

**Minutes of the 3<sup>rd</sup> Meeting of the  
Agriculture, Fisheries, Commerce, Industries, Tourism and  
Recreation Affairs Committee of Tai Po District Council in 2016**

Date: 11 March 2016 (Friday)

Time: 9:33 a.m.

Venue: Conference Room, Tai Po District Council

**Present:**

		<b><u>Time of Arrival</u></b>	<b><u>Time of Withdrawal</u></b>
Mr. YU Chi-wing, Ken	Chairman	Beginning of the meeting	End of the meeting
Mr. LI Kwok-ying, BBS, MH, JP	Vice-chairman	Beginning of the meeting	End of the meeting
Mr. AU Chun-wah	Member	10:10 a.m.	End of the meeting
Mr. CHAN Cho-leung	Member	Beginning of the meeting	End of the meeting
Mr. CHAN Siu-kuen, MH	Member	Beginning of the meeting	End of the meeting
Mr. CHOW Yuen-wai	Member	9:49 a.m.	End of the meeting
Mr. KWAN Wing-yip	Member	9:50 a.m.	End of the meeting
Dr LAU Chee-sing	Member	Beginning of the meeting	11:47 a.m.
Mr. LAU Yung-wai	Member	Beginning of the meeting	End of the meeting
Mr. LI Wah-kwong, Rex	Member	Beginning of the meeting	End of the meeting
Mr. LO Hiu-fung	Member	9:49 a.m.	End of the meeting
Mr. TAM Wing-fun, Eric	Member	10:21 a.m.	End of the meeting
Mr. TANG Ming-tai, Patrick	Member	Beginning of the meeting	End of the meeting
Ms. WONG Pik-kiu, MH, JP	Member	9:35 a.m.	End of the meeting
Mr. WOO Kin-man, Clement	Member	9:41 a.m.	End of the meeting
Mr. YAM Kai-bong, Francis	Member	Beginning of the meeting	End of the meeting
Mr YAM Man-chuen	Member	9:35 a.m.	End of the meeting
Mr. CHU King-yuen, BBS, MH, JP	Co-opted Member	Beginning of the meeting	End of the meeting
Mr. LAM B	Co-opted member	Beginning of the meeting	End of the meeting
Miss LIU Ka-man, Mandy	Secretary	Beginning of the meeting	End of the meeting

**In Attendance:**

Mr. CHAN Lap-wai	Senior Assistant Shipping Master (North)/Marine Department
Mr. CHAN Yiu-wa, Andrew	Chief Health Inspector (Tai Po)1/Food and Environmental Hygiene Department
Ms. NG Wing-yin	Deputy District Leisure Manager (Tai Po)1/Leisure and Cultural Services Department
Mr. NG Chi-keung, Barry	Senior Librarian (Tai Po)/Leisure and Cultural Services Department
Miss TSANG Mei-ying, May	Senior Manager (NTE) Promotion/Leisure and Cultural Services Department
Miss NG Sheung-han, Alice	Manager (NTE) Marketing & District Activities/Leisure and Cultural Services Department
Mrs. STEWART Pik-ha, Sara	Fisheries Officer (Mariculture Development)/Agriculture, Fisheries and Conservation Department
Mr. FUNG Ho-lam, Chris	Agricultural Officer (Agricultural Extension)/Agriculture, Fisheries and Conservation Department
Dr. CHU Chun-wa, Jim	Senior Fisheries Officer (Aquaculture Fisheries)/Agriculture, Fisheries and Conservation Department
Ms. HO Chun-man, Valerie	Fisheries Officer (Enforcement)2/Agriculture, Fisheries and Conservation Department
Dr. LEE On-on, Joanne	Fisheries Officer (Aquaculture Environment)/Agriculture, Fisheries and Conservation Department
Dr. YIP Yin, Jackie	Senior Conservation Officer (Biodiversity)/Agriculture, Fisheries and Conservation Department
Dr. MOK Siu-yan	Conservation Officer (Biodiversity)5/Agriculture, Fisheries and Conservation Department
Ms. CHAN Wai-yan, Cora	Senior Administrative Officer (Nature Conservation)/Environmental Protection Department
Mr. Anthony NG	Chief Executive Officer/Financial Dispute Resolution Centre
Ms Virginia SIU	Communications Manager/Financial Dispute Resolution Centre
Ms Sophie SHEK	Communications Officer/Financial Dispute Resolution Centre
Mr. LEUNG Siu-keung	Senior Executive Officer (District Council)/Tai Po District Office/Home Affairs Department
Mr. CHAN Hoi-ming, Peter	Senior Liaison Officer (1)/Tai Po District Office/Home Affairs Department

