

## **Guidelines on the Use of Facilities in Community Halls / Community Centre in Sai Kung District**

### **1. Eligibility**

- (a) The applicant must be a registered school or a body either registered or exempted from registration in Hong Kong in accordance with the law. Members of Legislative Council and Sai Kung District Council can also apply for the use of Community Hall/Community Centre (CH/CC) to hold community activities.
- (b) The activities proposed to be held at CH/CC must be of public interest and should not be inconsistent with the laws of Hong Kong. If the Sai Kung District Office (SKDO) considers the activity will likely cause disturbance to public peace, the application will not be accepted.
- (c) As a rule, applications from commercial organisations will not be accepted. Nevertheless, the SKDO will approve applications from commercial organisations with discretion provided that the activity such as public consultation and briefing has a clear public interest dimension and is of public concern to the local community and that the provision of the venue in a CH/CC within the District will greatly facilitate the attendance and participation by the local community.

### **2. Submission of Application and Criteria for Timeslot Allocation**

- (a) Applicants can submit applications to the SKDO starting from the months below (except the working days specified in Appendix I) for the use of facilities in the respective quarter:

<u>First month for receiving application</u>	<u>Quarter for application</u>
January	April to June
April	July to September
July	October to December
October	January to March of Next Year

- (b) Applicants should submit application forms to the SKDO at least 7 working days before the day of using the venue (not counting the day of the activity). However, please note that during the above-mentioned months for receiving application, there is a specified period in which only the application forms for the next quarter will be processed (Please see paragraph 4(c) in Appendix I for details). For applicants who would like to apply for the use of venue during the above months, please submit your application forms earlier.
- (c) If the activity is jointly organised/co-organised, the information of the joint organiser(s)/co-organiser(s) should also be provided in details on the application form.
- (d) The available timeslots of CH/CC facilities are as follows:
  - i) 8:00/9:00 a.m.\*- 10:00 a.m.
  - ii) 10:00 a.m. - 12:00 noon
  - iii) 12:00 noon - 2:00 p.m.
  - iv) 2:00 p.m. - 4:00 p.m.
  - v) 4:00 p.m. - 6:00 p.m.
  - vi) 6:00 p.m. - 8:00 p.m.
  - vii) 8:00 p.m. - 10:00p.m.(\* The opening hours of Lohas Park Community Hall starts from 9:00 a.m., while the opening hours of the other six community halls starts from 8:00 a.m.)
- (e) The minimum number of participants required for using CH/CC are as follows:
  - i) Conference room / Activity room --- 5 persons
  - ii) Hall --- 10 personsThe application will not be processed if the anticipated number of participants does

not meet the above requirement.

- (f) The applicant should not submit more than one application form for a particular timeslot of the same CH/CC.
- (g) The number of hours applied by each organisation for the same CH/CC cannot exceed 8 hours a week. If the timeslot is still available 1 month before the intended date of the activity, this restriction will not be applicable.
- (h) The applicant should state clearly the name and contact number of the activity coordinator on the application form. The coordinator or his/her representative should be present during the course of the activity so that the staff of the SKDO can contact him / her when needed.
- (i) The SKDO will process the application forms and allocate the timeslots in accordance with the procedures set out in Appendix I. For details, please refer to the Appendix.

### **3. Payment of Charges**

- (a) On approval of the application, a Demand Note together with the approval letter for the use of the venue will be sent to the applicant if payment is required.
- (b) The applicant should settle the payment before the deadline set out on the Demand Note and present the payment receipt and the approval letter to the SKDO staff before using the venue, otherwise, the use of CH/CC facilities will not be allowed. Please note that no cash should be handed to any SKDO staff.

### **4. Cancellation of Booking**

- (a) The applicant should submit the Notification for Cancellation of Booking at least 10 working days before the date of the activity (not counting the day of the activity). The applicant can obtain refund by presenting the payment receipt.
- (b) If the applicant has not submitted the Notification for Cancellation in accordance with the above procedures or the applicant is not allowed to use the CH/CC facilities due to non-compliance with the regulations and conditions concerned, the amount paid will not be refunded.
- (c) If the venue has to be reserved for departmental use under emergency relief arrangement: for example, to accommodate typhoon victims, shelter seekers when the facility is turned into a temporary cold/heat shelter, the applicant so affected will be informed as soon as possible. Any payment made will be refunded on production of received Demand Note.

