

Minutes of the 8th Meeting of
the Finance, Administration and Publicity Committee (2018-2019) of
the Tuen Mun District Council

Date: 22 February 2019 (Friday)

Time: 9:30 a.m.

Venue: Tuen Mun District Council (“TMDC”) Conference Room

<u>Present</u>		<u>Time of Arrival</u>	<u>Time of Departure</u>
Mr AU Chi-yuen (Chairman)	TMDC Member	9:30 a.m.	End of meeting
The Hon HO Kwan-yiu, JP (Vice-chairman)	TMDC Member	9:31 a.m.	End of meeting
Mr LEUNG Kin-man, BBS, MH, JP	TMDC Chairman	9:30 a.m.	End of meeting
Mr LEE Hung-sham, Lothar, BBS, MH	TMDC Vice-Chairman	9:30 a.m.	End of meeting
Mr SO Shiu-shing	TMDC Member	9:30 a.m.	End of meeting
Mr TO Sheck-yuen, MH	TMDC Member	9:30 a.m.	End of meeting
Ms KONG Fung-yi	TMDC Member	9:30 a.m.	End of meeting
Mr CHAN Yau-hoi, BBS, MH, JP	TMDC Member	9:30 a.m.	End of meeting
Ms WONG Lai-sheung, Catherine	TMDC Member	9:30 a.m.	End of meeting
Ms HO Hang-mui	TMDC Member	9:30 a.m.	End of meeting
Ms CHING Chi-hung	TMDC Member	9:30 a.m.	End of meeting
Ms LUNG Shui-hing, MH	TMDC Member	9:30 a.m.	End of meeting
Mr CHAN Man-wah, MH	TMDC Member	9:30 a.m.	End of meeting
Ms CHU Shun-nga, Beatrice	TMDC Member	9:30 a.m.	End of meeting
Mr TSANG Hin-hong	TMDC Member	9:39 a.m.	End of meeting
Ms SO Ka-man	TMDC Member	9:30 a.m.	End of meeting
Mr KAM Man-fung	TMDC Member	9:30 a.m.	End of meeting
Mr MO Shing-fung	TMDC Member	9:34 a.m.	End of meeting
Mr YIP Man-pan	TMDC Member	9:30 a.m.	End of meeting
Mr YEUNG Chi-hang	TMDC Member	9:30 a.m.	End of meeting
Mr YAN Siu-nam	TMDC Member	9:30 a.m.	End of meeting
Mr TAM Chun-yin	TMDC Member	9:30 a.m.	End of meeting

Ms CHAN Ching-ye, Jackie (Secretary) Executive Officer I (District Council)2,

Tuen Mun District Office, Home Affairs Department

In Attendance

Ms FUNG Ngar-wai, Aubrey

Mr CHAU Ka-nin, Eric

Mr LAU Chun-fai, Lawrence

District Officer (Tuen Mun), Home Affairs Department

Senior Liaison Officer (2),

Tuen Mun District Office, Home Affairs Department

Senior Executive Officer (District Council),

Tuen Mun District Office, Home Affairs Department

Absent with Apologies

The Hon LAU Ip-keung, Kenneth,

BBS, MH, JP

TMDC Member

I. Opening Remarks

The Chairman welcomed all present to the 8th meeting of the Finance, Administration and Publicity Committee (“FAPC”) (2018-2019).

2. The Chairman reminded that Members who were aware of their personal interests in any matters discussed at the meeting should declare the interests before the discussion. The Chairman would, in accordance with Order 39(12) of the Tuen Mun District Council Standing Orders (“Standing Orders”), decide whether the Members who had declared interests might speak or vote on the matters, might remain at the meeting as observers, or should withdraw from the meeting. All cases of declaration of interests would be recorded in the minutes of the meeting.

