

Sha Tin District Council
Minutes of the 4th Meeting of
the Finance and General Affairs Committee in 2016

Date : 12 July 2016 (Tuesday)
Time : 2:30 pm.
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Title</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Mr MOK Kam-kwai, BBS (Chairman)	DC Member	2:30 pm	3:24 pm
Ms WONG Ping-fan, Iris (Vice-Chairman)	"	2:30 pm	3:24 pm
Mr HO Hau-cheung, BBS, MH	DC Chairman	2:30 pm	3:24 pm
Mr PANG Cheung-wai, SBS, JP	DC Vice-Chairman	2:34 pm	3:24 pm
Mr CHAN Billy Shiu-yeung	DC Member	2:30 pm	2:45 pm
Mr CHAN Kwok-keung, James	"	2:30 pm	2:53 pm
Ms CHAN Man-kuen	"	2:35 pm	3:24 pm
Mr CHIU Chu-pong, Sunny	"	2:30 pm	2:43 pm
Mr CHIU Man-leong	"	2:30 pm	3:24 pm
Mr HUI Yui-yu, Rick	"	2:38 pm	3:24 pm
Mr LAI Tsz-yan	"	2:30 pm	3:16 pm
Ms LAM Chung-yan	"	2:45 pm	3:24 pm
Mr LEE Chi-wing, Alvin	"	2:40 pm	3:24 pm
Mr LI Sai-hung	"	2:30 pm	3:02 pm
Mr LI Sai-wing	"	3:07 pm	3:24 pm
Mr LI Wing-shing, Wilson	"	2:30 pm	3:24 pm
Mr NG Kam-hung	"	2:41 pm	3:24 pm
Ms PONG Scarlett Oi-lan, BBS, JP	"	2:30 pm	3:24 pm
Mr PUN Kwok-shan, MH	"	2:45 pm	3:24 pm
Mr TING Tsz-yuen	"	2:30 pm	3:24 pm
Mr TONG Hok-leung	"	2:30 pm	3:02 pm
Ms TUNG Kin-lei	"	2:30 pm	3:24 pm
Mr WAI Hing-cheung	"	2:30 pm	3:24 pm
Mr WONG Fu-sang, Tiger	"	2:30 pm	3:24 pm
Mr WONG Hok-lai	"	2:43 pm	3:24 pm
Mr WONG Ka-wing, MH	"	2:30 pm	3:24 pm
Mr WONG Yue-hon	"	2:36 pm	3:24 pm
Mr YAU Man-chun	"	2:30 pm	2:43 pm
Mr YIP Wing	"	2:33 pm	3:24 pm
Mr YIU Ka-chun	"	2:30 pm	3:02 pm
Ms YUE Shin-man	"	2:39 pm	3:19 pm
Mr YUNG Ming-chau, Michael	"	2:30 pm	3:24 pm
Mr HO Kin-nam, David (Secretary)	Executive Officer I (District Council) 1 / Sha Tin District Office		

<u>In Attendance</u>	<u>Title</u>
Mr WONG Tin-pui	Assistant District Officer (Sha Tin)
Mr CHOW Ka-ping	Team Leader, Shatin Young Night Drifters Service (Night Yangees), Yang Memorial Methodist Social Service

In Attendance

Ms MAR Mei-chun

Mr Protein SO

Mr YUEN Chun-kit, Derek

Ms WAN Siu-ling

Ms LO Wai-man, Mimi

Mr YUNG Ho-wai, Anthony

Mr CHOW Yik-lam, Martin

Ms TANG Wai-ying, Anna

Ms WONG Hiu-ting, Amanda

Mr LEE Ka-fai

Mr CHAN Sheung, Sam

Mr TAM Wing-shu, Echo

Ms LAU Wai-nor, Noreen

TitleTeam Leader, Ma On Shan Youth Outreaching Social Work Team,
Hong Kong Children & Youth ServicesCentre-in-charge, Hin Keng Centre Jockey Club Integrated Children &
Youth Services Centre, Chinese YMCA of Hong Kong

Senior Executive Officer (District Council) / Sha Tin District Office

Senior Liaison Officer (West) / Sha Tin District Office

Liaison Officer-in-charge (East) 3 / Sha Tin District Office

Liaison Officer-in-charge (Youth Programme) / Sha Tin District Office

Executive Officer (District Council) 2 / Sha Tin District Office

Executive Assistant (District Council) 5 / Sha Tin District Office

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

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

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

Liaison Officer (West) 2b / Sha Tin District Office

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

Absent

Mr CHAN Nok-hang

Mr CHING Cheung-ying, MH

Mr LEUNG Ka-fai, Victor

Ms TSANG So-lai

Title

DC Member

”

”

”

(Application for leave of absence received)

(”)

(”)

(No application for leave of absence received)

Action

The Chairman welcomed all members to the 4th meeting of the Finance and General Affairs Committee (FGAC) this year and welcomed Mr David HO, the new Executive Officer I (District Council) 1, Sha Tin District Office (STDO) to the meeting. He said that members of the public, being present as observers, were taking photos and making video and audio recordings.

