Applications for Leave of Absence**

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

Mr Thomas PANG	Attendance at a meeting/function on behalf of an organisation of the Chinese government
Mr LAI Tsz-yan	Other reasons
Mr MAK Yun-pui	Physical discomfort
Ms Scarlett PONG	Official commitment

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

**Confirmation of the Minutes of the Meeting Held on 5 July 2018**

(CSCDC Minutes 3/2018)

4. Members unanimously confirmed the above minutes of the meeting.

**Matters Arising****Responses of Government Departments to Matters Arising from the Previous Meeting**

(Paper No. CSCD 47/2018)

5. The views of Mr WAI Hing-cheung were summarised below:

- (a) in view of the second paragraph of the Police's response, he asked when the Police would issue advice, verbal warnings or summonses when dealing with related complaints;
- (b) he said that the nuisances from the singing and dancing were more serious than before. The loud music had been heard only in the afternoon and early evening. Now, it could be heard also in the early morning. He pointed out that the decline in the number of complaints did not mean that related problems had become less serious;
- (c) he wondered how the Police could issue a summons, if a group of street performers acted on their own and did not have a person-in-charge. And he

asked whether the Police would take into account the number of complaints against a group at the same location when issuing a summons to the person-in-charge. For example, if complaints were filed against a group of street performers for two consecutive days, he wondered whether the complaint records would be cumulative or reset every day; and

- (d) he asked whether the Police would notify the complainant of the follow-up actions and results.

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

- (a) he said that the Police's response was similar to the ones in the past. He asked under what circumstances the Police would issue advice, verbal warnings or summonses. He also wondered why only one summons had been issued in the past seven months;
- (b) he enquired about the effectiveness of a summons. And he said that as far as he could see at site, street performers would still be making noise after receiving a summons. He said that advice had been issued on only 39 occasions during the past seven months, with one occasion each week on average. He wondered why the Police said issuing advice was effective;
- (c) he hoped that the Police could improve its telephone system. He said that the telephone numbers of Tin Sum and Sha Tin Police Divisions could not be reached in many cases. As a result, members of the public had to call the 999 emergency hotline, which, however, was intended for reporting more serious crimes rather than noise problems; and
- (d) he said that some residents were more than willing to testify against noise-makers in court, until they were told by the Police not to do so.

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

- (a) he said that the Police's response this time was more positive and detailed than before. He hoped that Tin Sum and Sha Tin Police Divisions could better coordinate with each other. When some residents reported cases to Tin Sum Division, they were asked to contact Sha Tin Division, which, however, did not necessarily deploy officers for on-site investigations or follow-up;
- (b) he opined that the case scheduled for trial on 15 October 2018 was a positive example. He believed that things would certainly become better when the Police strictly enforce the law;
- (c) he said that more areas were being affected. Apart from more groups performing on the west bank of Shing Mun River, there were also performances outside Ming Shun Lau and next to Shing Mun River Promenade Garden No. 1 on the east bank every Saturday. He opined that the Police's decision not to enforce the law should be regarded as connivance. The street performers received friendly advice from the Police, but they turned up the volume instead after the officers left. He said that

those people thought they were registered bodies and the Police would not issue summonses. And their number was constantly on the rise. He further said that a number of DC Members would display banners and distribute leaflets to encourage members of the public to cooperate with the Police. He hoped that the Police would collect evidence for each case; and

- (d) he said that the Police's understanding of the situation was inconsistent with members'. Some results were achieved in the prosecution work, but not significantly. He could not conclude that the situation had been improved based on only one summons. While things had become better for the four weeks after a summons in April, related problems recurred and became even more serious in the following months. The performance groups varied from day to day. And some participants said they had paid before the event. Those groups were familiar with the Police's manner of law enforcement and they knew that no summons would be issued at first. He said that the time of police arrival was crucial. For example, there was a two-hour gap between the police came for the first and the second times. The singing performance was already over. In addition, he pointed out that unstable weather conditions would also affect the number of performances and consequently led to fewer complaints. He hoped that the Police would handle the matter seriously.

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

- (a) he pointed out that Sha Tin Police Division had handled a total of 97 complaints against street performers, including by means of advice, verbal warnings or summons. He asked how the Police handled the remaining 51 cases; and
- (b) he hoped that the Police would step up enforcement and wondered why advice was always the first option. He said that the Police would request the immediate removal of illegally parked vehicles. He wondered why advice was issued to noise-makers and opined that such a practice was unfair. The noise problems affected not only Jat Min Chuen and Belair Garden, but also residents of The Riverpark and Chun Shek Estate.

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

- (a) the Police replied, "....so the officers issued a verbal warning to the person-in-charge on site and asked them to turn down the volume of music and singing." He asked whether there was a person-in-charge of the performing group concerned. And he asked whether the police officers issued the verbal warning in a conciliatory manner;
- (b) when the Police issued the summons to the person-in-charge but not the performers, he wondered whether the person-in-charge would need to share the fine with the participants;
- (c) he said that those performances were fee-charging activities and questioned whether it was sensible, legal, and reasonable for them to be held in public places. He asked how the Police would deal with participants without valid

documents. He said that related problems had become more serious probably after the abolition of the Mong Kok Pedestrian Precinct (MKPP);

- (d) he opined the said noise problems would occur and take root if no government department was in charge of the management. He wondered whether such artistic activities should be relocated to the West Kowloon Cultural District in future, so that performers could entertain themselves and others, instead of disturbing residents;
- (e) he asked whether the Police had conducted headcounts at relevant gatherings and wondered whether an application should be filed with the Police if a gathering involved more than 50 participants. He asked whether street performers had filed such applications with the Police. And he asked whether bystanders would be included into the headcount and contravene the law inadvertently, if the Public Order Ordinance was enforced; and
- (f) he said that frontline staff of the Police handled noise problems in different manners. He asked whether guidelines were given to the commanders at Sha Tin and Tin Sum Police Divisions, so that the same standards and approaches could apply.

10. The views of Mr WONG Hok-lai were summarised below:

- (a) as far as he knew, street performers sang and danced on the banks of Shing Mun River every day. In view of that, he enquired the Police about the law enforcement standards, and asked under what circumstances the Police would issue advice, verbal warnings or summonses; and
- (b) he said that such singing and dancing performances were organised at the participants' own expenses. He asked how the Police could identify and charge the persons-in-charge of such performing groups.

11. Mr LI Sai-hung said that based on his experience in dealing with noise problems, complainants would think that calling the Police was the best thing they could do. If the Police failed to handle the problems properly, then residents might stop filing complaints altogether. He opined that the number of complaints had dropped not necessarily because there was less noise, but probably because previous complaints had not been handled adequately.

12. The Chairman asked whether the Police would record the information of the persons-in-charge upon issuing advice or verbal warnings. And he enquired about the validity of a verbal warning, if any. He suggested that the Police consider extending the validity period, so as to press charges in accordance with the relevant ordinance and regulations.

13. Mr LAI Chun-lung, Sub-Unit Commander (Patrol) (2) (Shatin Division) of the Hong Kong Police Force (HKPF) gave a consolidated response as follows:

- (a) he said that the Police would issue advice, verbal warnings or summonses when dealing with related complaints. After receiving a complaint, police officers would be deployed to the scene to conduct initial enquiries. They

would issue advice if the alleged offenders turned down the volume immediately upon their arrival, or else a verbal warning if the alleged offenders continued to make great noise. For a summons to be issued, two teams of police officers would be deployed to the suspected source of the noise and to the complainant's location, respectively. Once it was confirmed that the complainant was disturbed by noise, the Police would issue a verbal warning to the person-in-charge at the source. And if related offenders failed to make improvements, the Police would consider issuing a summons. If the complainant filed a second complaint and the disturbance was once again confirmed, then the Police would initiate prosecution by way of summons. The aforementioned was the necessary procedure for the Police's law enforcement against noise problems, similar to that against illegal parking;