### **5. Criteria for Charges Exemption**

- (a) If the applicant falls into any of the category listed in Appendix II and the proposed activity is non-profit-making and contributes to social welfare and community building, the applicant can apply to the SKDO for exemption of charges (including air-conditioning fee). The applicant has to produce the relevant documentation while applying for the exemption. If the activity is jointly organised/co-organised, the joint-organiser(s)/co-organiser(s) should also meet the relevant requirements listed in Appendix II.
- (b) Applicants who apply for charge exemption for paid activities should submit the application form together with the Statement of Expected Income and Expenditure of Paid Activity. If their charges are exempted, the organisation concerned should submit a self-certified statement of account within one month upon completion of the activity in order to prove that the organisation has not obtained any profit from the activity.

- (c) The applicant does not need to submit the receipts and documentations together with the self-certified statement of account. However, the applicant should keep the receipts and documentations for two years as the SKDO will conduct spot checks on the statement of account of paid activities with charges exempted. The applicant will be required to submit the receipts and documentations when the SKDO checks the self-certified statement of account of the activity. If the applicant fails to provide the receipts/supporting documents to the SKDO for inspection upon request, it will be required to pay back the exempted charges.
- (d) If the organisation has indeed profited from the activity or has not submitted the statement of account on time as required, the exempted amount will be recovered from the organisation.

## **6. Regulations and Conditions for using the Facilities**

- (a) To ensure fire safety, the following regulations and conditions should be followed by the applicant:
- (i) For both indoor and outdoor activities
- The premises are used for the designated activities.
  - No change is made to the structural design or layout of the premises that will increase the designated capacity or render escape difficult in the event of emergency.
  - No decoration of readily combustible materials is used.
  - Chairs, if provided for audience, should be battened together in groups of not less than four and not more than fourteen per row.
  - The power supply cable should be so located that it will not constitute a hazard to the audience/attendees.
  - No scenery or decorations of readily combustible nature should be erected on the stage.
  - No hydrogen-filled balloon of readily combustible nature should be erected on site.
  - All exit doors shall remain unlocked.
  - All staircases, exits and corridors shall be kept free from obstruction and be adequately illuminated.
- (ii) For outdoor activities
- The stage, if any, should be substantially constructed to such a safety standard as required by the Buildings Department/Architectural Services Department and sited at least 6m from other buildings.
  - Only electric lighting should be used for illumination purpose.
  - Mill barriers should be set up to bar off audience/attendees from performing area, P.A. and lighting control booth.
  - One 9-litre water/CO<sub>2</sub> fire extinguisher should be provided at the following locations:
    - ✧ at the command post; and
    - ✧ at the main entrance.
- (b) Without prior approval from the SKDO, the applicant shall not post or hang posters, slogans, banners or portraits; conduct auction, fund-raising or sales activity, nor allow eating nor animals except guide dogs in the CH/CC when using the facilities. The applicant shall maintain good order and discipline during the activity. Smoking, cooking, lighting of fire or using fireworks, sprinkling powder on the floor are prohibited.