Application for Leave of Absence

2. The Chairman said that the Secretariat of Sha Tin District Council (Secretariat) had received written applications for leave of absence from the following members:

Mr CHAN Nok-hang	Official Commitments
Mr CHING Cheung-ying	”
Mr Victor LEUNG	”

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

Confirmation of the Minutes of the Meeting Held on 17 May 2016

4. Members unanimously confirmed the above-mentioned minutes.

Discussion Item

2016-2017 Work Plan and Funding Applications of the Working Group under the Committee
(Paper No. FGA 20/2016)

5. Members unanimously endorsed the above work plan and funding applications.

Funding Applications

Funding Applications of Sha Tin District Youth Programme Committee

(Paper No. FGA 21/2016)

6. Mr YIU Ka-chun, Mr Michael YUNG and Mr CHIU Man-leong declared interest as members of the Sha Tin District Youth Programme Committee or the co-organiser Boys' & Girls' Clubs Association of Hong Kong Jockey Club Ma On Shan East Children & Youth Integrated Services Centre. The Chairman said that they could attend the meeting but had no right to vote on the funding applications.

7. Members unanimously endorsed the above funding applications and the financial arrangements for the virement of funds from the reserves of the Sha Tin District Council (STDC).

Funding Applications of Sha Tin District Fire Safety Committee

(Paper No. FGA 22/2016)

8. Ms Iris WONG, Mr LAI Tsz-yan, Mr Billy CHAN, Mr TONG Hok-leung and Mr YIP Wing declared interest as members of the Sha Tin District Fire Safety Committee. The Chairman said that they could attend the meeting but had no right to vote on the funding applications.

9. Members unanimously endorsed the above funding applications and the financial arrangements for the virement of funds from the reserves of the STDC.

Funding Applications of Planning Committee on Festive Lighting in Sha Tin

(Paper No. FGA 23/2016)

10. Ms Iris WONG, Mr CHIU Man-leong and Mr Tiger WONG declared interest as members of the Planning Committee on Festive Lighting in Sha Tin or the co-organiser Shatin Women's Association or Sha Tin Arts Association. The Chairman said that they could attend the meeting but had no right to vote on the funding applications.

11. Members unanimously endorsed the funding applications for "2016/2017 Sha Tin Festive Lighting" and referred the funding applications and the financial arrangements for the virement of funds of "2016/2017 Sha Tin Festive Lighting – Setting Up and Demolition Works for Festive Lighting" to the STDC for vetting. In addition, members unanimously endorsed the proposal of extending the above-mentioned activity to 31 March 2017.

Funding Applications of Sha Tin Arts and Culture Promotion Committee

(Paper No. FGA 24/2016)

12. Mr Sunny CHIU, Ms CHAN Man-kuen and Mr CHIU Man-leong declared interest as members of the Sha Tin Arts and Culture Promotion Committee (STACPC). The Chairman said that they could attend the meeting but had no right to vote on the funding applications.

13. Members unanimously endorsed the above funding applications.

Funding Applications of Sha Tin District Fight Crime Committee

(Paper No. FGA 25/2016)

14. The Chairman welcomed Mr CHOW Ka-ping, Team Leader of Shatin Young Night Drifters Service (Night Yangees), Yang Memorial Methodist Social Service, Ms MAR Mei-chun, Team Leader of Ma On Shan Youth Outreaching Social Work Team, Hong Kong Children & Youth Services, and Mr Protein SO, Centre-in-charge, Hin Keng Centre Jockey Club Integrated Children & Youth Services Centre, Chinese YMCA of Hong Kong, to the meeting.

15. Ms TUNG Kin-lei, Mr CHIU Man-leong, Ms Scarlett PONG, Mr Alvin LEE, Mr WONG Yue-hon, Mr WONG Ka-wing, Ms CHAN Man-kuen, Mr Michael YUNG, Mr WAI Hing-cheung and Mr YAU Man-chun declared interest as members of the Sha Tin District Fight Crime Committee or co-organisers. The co-organisers included the Hin Keng Centre Jockey Club Integrated Children & Youth Services Centre and the Shatin Youth Outreaching Social Work Team of the Chinese YMCA of Hong Kong, the Hong Kong Sheng Kung Hui Ma On Shan (North) Children & Youth Integrated Service Centre, the Ma On Shan Youth Outreaching Social Work Team of the Hong Kong Children & Youth Services, the Shatin Young Night Drifters Service of the Yang Memorial Methodist Social Service, the Boys' & Girls' Clubs Association of Hong Kong Jockey Club Ma On Shan Children & Youth Integrated Services Centre and the Jockey Club Shatin Integrated Social Service Centre of the Hong Kong Young Women's Christian Association. The Chairman said that they could attend the meeting but had no right to vote on the funding applications.