- (b) he said that only one summons was issued over the past seven months, because members of the general public would cooperate and turn down the volume upon receiving a verbal warning. In the said prosecution case, the party complained against did not make any improvement. The Police received a second complaint and confirmed that the complainant was disturbed at the scene. Therefore the Police issued a summons. The case happened in April this year. Records showed that a double-digit number of complaints had been filed in the first four months this year. However, after the enforcement actions, there was a downward trend between May and July, with only 9, 6 and 3 complaints respectively, showing the effectiveness of law enforcement;
- (c) he said that even if Police teams were handling other cases, one team would be deployed to the scene promptly for initial enquiries and handling upon receipt of a complaint. If the noise problem remained outstanding, other teams would arrived at the complainant's location to assist in the enquiries after completing their cases in hand;
- (d) he denied that the Police would talk to the party complained against in a conciliatory manner. He explained that upon receiving a complaint, police officers would go to the location in question to have a dialogue with the person-in-charge of the performing group, and not necessarily with the persons performing. He said that the persons-in-charge would usually express understanding and willingness to cooperate;
- (e) he said that the organiser should notify the Police and apply for a "Letter of No Objection" for an assembly, procession or demonstration with more than 50 participants. But that did not apply to an ordinary singing and dancing activity with only a dozen participants. As for the application for a relevant licence, it was not within the purview of the Police;
- (f) he said that it was beyond the Police's control as to whether the organiser applied for a "Letter of No Objection". If the organiser failed to do so for a gathering of more than 50 participants, the Police would try its best to facilitate the smooth running of the activity. However, the Police would intervene if the activity affected social tranquillity or created disturbing noise;

- (g) he said that the Police would record the information of the person-in-charge each time it issued advice or a verbal warning. The figure would be cumulative on the same day but would be reset on the following day; and
- (h) he promised to relay the problem of unreachable telephone numbers. He said that Sha Tin, Tin Sum and Ma On Shan Divisions were all subsidiaries of Sha Tin Police District. And their officers handled noise-related complaints in a consistent manner. However, he would remind relevant personnel about the matter.

14. The Chairman said that the matter would be involved in the subsequent questions and hence suspended discussion on the item.

### **Discussion Item**

Meeting Schedule of the Committee for 2019  
(Paper No. CSCD 48/2018)

15. Members unanimously endorsed the above paper.

### **Funding Applications**

Funding Application of the Sha Tin District National Education Committee  
(Paper No. CSCD 49/2018)

16. Ms LAM Chung-yan, Mr WONG Ka-wing and Mr NG Kam-hung declared their interests as members of the Sha Tin District National Education Committee (STDNEC), i.e. the applicant organisation. Mr PUN Kwok-shan declared his interests as a retired member of the STDNEC and a participant in the 10th Anniversary Working Group. The Chairman said that they were allowed to attend the meeting but had no right to vote in respect of the funding applications.

17. Mr TING Tsz-yuen said that when he attended the meeting of the Working Group on Screening of Funding Application (Ad Hoc), he had expressed his opinion that funding applications should be reviewed based on the same criteria. No subventions should be granted to the STDNEC if it was the case for district organisations. He suggested deleting the seventh, the ninth and eighteenth “out-of-scope” items under estimated expenditures in the paper.

18. Mr CHING Cheung-ying said that it was common for relevant committees to file similar funding applications to engage contractors to establish and update their web pages. Such applications were usually filed by working groups under the Sha Tin District Council (STDC) and activity-organising committees under the Sha Tin District Office (STDO). But the related web pages were a bit fragmented. He suggested that the STDC Secretariat or the STDO coordinate relevant efforts to set up a single website for their subordinate working groups or committees for the sake of joint publicity. The STDC might set aside a large sum for the said arrangement when developing the budget. As it was very common to distribute and obtain information online today, he hoped that the Secretariat and the STDO could consider central coordination. And she said that she did not object to the relevant funding applications with the STDC.



19. Mr Peter ROICHANDANI, Liaison Officer (East) 2a of the STDO said that the related web page was intended to promote the activities of the STDNEC, to publicise upcoming activities and to upload the highlights of past activities. It was hoped that the web page could inform local residents or other persons of the Committee's past and future work.

20. The Chairman asked members whether they had other comments. If not, the paper would be put to vote.

21. The views of Mr TING Tsz-yuen were summarised below:

- (a) he said that he had proposed deleting the seventh, the ninth and eighteenth items under estimated expenditures in the paper. He asked whether members were going to vote on his proposal or the entire funding application paper; and
- (b) he said that he had participated in the review of funding applications by district organisations under Expenditure Heads 10 and 11. District organisations would not apply for grants for "out-of-scope" items. For example, they would fill in "0" for lunch in a funding application with the STDC. He wondered why district organisations would apply for funding with the STDC if related estimated expenditures were "out-of-scope". He said that if related grants were not awarded to funding applications, then the underlying funding applications should be rejected as well. He hoped that members could review funding applications by district organisations and by the underlying applicant with consistent criteria.

22. The views of Mr LI Sai-wing were summarised below:

- (a) he said that an applicant only filled the application form pursuant to relevant procedures and guidelines. When filing a funding application with the STDC for an activity, an organisation needed to include all the estimate expenditures in the application for members' discussion and consideration, no matter whether the grant was awarded eventually. He suggested that the items of funding application be retained, and that the applicant be informed after approval of the grant if any estimated expenditures were excluded from the STDC's approved expenditures for subvented activities or from the scope of the funding criteria ("out-of-scope"); and
- (b) he agreed that members should review funding applications with the same criteria, but he said that applying for and reviewing funding applications were two different things. In order to effectively monitor the use of public money, he opined that all estimated expenditures of the applicant should be included in the application form, regardless of whether they were eventually approved or whether they were within or out of scope, so that members could learn about the details of the related activity.

23. Ms TUNG Kin-lei said that she had participated in the Working Group on Screening of Funding Application (Ad Hoc) reviewing funding applications. District organisations would list the entire activity plan and relevant estimated expenditures. And they would

mark items not covered by the funding criteria as “out-of-scope” in the notes for members’ reference. If such items were deleted, she was afraid that any future application form containing “out-of-scope” estimated expenditures would be returned to the organisation for revision or re-filling, which would have a great impact. She said that related items could be retained if an organisation only indicated that its activity would include such estimated expenditures.

24. The Vice-Chairman said that the funding criteria contained a series of approved expenditures for members’ reference during the review process. But it was also allowed to have estimated expenditures based on the actual theme of an activity. She said that related items should be considered by members or the funding parties. For example, the seventh item of the estimated expenditure in the related application involved the actual needs of teaching aids. If members did not approve the item, the whole activity might be in jeopardy. She opined that the CSCDC had the power to review a funding application based on the details of the activity concerned. If individual members did not agree to approve related expenditures, they could express their views in the later vote. She opined that if it was strictly required to reject an application containing “out-of-scope” expenditures, then the promotion and diversity of activities would be limited.

25. Mr Peter ROICHANDANI responded with the seventh estimate expenditure as an example. He said that the workshops to be organised would cater to different audiences, including women, parents and children, and the elderly. Members would have discussion with professors from the Faculty of Medicine of the Chinese University of Hong Kong (CUHK) on the contents of related workshops. In view of the broad and profound scope of traditional Chinese medicine, the workshops would cater to the needs of different participants. Teaching aids such as pictures of acupuncture points and ox horns would be used to help participants understand the effect of healthcare massage. He understood that the estimated expenditure might not be necessarily included in the funding criteria. But the contents of the activity had been determined based on discussion with the CUHK, with more teaching aids to serve the purpose.

26. The Chairman said that if members had no other comments, the funding applications of the STDNEC would be put to vote.

27. Members endorsed the said funding applications by 15 affirmative votes, 2 negative votes, 7 abstention votes and 4 blank votes.

#### Funding Applications of Sha Tin Area Committees (Paper No. CSCD 50/2018)

28. Mr CHIU Man-leong, Mr LI Sai-wing, Mr Wilson LI and Mr Michael YUNG declared their interests as members of the Sha Tin East One Area Committee (STE1AC) which was the applicant organisation. The Chairman said that they were allowed to attend the meeting but had no right to vote in respect of the relevant funding applications.

29. The views of Mr TING Tsz-yuen were summarised below:

- (a) he reiterated that members should review applications by district organisations and the underlying one with the same criteria and that “out-of-scope” estimated expenditures should be deleted;

- (b) he wondered why each area committee under the STDO would file a funding application with the same amount of \$75,400;
- (c) he said that he did not oppose creative activities and agreed that there should be more diversified activities for Sha Tin Festival. However, the paper showed that the applications mostly covered carnivals and fun days. He said that he did not oppose flexibility. Members of the Working Group on Screening of Funding Application (Ad Hoc) would discuss each estimated expenditure item. But it was not the case in the Culture, Sports and Community Development Committee (CSCDC). He hoped that the processing approach could be reviewed in future; and
- (d) for the funding application by the Sha Tin West One Area Committee (STW1AC) in Annex III, the third estimated expenditure item involved an application with the STDC for \$2,500 for 300 invitations and envelopes. But each invitation and envelope should not exceed 6 dollars according to the funding criteria. So the amount should be capped at \$1,800 in that regard. He hoped that members would carefully review the applications.