- (c) The applicant shall make physical arrangements for the venue by itself and shall not put any nails or any other materials that are difficult to remove such as paints or adhesive tape, etc. on the walls, furniture and other equipment. The applicant shall be liable for any damages to the equipment, furniture or structure inside the venue.
- (d) The applicant shall clean up the place and restore the venue to its original condition before handing over the venue.
- (e) No additional lighting equipment, sound equipment or electric appliances are allowed to be installed in any part of the CH/CC unless prior permission from the SKDO has been obtained. If equipment is allowed to be installed, the applicant should arrange experienced technician or operator to operate the equipment and notify the CH/CC staff in advance.
- (f) The SKDO staff shall have the right to enter, at any time, any part of the CH/CC used by the applicant and impose additional conditions for its continued use in the light of prevailing circumstances. If the applicant fails to observe these conditions, the staff may terminate the right of use at any time and have the place cleared.
- (g) No fund raising or commercial activity such as sale, promotion of products and services etc. is allowed within the area of CH/CC.
- (h) The activity approved to be held inside the CH/CC must conform to the details and objective stated in the application form. Any changes to the information on the submitted application form must be reported to and approved by the SKDO in advance.
- (i) Eating and drinking are generally not allowed in the CH/CC unless approved by the SKDO. Should eating and drinking be allowed in the CH/CC, the applicant must ensure food hygiene and no cooking, boiling or heating by means of fuel or electrical appliances should take place in the venue. The applicant should clean up the place after use.
- (j) The SKDO reserves the right to withdraw its approval for the use of venue of CH/CC or its equipment when needed and will inform the applicant as soon as possible. The payment settled will be refunded later and the applicant has to present the payment receipt upon obtaining refund.
- (k) The Home Affairs Department has entered into licence agreements with Composers and Authors Society of Hong Kong Limited (CASH), Phonographic Performance (South East Asia) Limited and Hong Kong Recording Industry Alliance Limited for the performance of copyright literary and musical works, playing and showing of sound recordings, music videos and karaoke videos controlled or administered by the three licensing bodies at CHs/CC. The applicant does not need to apply for an individual licence from these three copyright licensing bodies if the copyright works to be performed, played and/or shown by it at CHs/CC are controlled or administered by these licensing bodies and its performance, playing and/or showing is not excluded by the relevant licence agreements. The exclusions in the relevant licence agreements are set out at Appendix III. The applicant shall not hinder, obstruct or prevent these licensing bodies from entering any part of the CH/CC used by the applicant for the purpose of the licensing body exercising its right of entry (if any) under the relevant licensing agreement.
- (l) (i) Subject to clause 6(k), the applicant shall not use (whether by performing, showing or playing or otherwise) any copyright works (including but not limited to lyrics, music, drama, recorded music, music videos, karaoke videos and film) in a CH/CC or any part thereof, unless the applicant has obtained and maintained at its own cost and expense all necessary approvals, permits or licences which may be required or necessary from the relevant copyright owners.

- (ii) The applicant shall not, and shall ensure that its authorised users shall not, engage in any performance or do any act which infringes the intellectual property rights or any other rights of any person in the course of using the CH/CC.
- (m) For the purpose of clause 6 “intellectual property rights” refer to patents, trade marks, service marks, trade names, design rights, copyright, domain names, database rights, rights in know-how, new inventions, designs or processes and other intellectual property rights whether now known or created in future (of whatever nature and wherever arising), and in each case whether registered or unregistered and including applications for the grant of any such rights.
- (n) If the applicant performs, plays and/or shows copyright musical works, the applicant shall complete CASH’s “Programme Return Form” and return the duly completed Form to CASH within 30 days from the date of last performance.
- (o) The applicant, and its members, partners, employees, contractors, agents and licensees (each a “Related Person” and together “Related Persons” of the applicant) whether as invitees or otherwise, whilst using or present at the CH/CC are there entirely at their own risk. Neither the Government nor any of its employees, agents or contractors shall be under any liability whatsoever for or in respect of:
  - (i) any loss of or damage to any of the applicant’s property or that of any of its Related Persons howsoever caused (whether by any act, omission, default or Negligence of the Government and any of its employees, agents or otherwise); or
  - (ii) any injury to or death of the applicant or any of its Related Persons (save and except any such injury or death caused by the Negligence of the Government or any of its employees or agents),
 which in any case arise directly or indirectly in connection with, out of or in relation to the use of the CH/CC by the applicant or any of its Related Persons.
- (p) The applicant shall indemnify and keep the Government fully and effectively indemnified against:
  - (i) any and all claims (whether or not successful, compromised, settled, withdrawn or discontinued, in whole or in part), actions, investigations, demands, proceedings or judgments, joint or several, threatened, brought or established against the Government (the “Claims”); and
  - (ii) any and all liabilities, losses, damages, costs, charges or expenses (including all legal fees and other awards, costs, payments, charges and expenses) which the Government may pay or incur as a result of or in relation to any Claims,
 which in any case arise directly or indirectly in connection with, out of or in relation to the use of the CH/CC by the applicant or any of its Related Persons including any loss, damage, injury or death referred to in clause 6(o) above (save and except injury or death caused by the Negligence of the Government or any of its employees or agents), and any infringement of intellectual property rights or any other rights of any person.
- (q) The applicant shall indemnify and keep the Government fully and effectively indemnified against any loss of or damage to any property of the Government or of any of its employees, agents or contractors or any injury to or death of any employee, agent or contractor of the Government arising out of the Negligence of the applicant or any of its Related Persons.