16. Members unanimously endorsed the above funding applications and the financial arrangements for the virement of funds from the reserves of the STDC.

Question

Question to be Raised by Mr WAI Hing-cheung on "Fusion of Horizons"
(Paper No. FGA 26/2016)

17. The Chairman welcomed Mr Anthony YUNG, Liaison Officer-in-charge (Youth Programme) and Ms WAN Siu-ling, Senior Liaison Officer (West) of the STDO to the meeting.

18. Mr WAI Hing-cheung's further questions and views were summarised below:

- (a) he learned that according to Articles 53(6) and (7) of the Sha Tin District Council Standing Orders (Standing Orders), any person, group or organisation requesting the STDC to provide pictures should submit a written application in advance to the STDC for approval. He wanted to know who would be in charge of the vetting process;
- (b) he asked if any person, group or organisation, without the consent or approval of the STDC, claimed, expressed or implied to have obtained the permission of the STDC for using its name and logo, or have obtained information or pictures from the STDC, what actions the STDC might take in response;
- (c) he asked why the Hong Kong Jockey Club Charities Trust did not send a representative to attend the meeting and respond to questions raised by members;

- (d) “Hulu Culture” mentioned in their written response that they had a meeting with the STACPC and the STDO on 22 September 2015, saying that they intended to borrow the old photos from the Heritage of the Sha Tin District, Hong Kong published by the STDC, and the parties concerned expressed their willingness to lend these photos after the meeting, so he asked if this was true;
- (e) “Hulu Culture” said in their written response that they were sure that in principle the STDO staff authorised them to use the photos in Heritage of the Sha Tin District, Hong Kong. He wondered whether such authorisation was given in writing;
- (f) according to the written response of “Hulu Culture”, Mr HO Hau-cheung, the STDC Chairman, attended the opening ceremony of the Hong Kong Jockey Club “Heritage x Art x Design (H.A.D.) Walk Project x Sha Tin & Sai Kung” on 30 April 2016 and was presented with a publication named “Fusion of Horizons”. He wondered whether Mr HO Hau-cheung had noticed the problem regarding the photos in the above-mentioned publication at that time;
- (g) he wondered, in addition to “Hulu Culture”, to whom or to what other groups or organisations the above-mentioned photos were also distributed. He requested the STDO to prohibit its staff from distributing these photos;
- (h) he believed that the Standing Orders should be reviewed to protect the intellectual property of the STDC and hoped that the STDO could consult relevant departments for professional advice on this event and convey the advice to the members for reference; and
- (i) he hoped to invite the groups and organisations involved to follow up on this event on another occasion.

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

- (a) “Hulu Culture” mentioned in their written response that they had a meeting with the STACPC and the STDO. He wanted to obtain the minutes of the said meeting;
- (b) he wondered whether the STDO, before providing the old photos of Sha Tin to “Hulu Culture”, asked “Hulu Culture” how they would deal with and use those photos;
- (c) “Hulu Culture” mentioned in their written response that an Executive Assistant of the STDC emailed them a web link to the web space storing these photos. He wondered whether the Executive Assistant was acting on behalf of the STDC that time and whether it was appropriate to store the above-mentioned photos online;
- (d) he wondered whether the STACPC was under the STDC. If it was not, why it was the Executive Assistant employed by the STDC to provide such service; and

- (e) he wondered who would be dealing with the lawsuit matters if the authors of the photos filed a lawsuit regarding the copyright issue against the STDC in the future.

20. Mr HO Hau-cheung said that he could not recall whether he was presented with a publication named “Fusion of Horizons”. He learned the issue of the photos in the above-mentioned publication from the paper of this meeting. He wondered who owned the copyright of the old photos in Heritage of the Sha Tin District, Hong Kong. He believed that the STDC should be more prudent in dealing with similar events in the future and agreed to set up another platform for following up on this event.