30. Mr HO Hau-cheung understood that it was a good thing for Mr TING Tsz-yuen's to pay attention to funding applications and to try to be a good "gate-keeper". He said that members who had reviewed funding applications should understand that, "out-of-scope" items were noted because activities under application were of many varieties and categories. And the funding criteria might not necessarily predict each estimated expenditure item of each activity. Therefore "out-of-scope" items were listed for members' reference. But it did not mean that funding applications could not be filed with the STDC for those items. If Mr TING Tsz-yuen was concerned whether related funding applications could be filed, then it might be necessary to submit such items to the Finance and General Affairs Committee (FGAC) for review, and to determine the way of notifying applicants in future of the arrangement for funding applications with the STDC regarding "out-of-scope" estimated expenditure items, for the success of related activities. He said that the next move should be for the STDC to conduct an internal review. As far as he understood, such items had always been submitted to the STDC for approval, and it might seem to be unreasonable to exclude them from applications at this point. He suggested that members consider approving "out-of-scope" expenditure items on a discretionary basis if they thought that related items were important and valuable for the activities. If members excluded related items from consideration at this point, it might seem to be unfair to successful applicants in the past or would-be applicants in the future. He said that the aforementioned was only his personal opinion.

31. The views of Mr YIU Ka-chun were summarised below:

- (a) he said that he would also like to express his views as the convenor of the Working Group on Screening of Funding Application (Ad Hoc) for many years. Exactly because of the related criteria, organisations might file applications for "out-of-scope" items. And the criteria also allowed DC members to review individual items in a flexible manner. If "individually considered" or "out-of-scope" items were deleted, then it would restrict the latitude of organisations in filing funding applications for "out-of-scope" items, which might result in repercussions and lack of flexibility. Therefore he expressed reservations; and

- (b) he agreed that the question raised by Mr TING Tsz-yuen could be reviewed and could be discussed at future FGAC meetings. Alternatively, related views could be considered when the approval criteria were reviewed at the Working Group on Screening of Funding Application (Ad Hoc), of which he and Mr CHING Cheung-ying were members. He opined that related applicants had been working with the incumbent and many previous STDCs. And it would be undesirable to hastily abolish grants to individually considered or “out-of-scope” items at this stage without any regulatory changes. He said that the aforementioned was only his personal opinion.

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

- (a) he said that he had been serving on the Working Group on Screening of Funding Application (Ad Hoc) for several years. He pointed out that “within-scope” items were nothing more than carnivals, singing, performances, travels and so on, while “out-of-scope” items allowed flexibility and some special activities. If grants were awarded only for “within-scope” items, the types of STDC-subvented activities would be limited, which he opined that would leave no room for the community to organise creative activities;
- (b) he opined that “out-of-scope” estimated expenditure items could be retained, with discussion at related meetings to decide whether to fund related activities, instead of excluding “out-of-scope” items once and for all. Otherwise, activities in Sha Tin District would be restricted. Therefore he expressed reservations about the related views; and
- (c) he said that Mr TING Tsz-yuen had mentioned the expenditures in the STW1AC’s funding application. The related amount should be adjusted if it did not comply with the funding criteria while the item was within scope. Otherwise it would be the CSCDC’s negligence. He hoped that the joint organisers or the STDO adjusted the relevant among for members’ consideration.

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

- (a) he said that the “Sha Tin District Council Funding Application Procedures and Guidelines”, including the fields in the application form, had been in use for many years. He opined that there would be a great impact if all “out-of-scope” estimated expenditure items were deleted. If such a practice was adopted, future applicants might be confused and questioned why grants were awarded for these items but not those ones; and
- (b) he opined that it is worth considering reviewing the entire system, since the relevant criteria might have not been reviewed for many years. He opined that an up-to-date approach should be adopted to review which items were eligible for funding applications, and that innovative activities could be included; otherwise the activities might be monotonous. He said that different expenditure heads and items were intended for different activities.

And he opined that the review should focus on whether relevant amounts would be used properly, instead of excluding all “out-of-scope” items. Otherwise it would only deter applicants. He said that consistent reviewing criteria should be adopted from now on, or else the entire system should be reviewed. He said that it should be reviewed from the current standard, or the entire system should be reviewed in due course.

34. The views of Mr Tiger WONG were summarised below:

- (a) he said that he had participated in the Working Group on Screening of Funding Application (Ad Hoc) to review Expenditure Heads 1, 6, 10 and 11. He pointed out that the STDC reviewed funding applications as per relevant guidelines; and
- (b) he opined that the most important factor was whether a successful applicant had a procurement or declaration system. He pointed out that currently the STDC would only conduct spot checks on procurement documents. He opined that the FGAC could examine details of the STDC’s review of funding applications and could formulate a code of conduct for examining procurement documents of organisations. He opined that there would be great repercussions if all “out-of-scope” items were excluded.

35. Ms TSANG So-lai pointed out that while an approximate total of 600 participants, spectators and volunteers were expected at an activity, 1 000 souvenirs would be distributed according to the relevant estimated expenditure. She wondered how those figures were worked out.

36. Ms Ada LUK, Executive Officer I (District Council) 2 of the STDO responded that the STDC had set aside a total amount of \$301,600 for the four area committees in the current financial year. The amount had been endorsed at the full Council meeting on 29 March this year, and had been later allocated by the STDO to the four area committees.

37. Mr KWOK Tin-ho, Assistant Project Officer of ELCHK, Grace Youth Camp responded that the relevant activity would be held at Ma On Shan Plaza in the afternoon. And an estimated number of 1 000 souvenirs would be distributed to members of the public present, among others. He said that passers-by at the awards ceremony could also asked for souvenirs if they were interested.

38. The views of the Chairman were summarised below:

- (a) he said that the funding applications were submitted by the area committees to the CSCDC for review and approval, upon discussion between related activity working groups and joint organisers. The applications contained “out-of-scope” items for some flexibility in the STDC’s voting and approval. He said that applicants could submit funding applications containing “out-of-scope” items as usual to be processed together; and
- (b) he said that the estimated expenditure involving the invitations and envelopes was contained in the funding application submitted by the STW1AC’s, but the one submitted by the STE1AC would be processed first.

39. The Chairman stated that the CSCDC would proceed to vote on the funding application submitted by the STE1AC, regarding the “Sha Tin Festival 2018 - ‘Love Sha Tin’ Parent and Child Orienteering Challenge at Ma On Shan Mine”.

40. Members unanimously endorsed the above funding application.

41. Ms CHAN Man-kuen, Mr CHAN Nok-hang, Mr YAU Man-chun, Mr Billy CHAN, Mr Sunny CHIU, Ms Iris WONG, Mr Tiger WONG, Mr YIU Ka-chun, Mr WONG Ka-wing and Mr Victor LEUNG declared their interests as members of the Sha Tin East Two Area Committee (STE2AC) as the applicant organisation. The Chairman said that they were allowed to attend the meeting but had no voting rights in respect of the relevant funding applications.

42. The Chairman stated that the CSCDC would proceed to vote on the funding application submitted by the STE2AC, regarding the “Sha Tin East Two Area Committee ‘Sha Tin Festival 2018 Caring Community’ Carnival”.

43. Members unanimously endorsed the above funding application.

44. Mr WONG Yue-hon and Mr WAI Hing-cheung declared their interests as members of the STW1AC as the applicant organisation. The Chairman said that they were allowed to attend the meeting but had no voting rights in respect of the relevant funding applications.

45. The Chairman asked the representative of the STW1AC to respond to the earlier enquiry about the 300 invitations and envelopes.

46. Ms Irene SHEK, Liaison Officer (West) 4 (Acting) of the STDO responded that the funding criteria stipulated a maximum amount of \$6 for each invitation and a total cap of \$5,000, while the related estimated expenditure for a large activity would be considered individually. The Sha Tin West Two Area Committee (STW2AC) had developed the estimated expenditure based on the experience and quotation of the previous year and then submitting the same to the CSCDC for consideration and approval. She said the estimated expenditure would cover not only the printing of invitations, but also the envelopes and the contractor services, such as designing the invitations and envelopes, the enveloping of invitations and the shipment. Based on previous experience, a total of \$2,500 would be needed for 300 invitations and envelopes together with related services, with an average of about \$8.3 per invitation.