## **Opening Remarks**

The Chairman welcomed participants to the meeting and announced the following:

- (i) Mr. CHU King-yuen and Mr. LAM B joined the Agriculture, Fisheries, Commerce, Industries, Tourism and Recreation Affairs Committee (“ATRC”) as Co-opted Members;
- (ii) Dr. YIP Yin, Jackie, Senior Conservation Officer (Biodiversity), Dr. MOK Siu-yan, Conservation Officer (Biodiversity)<sup>5</sup> of the Agriculture, Fisheries, and Conservation Department, and Ms. CHAN Wai-yan, Cora, Senior Administrative Officer (Nature Conservation) of the Environmental Protection Department attended this meeting; and
- (iii) Ms. NG Sheung-han, Alice, Manager (NTE) Marketing & District Activities, Leisure and Cultural Services Department accompanied Miss TSANG Mei-ying, May to the meeting.

### **I. Confirmation of the minutes of the 2<sup>nd</sup> meeting of the ATRC in 2016 on 15 January 2016** (TPDC Paper No. ATR 13/2016)

2. The Chairman reported that neither had the Secretariat received any proposed amendments to the minutes of the last meeting, nor had Members proposed any amendments to the said minutes at this meeting. The said minutes were confirmed without amendment.

### **II. Public Consultation on Biodiversity Strategy and Action Plan for Hong Kong** (TPDC Paper No. ATR 14/2016)

3. Dr MOK Siu-yan gave a brief introduction to the Public Consultation on Biodiversity Strategy and Action Plan for Hong Kong. The key points were as follows:

- (i) the Government was formulating the first Biodiversity Strategy and Action Plan (“the Plan”) for Hong Kong to enhance conservation and support sustainable development. The Plan was derived from the Convention on Biological Diversity. This international Convention had three main objectives: preserving biological diversity; promoting sustainable use; ensuring fair and equitable sharing of benefits arising out of the utilisation of genetic resources. The Convention was extended to the Hong Kong Special Administrative Region in 2011.
- (ii) to collect views, the Government had set up a three-tier advisory committee comprising experts from different disciplines to discuss various biodiversity-related issues.

- (iii) to enhance public awareness of biodiversity, the Government had been conducting a series of activities since 2013, including the first Hong Kong Biodiversity Festival organised by the Environment Bureau and the Agriculture, Fisheries and Conservation Department (“AFCD”) in collaboration with 20 organisations last year. These activities had attracted over 170 000 participants in total.
- (iv) on 8 January this year, the Government published a public consultation paper on the Plan, which covered the “Proposed Vision”, the “Recommended Mission” and the four “Areas of Action”.
- (v) several important elements were included in the “Recommended Mission”, including the sustainable use of biodiversity, the consideration of social and economic factors, the mainstreaming of biodiversity, and the continued provision of essential services by the ecosystem.
- (vi) the Government hoped to finish drafting the Plan as soon as possible after consulting relevant committees and stakeholders.

4. Members’ comments were as follows:

- (i) a Member said that the Leisure and Cultural Services Department (“LCSD”) had constructed recreational facilities in some rural areas despite their listing as sites of special scientific interest. He queried whether that was contradictory.
- (ii) a Member pointed out that some people had dumped soil and mud at Mai Po recently. He asked how the Government would respond to this “damage first, develop later” behaviour.
- (iii) Dr. LAU Chee-sing said that he was a member of the Steering Committee on Biodiversity Strategy and Action Plan. He pointed out that the Government had not consulted the public extensively on related conservation measures and the residences of some people were included in country parks and marine parks. Their rights were exploited and they could no longer live the same way as before. He called on the Government to respect the rights of local residents when formulating conservation policies.
- (iv) a Member opined that the Government should strike a balance between conservation and development. He said that Hong Kong had a well-developed legal system to protect private property rights. He reckoned that if a conservation area involved private land, the Government should reclaim the land and compensate the landowners.
- (v) a Member wondered how the Plan could prevent the Government from pursuing a development plan that would undermine the ecology if it had no practical enforcement authority.

- (vi) a Member pointed out that the public should respect the environment and the ecosystem instead of putting emphasis on the ownership of private land only. He regarded the Plan empty in contents and asked how the Government would strengthen conservation. Also, he was surprised by the fact that the biological list on the AFCD webpage's had not included Chinese white dolphins.
- (vii) a Member asked whether the Government would consult the residents and landowners whose residences were included in conservation areas on the Plan. He also asked how the Government would deal with possible objections from them.