II. Absence from Meeting

3. The Secretary reported that no applications for leave of absence had been received from Members.

III. Confirmation of Minutes of the 7th Meeting (2018-2019)

4. As Members proposed no amendments to the minutes, the Chairman announced that the above minutes were confirmed.

IV. Discussion Items

(A) DC Funds Applications (Projects to be Held or Commence from April 2019 to September 2019)
(FAPC Paper No. 1/2019)

5. The Chairman reminded Members that during the discussion on the applications for District Council (“DC”) Funds, if Members found that their posts or capacity were related to any partner organisations or other district organisations of activities in the applications but the information concerned had not yet been stated in the Form for Declaration of Interests in Handling TMDC Funds or the Registration of DC Member’s Interests, the Members were required to make declarations even if they did not intend to speak or vote on the matters concerned. Members should refrain from speaking on any matters in which they had interests. However, if they wished to speak or vote on the matters concerned, they should make a request beforehand. The Chairman would, in accordance with the Standing Orders, decide whether the Members might speak

or vote on the matters concerned, might remain at the meeting as observers, or should withdraw from the meeting.

6. The Hon HO Kwan-yiu declared interest as the person-in-charge of Butterflyers Association Limited and Wisemen Benefits Company Limited so he would not take part in the discussion.

7. Ms KONG Fung-yi declared interest as the chairman of Tuen Mun Forth Viewers and Tuen Mun Elderly United Association so she would not take part in the discussion.

8. The Chairman said that, to facilitate discussion, the Secretariat had, in accordance with the TMDC Funding Guidelines on Implementation of “Community Involvement Projects” (“Funding Guidelines”), scrutinised beforehand the funding applications set out in the paper for Members’ reference. Copies of the funding application forms were available on the conference table for inspection. Members were welcome to put forward for discussion any comments on the recommended funding amounts.

9. The Chairman said that item 209 and item 210 of the paper were funding applications from Tsing Tin Senior Singing Group. Since the Group had breached the Funding Guidelines at an earlier activity, the FAPC had cancelled its funding at the meeting held on 20 October 2017. Subsequently, the Secretariat had written to the Group several times demanding that it return the advance payment of \$4,877 in accordance with an undertaking signed for its funding application. However, the Group had not returned the sum of money so far. Based on the relevant regulations, the Secretariat had passed the case to the Department of Justice (“DoJ”) for follow-up actions. In May 2018, August 2018 and February 2019, the DoJ had written to the Group reminding it to return the advance payment as soon as possible, or the DoJ would recover the sum of money, interests and costs through civil procedures. Nonetheless, the Group still had not returned the money yet. In view of the above situation, the Chairman asked Members to consider whether to accept the Group’s new applications.

10. A Member said that since the Group had not returned the advance payment, the FAPC should not consider its new applications. Separately, he

asked the Secretary about the current practice.

11. The Secretary said that at the meeting held on 8 August 2014, the FAPC had decided that if an organisation had had its funding withdrawn or received warning letters for two times or more due to the breach of regulations, its new applications would not be considered in the same financial year. In 2017, funding for the Group had been withdrawn once due to the breach of regulations, and it had not returned the advance payment in accordance with the undertaking. The situation was different from the scenario described in the FAPC's decision. Therefore, she asked Members to consider whether to accept the Group's new applications.

12. Members' comments on whether to accept the Group's new applications are summarised as follows:

- (i) A Member said that the Group should only be allowed to submit new funding applications after it had returned the advance payment. It would not be ideal to allocate funding to the Group before it had returned the advance payment;
- (ii) A Member doubted whether the Group was financially capable of holding activities since it still had not returned the advance payment;
- (iii) A Member opined that the FAPC should not accept those applications since the Group had not followed the requirements of the Funding Guidelines to return the advance payment upon the withdrawal of funding; and
- (iv) A Member said that the Group still had not returned the advance payment to the Government. It had not only failed to rectify its mistake, but also made its financial capacity questionable. Therefore, he reckoned the FAPC should reject the Group's new applications.

13. The Chairman concluded that since the Group's new applications were rejected, the Secretariat recommended a total of \$6,360,583 to 307 funding applications, excluding item 209 and item 210.

14. As Members had no other comments, the Chairman announced that item 1

to item 208 and item 211 to item 309 of the paper were endorsed. Applications involving funding of \$100,000 or more would be submitted for endorsement by the TMDC.

(B) DC Funds Applications (Projects to be Held in March 2020)
(FAPC Paper No. 2/2019)

15. The Chairman said that according to the regulations of the Home Affairs Department, the DC should not commit to projects which would last longer than the current DC term. Therefore, the funding applications set out in the paper could only be endorsed in principle and had to be confirmed at the 1st TMDC meeting of the new-term DC.