47. Mr WONG Yue-hon said that while he was a member of the STW1AC, he did not agree that the activity in question was a large one. And it was expensive to design and send each invitation at around \$8.3. He opined that even electronic invitations could be used for environmental protection. He opined that the ceiling amount in the funding criteria should be adhered to; otherwise there would be great controversy.

48. The Vice-Chairman said that the funding criteria stipulated a maximum amount of \$6 for each invitation and a total cap of \$5,000, while the related estimated expenditure for a large activity would be considered individually. She said that the item in question could be considered individually, because a large number of 300 envelopes would mean a lower unit rate. She believed that the amount was determined based on previous quotations and was not increased arbitrarily. Therefore she opined that the amount was reasonable.

49. Mr Wilson LI said that many items were marked with the words “individually considered for a large activity”. He opined that it was necessary to review if the years-old criteria were in line with the actual situation. He opined that reasonable adjustments should be made in view of inflation and rising costs. He agreed that public money should be put to good use and that criteria should be consistent. He asked what was defined as a “large activity”. He opined that it would be meaningless to individually consider many estimated expenditures beyond the general cap. He believed that members would decide whether to approve the funding application by voting later.

50. The Chairman stated that the CSCDC would proceed to vote on the funding application submitted by the STW1AC, regarding the “Sha Tin Festival 2018 cum LOHAS Carnival for West One Area Committee”.

51. Members unanimously endorsed the above funding application.

52. Mr NG Kam-hung, Mr CHING Cheung-ying, Mr MOK Kam-kwai, Ms TUNG Kin-lei, Mr PUN Kwok-shan, Ms LAM Chung-yan and Mr TONG Hok-leung declared their interests as members of the STW2AC which was the applicant organisation. The Chairman said that they were allowed to attend the meeting but had no right to vote in respect of the relevant funding applications.

53. The views of Mr CHING Cheung-ying were summarised below:

- (a) he said that although he was a member of the STW2AC, he had not participated in previous activity arrangements made by the area committee. Based on the funding applications submitted, he understood that the organising committees would like to fully and properly utilise every cent of the \$74,500 set aside. However, activities organised by the STW2AC, for example, often involved very low admission rates and accordingly attracted many participants. For this reason, some members of the public complained that activities regularly organised by Mutual Aid Committees (MACs) were not as affordable as the annual ones by area committees;
- (b) he said that an area committee could receive a grant of about \$130 per person for an activity of about 500 participants. But the approved grant under Expenditure Head 11 was only about \$40 per person at most, or a total amount of about \$15,000. The funding arrangement was unfair in terms of the amount of funding and the number of participants. He did not think that area committees would organise much better activities than MACs simply because they received more funds. For example, there were views that the buffet at an activity last year was unsatisfactory. He said that tens of thousands of dollars were set aside each year for area committees to organise similar carnivals, which was unfair to district organisations and MACs under Expenditure Heads 10 and 11. He opined that although the activities organised by area committees could not be compared in an objective or quantified manner, area committees consisted of various stakeholders and they might need to resort to outsiders’ help. He opined that the practice was problematic and asked other members to consider the matter seriously;

- (c) he expressed reservations about the funding application for funding for the “Sha Tin Festival 2018 - Sha Tin West Two Area Happy One-day Tour in Hong Kong”; and
- (d) he said that his views not only applied to the STW2AC but to other area committees as well.

54. The views of Mr NG Kam-hung were summarised below:

- (a) he said that he was the one who suggested organising the guided eco-tours. He said that similar offerings in the market were actually ordinary one-day tours with maybe a five-minute talk on environmental protection, which defeated the original meaning. He said that a guided eco-tour was more than a simple one-day tour;
- (b) he suggested not providing bottled water during such tours, because the plastic bottles would cause controversy. He understood that there might be difficulties when relevant activities were organised for the first time. And he reminded members that related activities should comply with the culture and rules of guided eco-tours; and
- (c) he said that members could determine the fees based on the service charges of Recommended Geopark Guides (R2G) as recommended by the Agriculture, Fisheries and Conservation Department (AFCD).

55. The views of Ms CHAN Man-kuen were summarised below:

- (a) while the “Sha Tin Festival 2018 - Sha Tin West Two Area Happy One-day Tour in Hong Kong” was also organised by an area committee with STDC funds, with more than \$130 per person on average, which was significantly greater than the per capita subvention of about \$40 to \$50 for similar activities by area committees in the past; and
- (b) she opined that area committees should be advised to review the necessity of using such a large amount for similar activities. She opined that the amount of per capita subvention could be lowered a little in order to involve more participants and to benefit more people. Therefore, she opined that the amount in the funding application for the relevant tours was unreasonable.

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

- (a) he estimated that there were about 150 000 to 180 000 residents in Sha Tin West Two Area, but only 480 could join the “Sha Tin Festival 2018 - Sha Tin West Two Area Happy One-day Tour in Hong Kong”, which represented only a trivial percentage. He opined that if carnival held at a busy location could benefit more than 480 people. He said that area committees underestimated themselves by organising tours, since such activities could be organised by ordinary district organisations. He said that even organising more monotonous activities could involve more participants and benefit more people;



- (b) as for the expected benefits, he said that any activities could enhance communication and exchanges among residents, but he could not see how related activities could promote the civic awareness as the paper claimed. Besides, he asked how the participants' knowledge of environmental protection and natural ecology could be enhanced when they were provided with bottled water; and
- (c) he suggested that the STDO representative in the STW2AC conveyed the views of CSCDC members on the funding arrangement. He said that similar funding applications had been submitted the previous year and had also caused great repercussions. And the applications contained nothing new at all. He wondered whether the applicants were testing the limits of the CSCDC's tolerance. He regarded it as a waste of members' time when the relevant funding applications had been rejected the previous year but were submitted again this year. Besides, he wondered whether the STDO effectively communicated with area committees.

57. The views of Mr YIU Ka-chun were summarised below:

- (a) he said that an area committee consisted of representatives of district organisations and institutions in different constituencies. With relevant grants, it was supposed to pool resources to organise activities catering to the entire area. He agreed with several members that organising a tourism activity involved a high amount of per capita subvention but benefit relatively fewer people;
- (b) he suggested considering a more detailed allocation of funds within each area. For example, each co-organiser could hold an activity within its own jurisdiction, with a lower amount of per capita subvention to benefit more people. After all, it would spark controversy if the grants to area committees were significantly different from those to ordinary MACs. He said that related activities were intended to enhance the mutual understanding among local residents. A small number of participants might fail to serve the purpose. Therefore he hoped that more people could benefit; and
- (c) he asked whether the STW2AC would consider lowering the per capita subvention to benefit more people, if the related funding application was endorsed. He said that the answer might affect his support for the funding application.

58. The views of Ms LAM Chung-yan were summarised below:

- (a) she asked whether the two activities submitted by the STW2AC could be reviewed separately, since an ordinary tour would be different from a guided eco-tour in terms of the costs required. She opined an amount of over \$100 would be too much as the per capita subvention for an ordinary tourism activity; and
- (b) she said that the STW2AC might want to re-examine whether more participants could be involved so as to make better use of the resources.

59. Ms LEE Kit-ling, Liaison Officer In-charge (West) 3 of the STDO gave a consolidated response as follows:

- (a) she said that a preliminary assessment had been conducted on the travel expenses of the participants. A tour would include three attractions and a lunch, with a budget of \$180 to 190 per person. If the per capita subvention was \$110, then each participant had to pay \$70 for their own lunch, which was similar to the preliminary assessment;
- (b) and small gifts, posters, admission vouchers and banners would be procured at lower prices as per relevant procedures. The costs would also include water and souvenirs for participants. She hoped that members understood that prices were higher than the previous year;
- (c) she said that it was the first year that a member proposed organising ecological guided eco-tour. For similar activities, the charge was about \$153 per person. And it was \$135 for this activity, which would be covered by the per capita subvention of \$85 applied for with the STDC under this estimated expenditure, and a fee of \$50 to be collected from each participant;
- (d) she said that the related activity working group had held a meeting on 10 July this year. And the said activities had been endorsed at the full meeting of the STW2AC on 14 August. She said that volunteer groups in the area responded positively to the guided eco-tours. Apart from Chinese YMCA of Hong Kong Hin Keng Centre as the joint organiser, there were also three co-organisers. She believed that more teenagers would join the guided tours;
- (e) she said that at the meeting on 10 July, members of the working group had put forward several options for the types of activities. They had also had discussion and decided to continue organising tourism activities, based on the experience from the previous year. Therefore, the Secretariat had taken follow-up actions based on their decision;
- (f) as for enhancing communication among residents, she said that Q&A sessions could be organised on coaches, so that participants could have a better understanding of the area;
- (g) she said that there were ten constituencies in Sha Tin West Two Area. For a tourism activity, they would have discussion with the joint organisers and co-organisers on the arrangements for the equal distribution of admission vouchers or the sale of admission tickets in the constituencies;
- (h) she said the members of the working group had proposed destinations beyond Sha Tin. In view of the large number of senior citizens in the district, the CSCDC would arrange vehicles to transport elderly participants to remote locations; and
- (i) she promised to convey members' views to the STW2AC.