5. Dr. YIP Yin thanked Members for their comments and responded as follows:

- (i) the Government understood that the community had different views on the preservation of biodiversity. It would enhance publicity in the next five years to deepen people's understanding about conservation. It would take into account the views of the public and plan practical actions.
- (ii) the Government was aware of the conflict between the conservation and development of some private land. It would communicate with stakeholders with a view to finding a flexible way to conserve private land with ecological value.
- (iii) the AFCD had a website dedicated to Chinese white dolphins. Members' views reflected that some information about local biodiversity was not conveniently accessible to the public. The Government would consider improving the dissemination of information when formulating the Plan.

### **III. Report on the assistance provided for the agricultural industry by the Agriculture, Fisheries and Conservation Department and matters concerning the mariculture industry in January and February 2016**

(TPDC Paper No. ATR15/2016)

#### **(I) Assistance provided for the agricultural industry by the Agriculture, Fisheries and Conservation Department**

6. Mr. Chris FUNG introduced Appendix I to the captioned paper and reported as follows:

- (i) "FARMFEST 2016" was held from 7 to 10 January this year in the Fa Hui Park. The number of visitors and the sales turnover of agricultural and fishery products hit a record high.
- (ii) the Chief Executive announced in his Policy Address the implementation of a new agricultural policy. The main measures included constructing an agricultural park, exploring the feasibility of establishing an agricultural priority zone, setting up a \$500

million Agricultural Sustainable Development Fund, giving farmers stronger support and helping them to add value, marketing and building up brand names for their products, launching leisure and educational activities related to agriculture etc. The Government had consulted the Panel on Food Safety and Environmental Hygiene of the Legislative Council on the setting up of the proposed Fund, which would directly subsidise farmers to buy farm machinery to help them increase productivity. The proposed subsidy amount was up to 80% of the relevant expenditure, subject to a upper ceiling of \$30,000.

- (iii) the AFCD had registered farmers suffering heavy losses due to severe cold weather in the period from 26 January to 3 February 2016 for application for the Emergency Relief Fund. The Department had approved 1 131 applications and granted nearly \$3.5 million to the applicants.

7. Members noted the relevant paper and raised neither comments nor questions.

## **(II) Matters concerning the mariculture industry**

8. Mrs. Sara STEWART introduced Appendix II to the captioned paper and reported as follows:

- (i) during the period from January to February 2016, the AFCD had received two reports of fish disease outbreak in mariculture farms in Yung Shue O and Yim Tin Tsai. The species being affected was Sabah Giant Grouper. The AFCD had conducted on-site investigations on 14 January 2016 and collected water samples for testing. Bacterial infection was found in samples of Sabah Giant Grouper taken from Yung Shue O while parasitic infection was found in those samples taken from Yim Tin Tsai.
- (ii) during the same period, the AFCD had received three reports of red tides in the waters of Tai Po District. The details were as follows:
  - the first red tide occurred on 1 January 2016 and affected a number of fish culture zones (“FCZ”) from Tolo Harbor to Tai Tan Hai, covering Tiger Wat, Sham Wan, Yim Tin Tsai, Yung Shue Au, Yim Tin Tsai East, Ko Lau Wan and Tap Mun. Even Hoi Ha Wan and Chek Mun had been affected too. The red tide was mainly composed of *Karenia mikimotoi*. International studies had shown that *Karenia mikimotoi* might have an adverse effect on fish, but was harmless to human. The algae seldom formed red tides in Hong Kong waters in the past. The AFCD had received reports of fish death during the occurrence of the red tide. It had reminded fish farmers to keep a close watch on their fish rafts and properly dispose of the dead fish. It had also advised the fish farmers who were not affected by this red tide to consider harvesting their stock early. In addition, it had stepped up monitoring of water quality and phytoplankton in response to the incident and gradually extended the

scope of sampling monitoring to 26 FCZs throughout Hong Kong. This red tide subsided in mid-February 2016.

- the second red tide occurred on 13 February 2016 in the waters between Wong Chuk Kok and O Pui Tong (including the FCZs at Double Island and O Pui Tong), and on 23 February 2016 at Chek Mun. This red tide was formed by blood-red algae.
- the third red tide was discovered on 19 February 2016 in the Long Harbour. It was formed by *Noctiluca* and six different species. Blood-red algae, *Noctiluca sphaerocephala* and six different species of algae were commonly found in Hong Kong and they were not toxic. There was no report of fish death during the red tide.

9. The Chairman welcomed Dr. CHU Chun-wa, Jim, Senior Fisheries Officer (Aquaculture Fisheries), Ms. Valerie HO, Fisheries Officer (Enforcement)<sup>2</sup>, and Dr. LEE On-on, Joanne, Fisheries Officer (Aquaculture Environment) of the AFCD to the meeting to explain to Members the fish death incidents at Sam Mun Tsai.