16. The Chairman added that the 1st TMDC meeting of the new-term DC would be held in early January 2020 and the committees, their working groups and steering groups would be formed afterwards. Therefore, he asked Members to pay attention to relevant arrangements. The actual arrangements of individual activities to be held during the new DC term would be discussed at the TMDC meeting in January 2020.

17. The Chairman said that Secretariat recommended a total of \$140,000 to one funding application.

18. A Member was worried that the current-term DC's endorsement of the paper would be overridden by the new-term DC so he asked if Members only had to endorse the paper in principle. The Chairman replied that the funding applications set out in the paper could only be endorsed in principle and had to be confirmed at the 1st TMDC meeting of the new-term DC.

19. As Members had no other comments, the Chairman announced that the contents of the paper were endorsed. Applications involving funding of \$100,000 or more would be submitted for discussion by the TMDC. Applications which had been endorsed in principle by the current-term DC would be confirmed at the 1st TMDC meeting of the new-term DC.

(C) **Cases on DC Funded Project**
(FAPC Paper No. 3/2019)

20. The Chairman said that the activity had been cancelled due to rain but payments had been made for some items. Based on the information submitted by the organisation, a total of \$15,380 was involved. According to paragraph 9.3 of the Funding Guidelines, if a project was cancelled due to uncontrollable factors and the organisation concerned decided to claim reimbursement for expenses incurred, the application would be passed to the FAPC for consideration and the FAPC would determine whether to reimburse necessary expenditures. The Chairman asked Members to consider whether to reimburse the organisation if the receipts concerned conformed to requirements of the Funding Guidelines.

21. Members' enquiries on the reimbursement are summarised as follows:

- (i) A Member enquired whether the organisation had covered the relevant expenses with advance payment;
- (ii) A Member asked whether the sum of \$15,380 was included in the approved amount of DC Funds allocated to the project and pointed out that the FAPC should only reimburse necessary expenditures;
- (iii) A Member enquired about the weather conditions on the day of the activity, e.g. whether Black, Red or Amber Rainstorm Warning Signal had been hoisted; and
- (iv) A Member asked when the organisation had decided to cancel the activity and pointed out that if the decision had been made 24 hours earlier, some expenses might have been avoided and the organisation could have reserved the amount for the other activities.

22. The Secretary said the paper showed that the organisation had not applied for advance payment. Its approved funding amount was \$16,198 while the total expenditure incurred was \$15,850. The organisation applied for a reimbursement of \$15,380. Members might scrutinise the items set out in the paper and determine whether they were necessary expenditures so as to decide whether to reimburse the organisation.

23. The Chairman said that the photo in the paper showed that the ground of the outdoor court had been wet and the report submitted by the organisation had not specified the time it had decided to cancel the activity. He suggested that Members might, based on the existing objective factors, determine whether the project coincided with the situation described in paragraph 9.3 of the Funding Guidelines so as to decide whether to reimburse the organisation.

24. Members' comments on the reimbursement are summarised as follows:

- (i) A Member opined that since the activity had been cancelled due to rain and the weather was an uncontrollable factor, the necessary expenditure incurred should be reimbursed;
- (ii) A Member said that some production companies would not charge clients if their singers had not performed;
- (iii) A Member said that since payment had to be made in advance for some items such as singers and venue decoration, those expenses should be considered necessary expenditure and should be reimbursed;
- (iv) A Member reckoned that items such as volunteers and photography should not be reimbursed; and
- (v) A Member pointed out that the organisation had not applied for full reimbursement. The paper showed that it had not applied for the reimbursement of three items. She said that some production companies would charge clients as long as they had arranged for singers to attend the activity, whether or not it was held as scheduled. She opined that since rain was an uncontrollable factor, the necessary expenditure should be reimbursed.

25. The Chairman concluded that as Members had no objection to the reimbursement, he asked the Secretariat to scrutinise the receipts submitted by the organisation. If they met the requirements of the Funding Guidelines, the organisation could be reimbursed accordingly.