60. The views of the Chairman were summarised below:

- (a) he said that similar activities had been held the previous year. He asked representatives were held last year. He asked representatives of the STDO to convey the views of CSCDC members to members of the STW2AC, so that they could consider organising other activities in future; and
- (b) he said that the funding applications for the two activities proposed by the STW2AC would be handled separately.

61. The Chairman said that members suggested handling the two activities separately. And they had many different opinions about the “Sha Tin Festival 2018 - Sha Tin West Two Area Happy One-day Tour in Hong Kong”. He said that the CSCDC would proceed to vote on whether the handle the funding application for the said activity.

62. Mr HO Hau-cheung asked whether members of the applicant organisation would have the right to vote.

63. The Chairman said that members of the applicant organisation had declared their interests and therefore did not have the right to vote.

64. Mr Michael YUNG said that it was not necessary to put the funding applicant to vote as long as the STW2AC withdrew it. He opined that since the representative of the STDO promised to convey members’ views to the STW2AC, the STDO could decide to withdraw the funding application on its own.

65. The Chairman said that the representative of the STDO had promised to convey members’ views to the STW2AC, but had not mentioned withdrawing the funding application.

66. Ms LEE Kit-ling said that the STW2AC had submitted the funding application to the CSCDC for consideration, and it was up to the CSCDC to decide whether to grant to funding.

67. Mr CHING Cheung-ying said that the STDO simply followed up on the administrative work based on the STW2AC’s deliberation. They could not interfere with the decision of the working group, since it would not be ideal. Therefore, he advised against making things difficult for representatives of the STDO. However, area committees should be clearly notified. And it was necessary to review at the FGAC whether the allocated funds for area committees were reasonable. Last but not least, he opined that the CSCDC should return the funding application for the activity concerned.

68. The Chairman suggested that the funding application for the “Sha Tin Festival 2018 - Sha Tin West Two Area Happy One-day Tour in Hong Kong” be returned to the STW2AC for further discussion. He asked whether members agreed to such a handling approach.

69. Members unanimously endorsed the suggestion that the funding application for the “Sha Tin Festival 2018 - Sha Tin West Two Area Happy One-day Tour in Hong Kong” be returned to the STW2AC for further discussion.

70. The Chairman asked members whether they endorsed the STW2AC's funding application for the "Sha Tin Festival 2018 - Sha Tin West Two Area Guided Eco-tour".

71. Members unanimously endorsed the funding application for the "Sha Tin Festival 2018 - Sha Tin West Two Area Guided Eco-tour".

72. The Chairman asked STDO representatives of East One, East Two, West One and West Two Areas to convey the views of CSCDC members to the related area committees.

Funding Application of the Sha Tin Festival Committee 2018  
(Paper No. CSCD 51/2018)

73. Mr LI Sai-wing, Mr PUN Kwok-shan, Mr Tiger WONG, Mr YIU Ka-chun, Mr WONG Ka-wing, Mr Wilson LI, Mr CHING Cheung-ying, Ms CHAN Man-kuen, Mr Michael YUNG and Mr WAI Hing-cheung declared their interests as members of the applicant organisation or a co-organiser. The Chairman said that they were allowed to attend the meeting but had no right to vote in respect of the relevant funding applications.

74. Mr Billy CHAN wondered asked why only a bus company provided sponsorship and whether minibus operators had been invited. Besides, he asked how the two buses mentioned in the paper would help promote the activity.

75. Mr Roy KOO, Liaison Officer In-charge (East) 5 of the STDO, said that the \$5,000 under application was intended as advertisement posting fees and production costs to be covered by the Committee, while the Kowloon Motor Bus Company (1933) Limited (KMB) would sponsor the body advertisement fees and hiring costs for two buses over a period of 15 weeks. Besides, he said that minibus operators had been invited to provide sponsorship but no reply was received.

76. Members unanimously endorsed the above paper.

Funding Application of the Sha Tin Arts Association  
(Paper No. CSCD 52/2018)

77. The views of Mr Tiger WONG were summarised below:

- (a) he said that he was a Board member of the Sha Tin Arts Association (STAA) and a member of the STAA's subordinate groups. He pointed out that the STAA received a grant of more than \$300,000 for a regular annual activity. He asked which items in the funding application in question overlapped with the estimated expenditures for that activity;
- (b) he said that office-bearers' remunerations and central administrative costs accounted for about 31% of the overall expenditures in the relevant funding applications. And the same estimated expenditures were also incurred for the annual activity. He wondered how to define whether estimated expenditures overlapped and how the amounts would be calculated if there was indeed overlap;
- (c) he asked how the office-bearers' remunerations and central administrative costs would be monitored. He asked whether related directors were paid

monthly or hourly, and whether they could claim reimbursements only by producing their ID card numbers;

- (d) he hoped that members would adopt consistent criteria when reviewing funding applications. He said that the STAA received a lot of funds for its activities. However, those held at the Town Hall could accommodate only about 1 000 people, with the per capita subvention being about \$100 to \$200. He opined that the activities organised by the STAA should be reviewed again; and
- (e) he said that he had advised the STAA in last July to develop a complaint procurement and declaration system based on related ICAC guidelines. However, the STAA decided in April or June this year not to discuss his proposal any more, until any modification was needed. He was willing to describe the problems he had noticed in the paper and to discuss the related code of conduct at the FGAC.

78. The views of Ms Iris WONG were summarised below:

- (a) she said that the funding applications of the STDNEC listed details of the central administrative costs, such as water and electricity expenses and air-conditioning costs. She opined that related activities to be organised by the STAA would last several months and the amount of central administrative costs under application was too high. She hoped that details of the central administrative costs and office-bearers' remunerations could be listed; and
- (b) in response to Mr Michael YUNG's remarks, she said that members of the STW2AC had voiced opposition at an earlier CSCDC meeting to referring to the internal deliberation of the STW2AC, but no members found it inappropriate. She opined that those accusations were based on double standards.

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

- (a) he said that office-bearers' remunerations and central administrative costs were public money. And it would be advisable to understand the details of related funding applications. He pointed out that the "Sha Tin District Council Funding Application Procedures and Guidelines" had been most recently amended on 29 March 2018. He opined that any different opinions could be put forward at the discussion for future amendments;
- (b) he said that DC Members served both as a "bridge" and as supervisors in the STAA. Two DC Members had expressed a lot of views in the capacity as STAA directors. He wondered whether they could serve the said role. He also wondered whether consistent criteria should apply to other activities organised by the Sha Tin Sports Association (STSA). He said that related matters could be discussed at the FGAC. He wondered whether double standards were at play when matters of the STAA were repeatedly discussed at CSCDC meetings;

- (c) he said that Items 19 and 20 in the funding criteria were stated as “Staff Costs of Sha Tin Arts Association / Sha Tin Sports Association / Other Agencies” and “Central Administrative Costs for Non-Government Agencies”. He said that he did not object to holding an adjourned meeting to review all the organisations which had filed funding applications in those two regards;
- (d) he said that it was only reasonable to apply consistent criteria to all organisations applying for STDC funds, including the STAA, the STSA and others; and
- (e) he said that the STAA had always consulted and invited STDC Members to join as directors. He pointed out that one political camp had dominated the previous STDCs, but there was only a one-seat difference between the two camps in the current one. He wondered how the four STAA directorships should be divided between the two camps.

80. Mr LI Sai-wing said that members should discuss matters on the agenda, which would be rendered useless if each Member was allowed to speak on something beyond the agenda. He said that the current item on the agenda involved the review of funding applications. After members raised a question, regardless of their capacity, and relevant persons gave a response, it was up to the Chairman to decide whether the matter would be put to vote. And members should respect the outcome of the voting. Any other matter to be discussed could be added to the agenda.