10. The Chairman reminded Members that the Secretariat had written to the AFCD in the name of the ATRC regarding the fish kill incidents at Sam Mun Tsai.

11. Dr. CHU Chun-wa thanked the ATRC for its attention to the matter. He said that the AFCD valued Members' views and was glad to send representatives to attend this meeting to explain the incident. He then reported as follows:

- (i) on 23 December 2015, the AFCD received the first report of massive fish death in Yim Tin Tsai FCZ and the nearby Tolo Harbor. It subsequently received reports of fish deaths in the FCZs at Tiger Wat, Yung Shue O, Yim Tin Tsai East, Sham Wan, Tap Mun, Ko Lau Wan, O Pui Tong and Double Island. Nine FCZs and an estimated 410 licencees were affected and a total of about 220 tonnes of fish were lost.
- (ii) in mid-December 2015, the AFCD conducted regular monitoring and found that the water in Yim Tin Tsai FCZ contained *Karenia mikimotoi*. The toxins produced by the algae would stimulate the gill tissues of fish, thereby affecting their breathing and potentially resulting in suffocation to death. In late December 2015, the algae gradually formed a red tide that spanned from Tolo Harbour to Long Harbour. Tiger Wat, Sham Wan, Yung Shue O, Yim Tin Tsai East, Ko Lau Wan, Tap Mun, O Pui Tong and Double Island FCZs were affected in succession.
- (iii) the red tide and *Karenia mikimotoi* in these waters were likely to be the main cause of fish death in several FCZs. Beginning from mid-February 2016, the red tide caused by *Karenia mikimotoi* gradually disappeared. The recent red tide spanning from Tolo Harbour to Long Harbour was non-toxic. The AFCD would closely monitor the situation.

- (iv) upon receipt of a red tide report, the AFCD would send a text message to the fish farmers who would be potentially affected to advise them to take precautions. The AFCD had sent 18 text messages to the fish farmers concerned as regards this incident and contacted their representatives by phone.
- (v) the text messages sent on 14 and 22 December 2015 both pointed out that according to relevant literature, the algae causing this red tide might be harmful to fish. The text message sent on 5 January 2016 stated that the red tide might affect the water in the north-east region and the fish farmers who had not yet affected by the red tide might consider harvesting their stock early.
- (vi) the AFCD had disseminated news about red tides to the public through press releases and the Hong Kong Red Tide Webpage. It had also briefed the Red Tide Expert Advisory Group on the latest development and solicited the views of the Advisory Group on risk management and monitoring measures. In addition, it had informed the relevant Mainland authorities of the incident.
- (vii) the AFCD invited Members to air their views on ways to convey messages about the risks posed by red tides and the content of such messages in a hope to strengthen communication with fish farmers.
- (viii) the AFCD had conducted a series of laboratory tests and studies, including on-site and laboratory observations, studies on the time of red tide formation and massive fish deaths, toxicological tests on *Karenia mikimotoi* and analyses on the histopathology of gills of the affected fish. The results revealed that red tides and *Karenia mikimotoi* might be the main cause of fish deaths.
- (ix) the rapid mass reproduction of algae would change the water colour and cause red tides. This was a natural phenomenon. The formation and duration of red tide were affected by different environmental and human factors. Factors affecting the growth and reproduction of algae included light, water temperature, salinity, nutrients, micro elements, water current and algae activeness.
- (x) at the beginning of the incident, analysis of the water samples did not find much *Karenia mikimotoi* and they had not bred in a quantity to discolour the seawater. Therefore, the AFCD considered that they had not reached the red tide standard. By late December 2015, their quantity soared and the AFCD classified them forming a red tide.
- (xi) the technology today could not accurately predict red tides, not to mention prevent the emergence or spread of red tides. As such, stepping up surveillance for early detection of red tides and timely issue of warnings remained the most practicable management method. The AFCD would collect samples from all FCZs in Hong Kong daily during high risk periods to analyse the growth of algae.
- (xii) the Emergency Relief Fund had released subsidies to eligible affected fish farmers (209 farmers in total) and the maximum subsidy limit was \$6,780. Due to the seriousness of

the disaster, the Government had received support from the Emergency Relief Fund Committee to provide special grants to affected fish farmers (subject to a ceiling of \$7,260). On this basis, up to \$14,040 would be granted to affected fish farmers.

- (xiii) should fish farmers needed capital for resumption of business, they could apply for the Kadoorie Agricultural Aid Loan Fund. The Kadoorie Agricultural Aid Loan Fund Committee had agreed to relax the restrictions on the application of the said fund on a one-off basis for fish farmers affected by this incident. To assist them to resume their businesses, the limit of the unsecured loan was increased from \$130,000 to \$200,000 with an interest rate of only 0.007% and the repayment period was extended from two years to three years. Loan interest rate had also been adjusted. For example, for loans over \$200,000, the interest rate would be reduced from 4.0833% to 2.04515%.