Secretariat

(D) Cleaning of DC Notice Boards and Posting of Notices on the Board
(FAPC Paper No. 4/2019)

26. The Chairman said that at the meeting held in December 2018, the FAPC had decided to openly invite organisations for the disabled to submit quotations for cleaning DC notice boards and posting notices on the board. After the meeting, the Secretariat had invited four sheltered workshops in Tuen Mun to submit quotations and eventually received three replies.

27. As Members had no other comments, the chairman announced that the proposal of the paper was endorsed. Since Pentecostal Church of Hong Kong Sheltered Workshop fulfilled the tender requirements with the lowest quotation, it was selected as the contractor to assist in cleaning DC notice boards and posting notices on the board.

28. The Chairman asked the Secretariat to notify the contractor of the Secretariat selection result.

V. Reporting Items

(A) Position of TMDC Funds up to 4 February 2019
(FAPC Paper No. 5/2019)

29. The Chairman said that as at 4 February 2019, the TMDC had allocated a total of \$32,592,507 to subsidise 1,086 community involvement activities.

30. Members noted the contents of the report.

(B) Case on Cancellation of Reimbursement of DC Funds
(FAPC Paper No. 6/2019)

31. The Chairman said that the activity “Mid-Autumn Barbecue Night” had been renamed “Leung King Mid-Autumn Carnival 2018” and its nature had changed from activity type D (i.e. performances) to activity type C (i.e. carnivals/game booths) under paragraph 3.3.4 of the Funding Guidelines. The name and nature of the activity had deviated from the original plan. Also, as the organisation had not sought the TMDC’s written approval for the amendments, it had breached the relevant regulations. Therefore, its reimbursement of DC Funds had been cancelled. No appeals had been received

from the organisation.

32. Members noted the contents of the report.

VI. Any Other Business

33. The Chairman said that the FAPC produced TMDC calendars and red packets annually to promote the TMDC. It also printed TMDC Work Report biennially to report to residents on the TMDC's work in the past two years. In this regard, the Chairman proposed to form a non-standing working group to follow up on the production. The working group had to report to the FAPC on the progress to facilitate the FAPC's discussion on matters concerning design, content and contractor selection.

34. The Chairman asked Members to note that, starting from September or October 2019, the operation of the TMDC would be suspended temporarily. In light of such a situation, he suggested that the calendars be directly distributed to the residents by the TMDC Secretariat without going through the DC Members after the end of the DC Election in November 2019, and that the red packets and work reports be distributed by the Members' offices and the Secretariat in early 2020 after the formation of the new-term DC.

35. The Chairman added that the DCs had received media enquiries regarding the number of red packets produced by each district and the amount of money concerned. Subsequently, some news reports had pointed out that 14 out of the 18 districts had produced red packets and the total number had reached 8.78 million. Tuen Mun was one of the three districts which had produced one million red packets or more. To support environmental protection, the Chairman asked the working group to consider reducing the production in the following financial year based on the actual need.

36. As Members had no objection to the above arrangements, the Chairman asked Members to nominate and elect candidates for the Convenor of the working group.

37. Mr Lothar LEE nominated the Chairman as the Convenor of the working group and the nomination was seconded by Mr TO Sheck-yuen, Mr MO Shing-fung and Mr TSANG Hin-hong. The Chairman accepted the nomination.

38. As there were no other nominations, the Chairman announced that he would become the Convenor of the working group. The term of office of a non-standing working group should not exceed eight months (i.e. until 21 October 2019). The Chairman hoped that all committee chairmen would join the working group to facilitate its work. In addition, since a large number of photos of Tuen Mun would be required, he asked Members to provide the Secretariat with photos which demonstrated the characteristics of Tuen Mun for the working group's selection. The Chairman also asked the Secretariat to write to the Members inviting them to join the working group after the meeting.

39. A Member suggested reducing the production since the calendars would not be distributed by the DC Members.

40. A Member suggested that the working group consider adding phrases about reusing to the red packets in response to the demand for environmental protection.

41. The Chairman said that he would pass Members' views to the working group and its Members would discuss the production and design of the calendars and red packets.

42. There being no other business, the Chairman announced the meeting closed at 10:06 a.m. The next meeting would be held at 9:30 a.m. on 12 April 2019 (Friday).

Tuen Mun District Council Secretariat

Date: 22 March 2019

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