81. Ms TUNG Kin-lei wondered whether office-bearers’ remunerations and central administrative costs, if included for activities, would be reimbursed on an accountable basis. She also asked whether data or particulars would be available to prove that related accounts were amortised items, during the review of reimbursement applications.

82. Ms Irene SHEK, Liaison Officer (West) 3a of the STDO gave a consolidated response as follows:

- (a) she said that three estimated expenditures were identical in the two activities, namely “posters”, “office-bearers’ remunerations” and “central administrative costs”. The underlying activity was to be organised by the STAA as commissioned by the Sha Tin Festival Committee 2018. And the estimated expenditures were developed by the STAA. The STDO would provide assistance since the activity was part of the Sha Tin Festival 2018. In response to the Mr Tiger WONG’s remarks on the “Sha Tin Arts Variety Show 2018”, she said the CSCDC had approved the funding of around \$330,000 on 1 March this year for the show, under Expenditure Head 1. The estimated expenditure for posters currently submitted was intended for the “Sha Tin Arts Carnival 2018”, under Expenditure Head 8. Related posters would contain only information about the arts carnival, together with information relevant to Sha Tin Festival 2018, such as the sponsors. In addition, the “Sha Tin Arts Carnival 2018” would have its own unique features and would be different from the arts variety show in the earlier application. The publicity would also follow the practice of the Sha Tin Festival Committee 2018. Therefore it was necessary to produce dedicated posters;

- (b) regarding the office-bearers' remunerations, she said that according to the information provided by the STAA, the related expenses for the "Sha Tin Arts Carnival 2018" would be handled separately from those for the "Sha Tin Arts Variety Show 2018". Different office-bearers would be engaged for the two activities; therefore the expenditures would not overlap. As for whether the related office-bearers would be paid on a monthly or hourly basis, the STAA would make arrangements as per the actual needs of the activities. The relevant office-bearers' remunerations did not exceed 25% of the total funding, thus complying with the criteria in the "Sha Tin District Council Funding Application Procedures and Guidelines";
- (c) as regards the central administrative costs, she said that the STAA estimated the amount to be \$12,000 for the underlying arts carnival, based on the experience of similar activities in the past. And the amount complied with the criteria in the "Sha Tin District Council Funding Application Procedures and Guidelines". As in previous cooperation with the STDO, the STAA would even mobilise its internal resources if the subvention amount was not adequate to meet the special requirements or achieve the effects of the activity; and
- (d) as far as she understood, the central administrative costs were used to cover the administrative work of the Arts Carnival, including administrative expenses incurred for engagement and liaising with contractors, such as those relating to office paper, equipment use, utilities and air-conditioning. She said that she could provide an itemized breakdown of the central administrative costs upon enquiry with the STAA, if STDC Members so wished.

83. The Chairman asked the representative of the relevant organisation to provide an itemised breakdown of the central administrative costs after the meeting.

84. Ms Ada LUK responded that an organisation would need to provide the original documents in order to claim reimbursements. If any expenditure items should be amortised, the organisation should declare how the expenses were allocated and should not claim reimbursements repeatedly with the same document.

85. Ms CHAN Man-kuen, Mr CHING Cheung-ying, Mr WAI Hing-cheung, Ms Iris WONG, Mr Tiger WONG and Ms LAM Chung-yan declared their interests as members of the applicant organisation. The Chairman said that they were allowed to attend the meeting but had no voting rights in respect of the relevant funding applications.

86. Members endorsed the said funding applications by 15 affirmative votes, 2 abstention votes and 7 blank votes.

### Questions

Question to be Raised by Mr CHAN Nok-hang on Following Up on the Work Progress of the Working Group on Noise Nuisance Caused by Singing and Dancing on the Banks of Shing Mun River  
(Paper No. CSCD 53/2018)

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

- (a) he said that the paper did not propose a solution and that the dedicated working group had yet to be established. As a result, the problem remained outstanding. He hoped that the STDO could provide an explanation;
- (b) he said that the focus should not be placed on publicity, which worked for law-abiding citizens, but not necessarily for unruly people. When related efforts were intended to exert a subtle influence on members of the public, he did not think the approach would be applicable in Hong Kong;
- (c) in terms of law enforcement, he said that offenders would not be deterred unless daily raids were carried out. He said that the Police had issued on-the-spot summonses in the MKPP. He wondered whether the same could be done on the banks of Shing Mun River;
- (d) he asked whether the Environmental Protection Department could introduce legislative control to stipulate the maximum decibels allowed on the banks of Shing Mun River. The problem might be mitigated when there were legal provisions;
- (e) he said that an inter-departmental meeting had been held to discuss the impact following the abolition of the MKPP. He asked whether representatives of Sha Tin District had been invited or offered to attend the meeting;
- (f) he said that the Police had made available the “Application for Playing Musical Instrument Permit in Public Street or Road”. According to section 4(15) of the Summary Offences Ordinance (Cap. 228), no person shall play any musical instrument in any public street or road, except under and in accordance with the conditions of any such general or special permit as the Commissioner of Police in his absolute discretion might issue. Any person intending to play a musical instrument in a public street or road might file the relevant permit application with the Commissioner of Police. He said that failure to apply for the said permit constituted an offence and wondered why the Police could not enforce the law according to the ordinance;
- (g) he said that apart from the said section, many other provisions, such as sections 4(23) and 26(a) of the Summary Offences Ordinance, could be resorted to for law enforcement. He wondered why police officers did not prevent unauthorised singing and dancing and served only as mediators instead;
- (h) he said that a video clip had been played at the meeting showing people playing saxophone and guitar. He also wondered whether the persons playing the discs had paid related royalties. He said that the STDO should ask the Hong Kong Customs and Excise Department to follow up on the matter;



- (i) he said that community halls were open for application for hiring only by organisations, not by individuals. If that changed, the street performers could be relocated to community halls according to the law. And the problem could be gradually resolved. He asked whether the current mode of operation could be revised, so that community halls were open for hiring by individuals as well; and
- (j) he said that the related location was unsupervised and wondered whether any government department would take over the matter.

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

- (a) he expressed disappointment with the unvarying responses of government departments. HE said that inter-departmental discussion had been held at the District Management Committee (DMC) on 4 July this year, but the first point was to step up publicity. He said that the street performers might not be Sha Tin residents and related measures might not necessarily be effective. Besides, he said that some street performers sang and danced in front of publicity banners. If the publicity measures had worked, things should have improved;
- (b) he said that while there was a plan to install fitness facilities at the location under the Signature Project Scheme in Sha Tin District, the banks of Shing Mun River were long and street performers could continue singing and dancing elsewhere;
- (c) he asked whether the plant pots on the banks of Shing Mun River were placed there to prevent the gathering of street performers or to alleviate the mosquito problem in view of the recent dengue fever scare;
- (d) he hoped that the STDO could find a way to deal with the problem. He said that the situation had not improved and did not understand why the related working group had not been set up yet. He enquired about the STDO's follow-up work in the past six months besides the DMC meeting on 4 July;
- (e) he hoped that the Police would consider addressing the noise problem by invoking the Summary Offences Ordinance (Cap. 228) or resorting to various measures. If the previous street performers in Mong Kok flocked to the banks of Shing Mun River in view of the inadequate law enforcement, local residents would be greatly affected; and
- (f) he said that the STDO had been promoting public awareness for many years but failed to see any improvement. He wondered why the STDO did not work with the Police to step up enforcement. He also asked why advice instead of an on-the-spot summons was issued if the latter was more effective. He said that noise affected residents. And the number of complaints had declined because residents found it useless to file complaints. The noise level remained unchanged and even became higher after the distribution of leaflets or enforcement actions by the Police. He said that discussion and advice alone would be ineffective. He opined that

many opinions had been put forward to the STDO. There were many other measures besides civic education, but few of them were implemented.