12. The Vice-Chairman said that the Environmental Protection Department (“EPD”) had provided the Secretariat with a report on the investigation and water examination relating to the fish death incident at Sam Mun Tsai (see Annex I). The report mentioned that EPD received a report on 13 December 2015 about the sewage water in the nullah at Fo Tan turning blue but the source of pollution could not be identified. He added that the EPD had taken the seawater samples after receiving the report of fish deaths in Sam Mun Tsai on 23 December 2015. The examination results showed that the quality of the seawater was normal. The investigation had failed to confirm any illegal sewage disposal.

13. Members’ comments were as follows:

- (i) a Member said that fish farmers were waiting for the AFCD to announce the safety period for raising fry. He pointed out that while the EPD’s report showed that the quality of the seawater was normal, the AFCD’s report did not explain the real cause of the death of fish. Therefore, he queried whether the Government had done a good job in the research and investigation. He also pointed out that the fish farmers had noticed floating algae on the sea and asked if they might take uncontaminated deep sea water to raise fish.
- (ii) a Member welcomed more financial assistance be given by the AFCD to affected fish farmers. He asked the Department how it would inform the fish farmers of the related arrangements. He believed that the Government should finance fish farmers to buy fry so as to ease their minds about resuming business.
- (iii) a Member asked whether the AFCD would advise the fish farmers to relocate their fish rafts in addition to harvest early. He pointed out that the causes of red tides were many and the Department should teach the fish farmers how to protect their fish.
- (iv) a Member said that the Government should ensure that all domestic sewage pass through sewage drains but not go into the sea. He supported Dr. LAU Chee-sing’s proposals to the AFCD (see Annex II for the letter), which included funding fish farmers to buy fry and waiving three years’ licence fees for fish farmers.

- (v) a Member criticised the EPD for being irresponsible to report that the seawater quality was normal. She queried why the EPD would refer to the seawater as uncontaminated if the AFCD had detected a large quantity of algae in the water samples. She said if the fish farmers had taken out insurance for their fish, they might not be able to claim a reasonable compensation due to the EPD's report.

14. Dr. CHU responded as follows:

- (i) the AFCD would closely monitor the quality of the seawater. Although the algae were currently found to be free of toxins, they might nevertheless affect seawater quality. Also, the current temperature was not suitable for breeding fry. The Department would continue to liaise closely with fish farmers.
- (ii) at present, scientific studies could only confirm that large quantities of *Karenia mikimotoi* would stimulate the fish to increase mucus secretion, causing gills blockage to them eventually. However, the study failed to analyse the toxins in the secretion. The AFCD was carrying out studies on red tides and toxic algae with several universities in Hong Kong.
- (iii) the AFCD had given two talks to fish farmers to explain to them the arrangements of the relief fund. If necessary, it could organise more talks for them.
- (iv) under normal circumstances, fish farmers were not free to relocate their rafts. However, they might temporarily remove their rafts from the FCZs if they were affected by red tides, provided that they did it safely and caused no blockage to the marine channels, and notified the AFCD and the Marine Department (“MD”) as soon as possible.
- (v) he would inform the AFCD of the proposal to subsidise fish farmers to buy fry and exempt them from paying licence fees.

15. The Chairman said that the EPD had no representatives at the meeting. He requested the Secretariat to convey Members' views to the EPD.

(Post-meeting note: The EPD remarked that upon receipt of a report of massive fish deaths in Sam Mun Tsai on 23 December 2015, it had immediately dispatched personnel to investigate the matter and take seawater samples at the scene in order to find out whether the seawater was polluted by sewage discharged from the local area. If the seawater was found to be contaminated, the EPD would endeavour to identify the sources of pollution and stop the pollution. The analysis of seawater samples identified no abnormal pollutants in the seawater. The EPD personnel had inspected in the vicinity of the area and noted no illegal sewage disposal. There was no evidence that the fish deaths were caused by pollution in the area. Fish deaths could be caused by a variety of reasons. As the EPD's investigation

targeted man-made pollution, it would not look into the ecology of seawater or investigate into the causes of fish deaths. Nevertheless, it would continue to inspect the sources of pollution in the vicinity to prevent illegal sewage disposal. It would also implement a rural sewerage connection scheme in various villages in Tai Po to divert domestic wastewater to government sewage treatment facilities as far as possible so as to minimise the possibility of contamination of coastal waters by domestic sewage.)