21. Mr Anthony YUNG gave a consolidated response as follows:

- (a) the STACPC invited “Hulu Culture” to send a representative to attend the meeting on 22 September 2015 to introduce the Hong Kong Jockey Club “Heritage x Art x Design (H.A.D.) Walk Project x Sha Tin & Sai Kung”. During the meeting, Members expressed their views on the content and execution of the project and became partners of the project by accepting the invitation from “Hulu Culture”. “Hulu Culture” did not propose to borrow the photos at the meeting;
- (b) “Hulu Culture” requested the STACPC and the STDO after the meeting to lend some old photos of Sha Tin as references for their art creation. But at that time “Hulu Culture” did not mention that they would publish or print any publication. Later, when “Hulu Culture” obtained the photos from the STACPC Secretariat in October 2015, they did not say that they would use these photos for other purposes except as references;
- (c) the Executive Assistant mentioned by “Hulu Culture” in their written response was a staff member of the STDO who was responsible for assisting the STACPC Secretariat in execution of jobs. The photos involved were materials collected when holding an old photo exhibition in 2010; and
- (d) the Hong Kong Jockey Club “Heritage x Art x Design (H.A.D.) Walk Project x Sha Tin & Sai Kung” was unveiled on 30 April 2016, before which the STDO was not aware that “Hulu Culture” had published the publication “Fusion of Horizons”, nor “Hulu Culture” would publish the old photos provided for them for references on the said publication.

22. Mr WONG Tin-pui, Assistant District Officer (Sha Tin), gave a consolidated response as follows:

- (a) “Hulu Culture” told the STDO that they hoped to obtain some old photos of Sha Tin District for reference for their art creation. Later, the STDO provided some old photos of Sha Tin from the old photo collection campaign of 2010 Sha Tin Festival to “Hulu Culture” for their reference. The STDO was currently consulting relevant professional departments for advice regarding the issue. The copyright of the above-mentioned old photos was not owned by the STDC. After obtaining the advice, the STDO would further deal with the matters;
- (b) according to Articles 53(6) and (7) of the Standing Orders, any person, group or organisation requesting STDC to provide pictures should submit a

written application in advance to STDC for approval. It was not the Chairman or the Secretariat of STDC that took charge of the vetting process, but STDC;

- (c) according to Article 52 of the model District Council Standing Orders, District Councils and its affiliated committees could from time to time issue guidelines on the usage of the District Council logo through resolutions. The article empowered District Councils to deal with relevant matters flexibly, and District Councils could have discussions on relevant matters;
- (d) the STDO was not sensitive enough previously when handling this event but would be more prudent in dealing with matters relating to photos and other materials in the future. Relevant departments would be invited to provide training for STDO staff to prevent similar events from recurring;
- (e) before consulting relevant departments for professional advice, if any person, group or organisation requested the STDO to provide photos, the STDO would continue to take a prudent approach. After obtaining professional advice, the STDO would find another suitable platform to follow up on this issue with the relevant parties; and
- (f) the copyright of the above-mentioned photos was not owned by the STDC. Therefore, if there was any problem arising in the future in connection with relevant matters, the STDC should not get involved.

23. Mr Martin CHOW, Executive Officer (District Council) 2 of the STDO said that the Secretariat invited the Hong Kong Jockey Club Charities Trust in writing to send a representative to attend this meeting, but they said that they were unable to do so.

24. Ms WAN Siu-ling added that the Government granted \$2,600,000 in the form of “a dedicated capital” to the STDC to promote campaigns related to culture and art each year, but as the grantee was the STACPC, an Executive Assistant was currently employed and paid by the STDC to assist in relevant efforts. In addition, according to the minutes of the STACPC dated 22 September 2015, “Hulu Culture” did not make a request to borrow the photos at the meeting. The STDO would, after finding a suitable platform in the future, invite relevant parties and groups, including “Hulu Culture” and Hong Kong Jockey Club Charities Trust, to follow up on the issue.

25. The Chairman pointed out that the FGAC had a discussion on matters regarding the amendment of the Standing Orders at the previous meeting, and he said that he would follow up on the issue at following meetings.

Information Paper

Financial Account of the Sha Tin District Council as at 30 June 2016
(Paper No. FGA 27/2016)

26. The FGAC noted the above-mentioned paper.

Other Items

27. The Chairman reported that the STDO, in response to the paperless scheme and in

order to offer better Wi-Fi services for the public, would finish upgrading the Wi-Fi network in the STDC Conference Room by the end of August this year, by which time the Internet access speed would increase from the existing 6 Mbps to 100 Mbps.

28. The Chairman pointed out that the Kitchee Sports Club previously invited the STDC to form a team to participate in the 2016 Kitchee Cup football competition in the afternoon of 31 July 2016. The Secretariat had earlier sent invitation letters and details of the activity to all members. He enlisted support from all members.

Date of Next Meeting

29. The next meeting would be held at 2:30 pm on 13 September 2016 (Tuesday).

30. The meeting was adjourned at 3:24 pm

Sha Tin District Council Secretariat
STDC 13/15/50

August 2016