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

- (a) he said that based on the response, the Places of Public Entertainment Ordinance apparently could not be enforced at the relevant location. He wondered why the ordinance was cited. He opined that the response would be useless if the ordinance could not be enforced;
- (b) he said that according to the Home Affairs Bureau's web page on recreation, sport and entertainment licensing, places of public entertainment referred to "any place for presenting or carrying on the types of entertainment specified under Schedule 1 of the Places of Public Entertainment Ordinance (Cap.172) and the general public are admitted with or without payment". He said that instead of soliciting money, those street performers actually paid a fee join the relevant singing and dancing activities. He wondered whether the related location was a "place of public entertainment" defined in the said ordinance;
- (c) he said that the EPD could resort to the Noise Control Ordinance. He asked how the EPD provided technical support to the Police and how many decibels would be considered nuisance. Besides, he said that "nuisance" could not necessarily be defined with objective indicator. He also asked whether the EPD deployed environmental protection officers on duty to provide support at the Police's request;
- (d) he said that while relevant location consisted of a footpath and cycling path, it was not within the jurisdiction of the Highways Department (HyD), the Transport Department (TD) or any other government department. He pointed out that the real problem was the lack of overall management, despite the establishment of a working group; and
- (e) he said that the STDO's response was very detailed and had been discussed at the DMC. And it had been part of the report at full Council meeting. He asked what follow-up actions the Administration had taken after the full Council meeting several months ago, and whether it had assess the situation in Sha Tin after the abolition of the MKPP.

90. Ms LEE Kit-ling gave a consolidated response as follows:

- (a) she said that in order to deal with noise nuisance, the STDO held an inter-departmental meeting with the HKPF, the EPD, the LCSD and the FEHD every year as from 2013. And starting in 2017, the inter-departmental meeting was held every six months, with the most recent one on 29 May this year. The STDO had discussed the matter with relevant government departments at the DMC meeting on 4 July this year, in order to formulate a series of appropriate measures. And it had made a report to STDC Members at the full Council meeting on 26 July;

- (b) related measures included enhancing publicity. To be specific, the STDO had sent publicity posters and leaflets to public and private housing estates in Sha Tin, urging residents to turn to the Police for help when they were disturbed by noise nuisance. Besides, the STDO had produced two types of banners to be displayed along Shing Mun River, reminding members of the public to seek police assistance. The banners also stated that the maximum penalty for causing noise nuisance was \$10,000, advising members of the public to exercise self-discipline, reduce the volume and avoid causing nuisance. She said that the STDO also joined hands with the Police and the EPD for on-site publicity along Shing Mun River, distributing leaflets at the scene to convey the above message; and
- (c) she said that it was up to the Police to enforce the law, to collect evidence and to take witness statements. She hoped that members would assist in encouraging affected residents to testify in court.

91. Ms Cecilia LEUNG, Senior Liaison Officer (West) of the STDO gave a consolidated response as follows:

- (a) she said that in view of members' request to set up a working group, the STDO had specifically placed the matter on the agenda of the DMC meeting in July this year, with a full review with relevant government departments. After discussion, they agreed that competent departments, including the EPD, the HKPF, the LCSD and the STDO, should continue to perform their respective duties, to enhance existing responsibilities and to develop appropriate measures. The DMC had presented related work progress to STDC Members through a report submitted at the full Council meeting on 26 July;
- (b) she said that the inter-departmental working group, consisting of representatives of the EPD, the FEHD, the LCSD, the HKPF and the STDO, met every six months. And the representative of the Lands Department (LandsD) was also invited. With regular meetings, related government departments adjusted existing measures or develop new ones in line with changes in the situation. The STDO would continue to pay close attention to the noise problems along Shing Mun River and would follow up on members' views and expectations;
- (c) some members suggested that publicity leaflets be distributed to encourage street performers to rent the community halls, which hopefully would help address the noise problem. She responded that there was a set of established criteria and community halls were currently open for hiring only by organisations. The management of community halls was the responsibility of the STDC's District Facilities Management Committee, which was in charge of the related enforcement and review;
- (d) she said the STDO adopted a multi-pronged approach in public education and publicity. For example, it sent publicity posters and leaflets to public and private housing estates, district organisations, non-government organisations, schools, etc. in Sha Tin, advising people that they should respect each other when having fun and that they would be subject to

penalty for causing noise nuisance. Besides, the STDO also worked with the EPD and the HKPF for on-site publicity, distributing leaflets to members of the public. In particular, they reminded street performers of applicable legal provisions. And they put up the two types of banners at noise black spots. She hoped that members of the public would also be informed about relevant criteria during on-site publicity and law enforcement in future. While it was impossible to promptly stop street performers from singing and dancing in front of the banners, passers-by would understand that such behaviours were unacceptable to the community;

- (e) as for the enclosure at the site for the proposed fitness facilities, she said that she would closely monitor whether the relevant street performers would move to other places. Related departments would take follow-up actions based on feasible measures available if there were any new black spots of noise nuisance from street performers;
- (f) she said that upon discussion at many inter-departmental meetings, related departments agreed that law enforcement by the Police would be the most effective way to deal with the noise problem. She said that the STDO would continue to listen to the views of members. And she hoped that new measures could be conceived to deal with the noise problem;
- (g) she said that placing plant pots at noise black spots could not only alleviate the mosquito problem and prevent the dengue fever, but also prevent street performers from gathering, which would be beneficial to the community;
- (h) in response to some members' complaint that the STDO only focused on publicity, she said that the STDO was indeed not a law enforcement agency. The STDO was mainly to coordinate the work of relevant departments. In response to the STDC's concerns and expectations about this matter, the STDC would strengthen public education and publicity and disseminate related information with available resources. It was the same as delivering the messages of fire prevention, crime prevention and cultural promotion. The STDO would continue to take follow-up actions with available resources and manpower;
- (i) in response to members' complaint about the Government adopting a "harmonious approach", she said that the Government set up public spaces for use by local residents. And members of the public had the right to use related facilities. Therefore, the STDO's publicity work emphasised encouraging people to lower the volume. And law enforcement actions could be taken according to the Noise Control Ordinance if the volume reached an annoying level; and
- (j) she said the STDO had reviewed the problem after the abolition of the MKPP, but found that the street performers did not immediately moved to the banks of Sha Tin River. The STDO would continue to monitor the situation.

92. Ms AU Wai-ha, Chief Health Inspector 1 of the FEHD responded that singing and dancing on the banks of Shing Mun River were not regulated by the Places of Public Entertainment Ordinance, which did not apply to entertainment activities held in any public place to which the public had the right of access and the organiser had no right to control the admission of the public.

93. Mr LEE Chee-kwan, Senior Environmental Protection Officer (Regional North) 4 of the EPD gave a consolidated response as follows:

- (a) he said that under the Noise Control Ordinance, there were many types of noise against complicated backgrounds in public places. Therefore, it was inadvisable to determine whether some noise constituted a nuisance simply based on the volume level. It was a similar case in other countries. As the banks of Shing Mun River were public places, music performers or loudspeaker users were regulated by the Noise Control Ordinance;
- (b) he said that according to the law, the STDO could not stipulate a noise level and then take enforcement actions accordingly. Instead, it was expected to determine whether related noise constituted a nuisance from the perspective of a reasonable person, and accordingly whether the law was breached. As regards the technical support provided to the Police, STDO staff could offer assistance on site and participate in the assessment; and
- (c) he said that the STDO had always taken joint actions with the Police in terms of publicity and enforcement.

94. Mr LAI Chun-lung gave a consolidated response as follows:

- (a) he said that the street performers used disc players and loud speakers. Therefore, the “Application for Playing Musical Instrument Permit in Public Street or Road” did not apply;
- (b) the situations were different in Mong Kok and on the banks of Shing Mun River. The Sha Tin Police District did not consider issuing on-the-spot summonses for the time being; and
- (c) he said that while summonses could indeed be issued according to different ordinances, the law enforcement actions might not be specific enough. Therefore they mainly invoked the Noise Control Ordinance in law enforcement.

95. The Chairman asked members whether they agreed to handle the provisional motion moved by Mr CHAN Nok-hang.

96. Members agreed to discuss the provisional motion moved by Mr CHAN Nok-hang.

97. Mr CHAN Nok-hang moved the provisional motion below:

“The Culture, Sports and Community Development Committee of the Sha Tin District Council urges the Government to seriously follow up on the noise problem caused by singing and dancing on the banks of Shing Mun River by:

- (1) setting up a working group led by the District Officer as soon as possible to settle the problem;
- (2) stepping up law enforcement by the HKPF.”

Mr YAU Man-chun seconded the motion.