**IV. Report on the quantity of refuse collected from Tolo Harbour in January and February 2016 by the Marine Department and the Food and Environmental Hygiene Department**  
(TPDC Papers No. ATR 16/2016 and ATR 17/2016)

16. Mr. CHAN Lap-wai said that the MD had responded to Members' requests and submitted a report on the amount of floating refuse collected at various locations in the inner waters of Tai Po District. He added that the MD had collected 13.94 tonnes and 14.41 tonnes of floating refuse in the inner waters of Tai Po District in January and February 2016 respectively.

17. Mr. CHAN Yiu-wa reported that the Food and Environmental Hygiene Department ("FEHD") had collected 0.043 tonnes and 0.039 tonnes of coastal refuse at Tolo Harbor in January and February 2016 respectively.

18. Members noted the relevant papers and raised neither comments nor questions.

**V. Report on the response to community activities held in January and February 2016 and the planned community activities to be held in March and April 2016 in Tai Po by the Leisure and Cultural Services Department**  
(TPDC Paper No. ATR 18/2016)

19. Ms. NG Wing-Yin introduced Appendix I to the captioned paper and reported as follows:

- (i) the Leisure and Cultural Services Department ("LCSD") had organised 141 events during the period from January to February 2016 for a total of 23 547 participants.
- (ii) the LCSD planned to organise 90 events in March and April 2016 for an estimated 1 900 participants.

20. Miss May TSANG introduced Annex A to Annex E to Appendix II to the captioned paper.

21. Mr. Barry NG introduced Annex 1 to Annex 2 to Appendix III to the captioned paper. He reported that in January and February 2016, the LCSD had organised 54 promotional events at the Tai

Po Public Library for a total attendance of 34 684 persons. Furthermore, he reported that during the repair to the square in front of the Plover Cove Village Office, three cement flowerpots were placed next to the original parking slot of the mobile library car. Those three flowerpots were fixed and could not be removed, and so the mobile library car could not park there. He said that in order to continue to provide services to the public, the LCSD was actively liaising with DC Members, residents in the district and departments concerned to identify suitable places nearby for parking the mobile library car.

22. Members noted the relevant paper and raised neither comments nor questions.

**VI. Introduction to the services of the Financial Dispute Resolution Centre**  
(TPDC Paper No. ATR 19/2016)

23. The Chairman welcomed Mr. Anthony NG, the Chief Executive Officer, Ms Virginia SIU, Communications Manager, and Ms Sophie SHEK, Communications Officer of the Financial Dispute Resolution Centre (“FDRC”) to attend this meeting.

24. Mr. Anthony NG said that the FDRC, which had commenced operation since 2012, was initiated by the government, the Hong Kong Monetary Authority (“HKMA”) and the Securities and Futures Commission (“SFC”).

25. Ms. Virginia SIU introduced the captioned paper with the following highlights:

- (i) the FDRC had been providing independent and impartial consumer-led services under the objective of “mediation first, arbitration next”. It had been assisting local financial institutions and the public to resolve monetary disputes in a constructive way to prevent conflicts from escalating.
- (ii) the terms of reference of the FDRC included managing the Financial Dispute Resolution Scheme (“the Resolution Scheme”), developing mediation and arbitration procedures, and defining the Resolution Scheme Members, eligible claimants, eligible and ineligible disputes.
- (iii) members of the Resolution Scheme included financial institutions regulated by the HKMA and the SFC. Eligible claimants included individuals and sole proprietors. Claims must be of monetary nature and the maximum claimable amount was HK\$500,000 or its equivalent in a foreign currency. The claimant must lodge a written complaint to the relevant financial institution first. Upon receipt of a final written reply from the relevant financial institution or if the dispute cannot be resolved or the claimant had not received a final written reply from the relevant financial institution more than 60 days after lodging the written complaint, he/she might issue a claim within 12 months

from the date of purchase of the financial product or from the date he/she first had knowledge of his/her pecuniary loss.

- (iv) over 80% of the cases were successfully settled in the mediation process and most of them were settled within three to six months.
- (v) the FDRC welcomed visits by members of the public and groups. At the invitations of the District Councils and district organisations, the FDRC would promote its services in different districts. It would also introduce its services to the public through active participation in district activities.

26. Members' comments were as follows:

- (i) a Member asked if the claimant could still bring civil proceedings before the court after the case was agreed or arbitrated through the Resolution Scheme. Besides, he asked must the FDRC arbitrate the case if it failed to resolve the dispute in the mediation process.
- (ii) a Member asked must the claimant wait for a final reply from the relevant financial institution if he/she wished to lodge a complaint with the SFC or the HKMA.
- (iii) a Member asked how the FDRC calculate the success rate of resolving disputes. He also asked what a person should do if he/she wanted to make a complaint 12 months after he/she purchased the financial product or first had knowledge of his/her pecuniary loss.

27. Ms. Virginia SIU replied as follows:

- (i) the outcome of mediation would depend on the needs of relevant parties, and the outcome of each case would be different. The spirit of mediation was to resolve disputes through communication and to some extent, it was the art of compromise. The two sides of the dispute could formulate a settlement plan according to their own needs. This was different from the traditional litigation objective of obtaining the best interests.
- (ii) after the first hearing of arbitration, the claimant might appeal to the court only in respect of the legal issues raised in the arbitration. After mediation, if the claimant considered arbitration unnecessary, he might close the case.
- (iii) the claimant might make a claim upon receipt of a reply from the relevant financial institution without waiting for the reply from the SFC or the HKMA.
- (iv) a successful mediation case was one in which disputes could be resolved in the mediation process.
- (v) the terms of reference of the FDRC only covered claims made within 12 months from the date of purchase of the financial products or the claimant first had knowledge of

his/her pecuniary loss. The FDRC would consider changing the time limit upon consultation with relevant parties.

28. A Member said that since the FDRC did not encourage the presence of a legal representative in the mediation process, many claimants started the resolution process before knowing their legal rights and their interests were prejudiced. So, he considered it unreasonable not to allow the claimants to appeal to the court.

29. Mr. Antony NG replied that the mediator would remind the claimant of his rights and the FDRC would give the claimant sufficient time to consult his family or seek legal advice before entering into a settlement agreement with the financial institution concerned.

30. The Chairman said that the FDRC provided a good platform for the public to resolve financial disputes. He hoped that it would work with DC Members to help the needy.

## **VII. Report of Working Group**

31. Mr. Eric TAM reported that the Working Group on Promotion and Publicity held its first meeting of the year on 29 February 2016 and agreed to organise the Tai Po Tin Hau Parade with the Tin Hau Temple Community Activity Management Committee of the Tai Po Old Market in the 2016-17 financial year. He hoped that Members would support the event's funding application.

32. He said that the Working Group had recommended printing the 2017 calendar for distribution to the public in the 2016-17 financial year but considered it not the right time to print additional copies of the book "Traditions and Heritage in Tai Po". He suggested that members of the public download the book's electronic version or borrow it from a public library to support environmental protection.

33. He remarked that the Working Group was following up the production of souvenirs (including neckties, scarves, commemorative plates and torches) and the "Tai Po District Minor Works Program Report 2012-2015", the former would be distributed to the public in the way decided by the Working Group. He said that the quality of the sun hat sample made by the supplier was not satisfactory and the Secretariat was following up the matter and might terminate the contract with the supplier.

(Post-meeting note: The Secretariat had terminated the contract with the supplier of the sun hats with the consent of the Chairman of the Working Group.)

34. He said that the Working Group had recommended the new Tai Po Mobile App maintenance service to disable the promotion page and the Facebook banner design so as to allocate resources to other areas. He added that the Working Group would like to invite local groups in the district to

update and publicise the Tai Po Mobile App together. He welcomed Members to recommend suitable local groups to the Secretariat.

35. Members noted the relevant papers and raised neither comments nor questions.

36. The Chairman remarked that the ATRC had earlier confirmed the name list and term of office of Members of the Working Group on Promotion and Publicity through circulation of TPDC Paper No. ATR 11/2016.

37. The Chairman noted that Co-opted Member, Mr. CHU King-yuen, had joined the Working Group on Promotion and Publicity, whereas Mr. LAM B had no intention to join the Group for the time being. The Chairman requested Members to take note of the updated membership list (see Annex III).

### **VIII. Application for DC Funds**

(TPDC Paper No. ATR 20/2016)

38. The Chairman requested that Members declare interests where necessary in respect of the eight applications for 2016-17 DC Funds submitted to the ATRC for vetting.

39. The Secretary said that pursuant to Orders 48(9) and 48(10) of the Tai Po District Council Standing Orders, a Member should declare interests if he found he had direct personal interests, pecuniary interests or other interests in the applications for DC Funds under consideration, or had links with the benefited party or the potential benefited party. She continued that the Secretariat had compiled a declaration form (see Annex IV) based on the information collected, which set out the links between Members and the hosting/partnering/co-hosting organisation concerned, and indicated by different colours whether Members were executors of the activities concerned, or held a substantive or non-substantive position. She asked Members to check the information contained in the declaration form and make revisions or give supplementary information where necessary. She reminded Members that apart from links with the hosting/partnering/co-hosting organisation concerned, a Member should also declare interests if he had any direct personal interests, pecuniary interests or other interests in the applications for DC Funds to be examined at this meeting.