98. Members unanimously endorsed the provisional motion in paragraph 97.

Question to be Raised by Mr WAI Hing-cheung on Application for the Use of the Amphitheatre at Sha Tin Park and the Venue’s Usage  
(Paper No. CSCD 54/2018)

99. The views of Mr WAI Hing-cheung were summarised below:

- (a) he enquired the LCSD about the details of lot-drawing and asked whether STDC Members would be invited to witness the process;
- (b) he asked whether there were any special restrictions on the applicants. He wondered whether the LCSD would suspend the qualification or reject the application of any previously successful but unruly applicant;
- (c) he asked whether there was any restriction on the date of establishment. For example, he wondered whether an applicant group could submit an application even if it had been established only a day before;
- (d) he asked whether the LCCD could ask applicants to follow a noise control level more stringent than that in the relevant EPD regulations. And he hoped that the EPD would confirm the feasibility of the measure. He said that residents of Shatin Centre were severely disturbed by the noise nuisance. Therefore, he hoped that the LSCD would impose more stringent decibel limits than the EPD’s criteria at places near residential areas, such as parks and long staircases;
- (e) for groups generating excess noise and refusing to make corrections despite repeated advice, he asked whether they would be preventing from using the venue in future apart from immediate revocation of their right of use;
- (f) regarding the measurement of noise level, he said that the LCSD apparently stipulated the acceptable volume being not higher than 10 decibels above the background sound. He said that the related noise problems were caused by street performers on the banks of Shing Mun River. He wondered whether the regulation would be too lax if the acceptable level was 10 decibels on top of the related noise;
- (g) there were some restrictions described in Annex I of the response, such as requiring users of outdoor performance venues to use small-power loudspeakers. However, sometimes he could see heavy-duty audio equipment being used at open areas such as the Amphitheatre and the long staircase. He wondered whether related users already breached the law;

- (h) regarding the establishment and promotion of a complaint hotline, he asked how the LCSD would inform the public of the hotline. He said that members of the public would call Sha Tin Park to complain about noise nuisance but their calls were not always answered;
- (i) in view of the response saying that there was no “touting” involved, he asked how to prevent such behaviours and whether participants were allowed to pay to related groups for performance opportunities. He asked whether there was any transfer or monopoly of the right to use any LCSD venues;
- (j) he said that the STDO had many improvement works in the pipeline. But placing plant pots had been proposed many years before. He wondered why related actions were taken only now and were intended to “alleviate the mosquito problem”. He asked why the response did not specify which plants were “*Pistacia weinmannifolia*”;
- (k) he said that everyone was concerned about the influx of groups of street performers into Sha Tin after the abolition of the MKPP. He learned that some groups applied for using the open stage but their performances were not good. In view of the strict requirements on applicants for the open stage, he was concerned that applicant groups would move to other places if their applications were rejected; and
- (l) the STDO said that it distributed publicity posters and leaflets to housing estates. But he said that each estate was given only one poster when there was more than one house. He hoped that the STDO would provide the list of related housing estates, together with the details and quantities of the posters, after the meeting. He suggested that the response could be more specific, such as including the measures to be taken when residents were disturbed by noise nuisance from Shing Mun River or Sha Tin Park.

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

- (a) he said that apart from the Amphitheatre, sports venues were also subject to rampant “touting”. For example, there was the “use right transfer” service in the market, where touters received payment upon completing check-in procedures for their clients. He wondered whether there were similar phenomena regarding the Amphitheatre. And he asked whether the LCSD would conduct surprise checks to see if the users were the actual applicants. Otherwise it would only provide profit-making opportunities;
- (b) he said that he had used the “Leisure Link” system, which allowed enquiry about the sessions of turf soccer pitches available for balloting during the next 15 days. And then balloting applications could be submitted online. He opined that this mechanism was fair. He hoped that representatives of the LCSD could ask the Headquarters to consider extending the scope of “Leisure Link” to cover other LCSD venues, so as to reduce the chances of “touting” or unauthorised use right transfer;

- (c) he said that the STDO's reply was 99% similar to the one to Mr CHAN Nok-hang's question; and
- (d) the response claimed that no influx of street performers into Sha Tin had been spotted after the abolition of the MKPP. But he said that residents had already noticed such an influx and hoped that the LCSD examine the matter clearly.

101. Ms Jackie LO, District Leisure Manager (Sha Tin) of the LCSD gave a consolidated response as follows:

- (a) the lot-drawing for hiring of the Amphitheatre would be held at Sha Tin Park Office at 2:30 pm on the 10<sup>th</sup> day every month. Mr WAI Hing-cheung was welcome to be present;
- (b) applicant groups were required to produce the Certificate of Incorporation and the Certificate of Registration of a Society for verification;
- (c) the decibel limits were set according to environmental legislation. In case of any abnormal noise in the background, the measuring personnel staff would wait until the background noise returned to normal before measuring the volume;
- (d) the "Noise Control Guidelines for Application for Holding Entertainment Activities at Amphitheatres/Performance Venues" were only intended for reference. Hirers were expected to use a set of small-power loudspeakers in place of several heavy-duty ones. However, the on-site measurement of decibels should also be taken into account;
- (e) apart from calling Sha Tin Park, complainants could also call the numbers of venue hirers;
- (f) in order to eliminate "touting", the LCSD had developed corresponding measures, such as requiring hirers to complete the check-in procedures in person and producing their ID documents for verification by the venue staff. As to whether a hirer should be required to be present during the whole session, she said that the initiative could be considered as a monitoring measure;
- (g) she promised to refer Mr Billy CHAN's advice to her colleagues responsible for "Leisure Link"; and
- (h) at present, groups could apply for consecutive hiring of the Amphitheatre at Sha Tin Park for sessions on the afternoon of Monday, Tuesday, Thursday and Friday every month. In view of the increasing number of applicants, the LCSD would introduce independent balloting for the said sessions starting from January next year, so that more groups could use the venue.

102. Ms Cecilia LEUNG gave a consolidated response as follows:



- (a) she said that the plant plots were placed with resources under District Minor Works Programme and were intended to alleviate the mosquito problem by the way;
- (b) she said that STDO's responses to the two questions were basically the same, because both questions concerned the measures against the noise nuisance along Shing Mun River. As the related location was not within the LCSD's jurisdiction, the STDO provided the responses as coordinator of the inter-departmental working group. Upon communicating with the Secretary, the STDO found that the response did not specify which plants were "*Pistacia weinmannifolia*", which was a typological error;
- (c) she said that the STDO would keep in view any influx of street performers from Mong Kok to Sha Tin after the abolition of the MKPP. As members claimed that residents noticed such an influx, she promised to learn about the details after the meeting; and
- (d) she said that the posters had been sent to all housing estates in Sha Tin and Ma On Shan, with one poster for each estate for the time being. She said that any review of matters involving the banks of Shing Mun River would certainly be included into the agenda of the inter-departmental meeting. And she welcomed countermeasures from members.

103. Mr LEE Chee-kwan responded that according to section 400 of the Noise Control Ordinance, the noise level at an amphitheatres/performance venue should not be more than 10 decibels above the prevailing background noise level. He said that normal background noise would be measured and samples of a particularly high level would be deleted. And such sound should not be heard at night according to the decibel requirements. The LCSD would not specifically oppose LCSD's development of more stringent requirements than those in the Noise Control Ordinance.

### **Informaiton Item**

Reports of Working Groups  
(Paper No. CSCD 55/2018)

104. Members noted the report submitted by the Working Group on Festive Celebrations.

### **Information Papers**

Briefing on 2019 Sha Tin Lunar New Year Fair of the Food and Environmental Hygiene Department  
(Paper No. CSCD 56/2018)

Briefing on 2019 Sha Tin Che Kung Festival Fair of the Food and Environmental Hygiene Department  
(Paper No. CSCD 57/2018)

Report and Plan by the Leisure and Cultural Services Department on Organisation of Cultural Activities and Utilisation of Facilities in Sha Tin District (3rd and 4th Quarters of 2018)  
(Paper No. CSCD 58/2018)

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 (3rd and 4th Quarters of 2018)  
(Paper No. CSCD 59/2018)

Report and Plan on Public Libraries Promotion Activities Organised by the Leisure and Cultural Services Department in Sha Tin District (3rd and 4th Quarters of 2018)  
(Paper No. CSCD 60/2018)

Progress Report of the Sha Tin Arts Association  
(Paper No. CSCD 61/2018)

Progress Report of the Sha Tin Sports Association  
(Paper No. CSCD 62/2018)

105. Members noted the 7 information papers above-mentioned.

**Date of Next Meeting**

106. The next meeting was scheduled to be held at 10:00 am on 1 November 2018 (Thursday).

107. The meeting was adjourned at 1:30 pm.

Sha Tin District Council Secretariat  
STDC13/15/50

September 2018