40. Members concerned declared interests according to the information contained in the Annex.

41. As regards those Members who had declared interests, the Chairman put forward the following suggestions:

- (i) as regards Members who had declared their links with the hosting/partnering/co-hosting organisations concerned, if they held a non-substantive position therein without

involving pecuniary interest or other interests, they could take part in the discussion and resolution of the fund applications concerned; and

- (ii) if they held a substantive position therein without involving pecuniary interest or other interests, they were not required to withdraw from the meeting at which the fund applications concerned were being examined, but should remain silent during the discussion and abstain from resolution or voting. The ATRC could request that they provide supplementary information if necessary.

42. Members agreed to the Chairman's suggestions.

43. The Chairman remarked that if Members were satisfied that the above-mentioned eight fund applications fell within the ambit of DC Funds, they might consider endorsing them.

**(I) Seven fund applications submitted by local groups**

44. The ATRC resolved to:

- (i) allocate \$12,000 to the Kwong Lai House Mutual Aid Committee for organising "Joint Performance by Eight Cantonese Opera Groups for Showing Gratitude to Parents".
- (ii) allocate \$9,720 to the Shin Mei House Mutual Aid Committee for organising "Care to Seniors Citizens Fun Day".
- (iii) allocate \$12,000 to the Kwong Fook Opera Group for organising "Cantonese Operas - Celebration with Parents".
- (iv) allocate \$10,680 to the Wan Lam House Mutual Aid Committee for organising "Summer Holidays Family Outing".
- (v) allocate \$15,308 to the Tai Po Pun Chung Community Education Centre for organising "Song and Dance Variety Show".
- (vi) allocate \$9,000 to the Ming Cheong House Mutual Aid Committee for organising "Kam Tin barbeque one day outing".
- (vii) allocate \$12,000 to the Chun Fai Cantonese Opera Group for organising the Chinese opera "The Reincarnation of Lady Plum Blossom".

45. A Member asked if it was the first time that the Chun Fai Cantonese Opera Group applied for DC funds. He also enquired about its registered address.

46. The Secretary replied that the opera group had previously applied for DC funds for holding a number of activities, and its registered office was in Tai Po District.

47. The Chairman reported that the expenditure of the aforesaid activities would be listed in “Other Activities” under the ATRC in the 2016 -17 financial year.

**(II) A fund application submitted by the Tin Hau Temple Community Activity Management Committee of the Tai Po Old Market to organise an activity with the Working Group on Promotion and Publicity under the ATRC**

48. The Committee resolved to allocate \$200,000 to the Tin Hau Temple Community Activity Management Committee of the Tai Po Old Market for organising the “Tai Po Tin Hau Parade” with the Working Group on Promotion and Publicity

49. The Chairman reported that the expenditure of the aforesaid activity would be listed in “Promotion and Publicity Programmes” under the ATRC in the 2016 -17 financial year.

**(III) Two revisions to activities of which the fund applications had already been approved by the ATRC**

50. The Chairman reported the details of the following two revisions to activities of which the fund applications had already been approved by the ATRC:

- (i) the Tai Po District Arts Advancement Association had sent a letter to revise the time of “Tai Po Youth Arts Festival - School Choral Teaching Partnership Program 10th Anniversary Concert” (changed from “2 p.m. – 5 p.m.” to “3:30 pm. – 6 p.m.”). The total amount of allocation remained unchanged.
- (ii) the Tai Po District Women Development Association had revised the date of “Celebration of the International Women's Day cum Variety Arts Show” (changed from 5 March 2016 to 7 March 2016). The total amount of allocation remained unchanged.

51. Members noted the above revisions and expressed no other views.

52. The Chairman suggested to adopt previous practice of splitting the funds under the heading "Other Activities" into two parts with respect to the ATRC's funding items for the 2016-17 financial year, with a proportion of 6 to 4 respectively for the first half of the 2016-17 financial year (i.e. April to September 2016) and the second half of the year (i.e. October 2016 to March 2017), for application from local groups to organise activities.

53. Members noted the above suggestion and expressed no other views.

**IX. Other business**

54. The Chairman pointed out that Dr. KO Wing-man, the Secretary for Food and Health, said earlier that the authority, when reviewing hawker control policy last year, had expressed its willingness to tie in with the proposed setting up of hawker markets in various districts as far as possible and discuss the matter at district level.

55. He added that the Secretariat had not received the relevant information and would follow up upon receipt of the information.

56. Members noted the above arrangement and expressed no other views or questions.

**X. Date of next meeting**

57. The next meeting would be held at 9:30 a.m. on 13 May 2016 (Friday).

58. There being no other business, the meeting ended at 12:02 p.m.

Tai Po District Council Secretariat  
May 2016