- (r) For the purposes of clauses 6(o), 6(p) and 6(q), “Negligence” shall have the same meaning as that assigned to it in section 2(1) of the Control of Exemption Clauses Ordinance (Cap. 71).
- (s) Without prejudice to the generality of the foregoing, the SKDO has the authority to interpret and make exceptions to the regulations and conditions contained herein. The District Office may cancel the applicant’s booking or terminate the applicant’s right of use of the CH/CC if the applicant fails to observe or perform any of the regulations and conditions contained herein.
- (t) The expiry of the approved period of use of the CH/CC shall be without prejudice to any of the regulations or conditions contained herein that are capable of being observed or performed notwithstanding such expiry (including but not limited to clauses 6(p) and 6(q)) which shall survive the same and shall continue to be binding on the applicant and shall remain in full force and effect.

## **7. Demerit Points System**

- (a) The applicant should strictly abide by these guidelines, regulations and conditions, failing which demerit points will be given. Demerit points are given for each breach and counted individually, irrespective of whether the breach happened in the same activity. Each breach will attract demerit points ranging from 3 points for “Minor Breaches”, 5 points for “Serious Breaches” to 10 points for “Very Serious Breaches”, having regard to the seriousness of the breach. Any organisation that has accrued 10 or more demerit points within 12 months will immediately be banned from booking the unallocated timeslots of the current quarter. Apart from this, depending on the demerit points accrued, the organisation will be banned from booking CH/CC and have its allocated timeslots cancelled accordingly:
  - (i) An organisation that has accrued 10 to 19 demerit points within 12 months will be, in the next two quarters, banned from booking CH/CC and using CH/CC facilities as joint organiser/co-organiser. All its allocated timeslots for the next quarter will be cancelled;
  - (ii) An organisation that has accrued 20 to 29 demerit points within 12 months will be, in the next four quarters, banned from booking CH/CC and using CH/CC facilities as joint organiser/co-organiser. All its allocated timeslots will be cancelled immediately; and
  - (iii) An organisation that has accrued 30 or more demerit points within 12 months will be, in the next six quarters, banned from booking CH/CC and using CH/CC facilities as joint organiser/co-organiser. All its allocated timeslots will be cancelled immediately.
- (b) Providing false information and omitting information about the joint organiser(s)/co-organiser(s) of an activity are considered as “Serious Breaches”. A progressive demerit point system will be applied to an applicant that provides false information or omits information about the joint organiser(s)/co-organiser(s) of an activity: breaching for the first time will attract 5 points; breaching for the second time will attract 10 points; breaching for the third time will attract 15 points and so on. Besides, the applicant will have its allocated timeslot(s) for the current and the next quarters cancelled and will be banned from booking CH/CC in the next two quarters. For an organisation serving as the joint organiser(s)/co-organiser(s) without prior approval from the SKDO for the first time, a warning letter will be issued. For repeated breaches, a progressive demerit point system will apply: breaching for the second time will attract 5 points; breaching for the third time will attract 10 points;

- breaching for the fourth time will attract 15 points and so on.
- (c) Transferring an allocated timeslot to another organisation without authorisation and accepting the transfer of an allocated timeslot without authorisation are considered as “Very Serious Breaches”. A progressive demerit point system will be applied to an organisation that transfers its allocated timeslot(s) without authorisation: breaching for the first time will attract 10 points; breaching for the second time will attract 20 points; breaching for the third time will attract 30 points and so on. Besides, such organisation will have its allocated timeslot(s) for the current and the next quarters cancelled and will be banned from booking CH/CC in the next two quarters. For organisations that accept the transfer of an allocated timeslot without authorisation for the first time, a warning letter will be issued. For repeated breaches, a progressive demerit point system will apply: breaching for the second time will attract 10 points; breaching for the third time will attract 20 points; breaching for the fourth time will attract 30 points and so on.
  - (d) Addition of ineligible joint organiser(s)/co-organiser(s), or serve as the ineligible joint organiser(s)/co-organiser(s) are considered as “Very Serious Breaches”. A progressive demerit point system will be applied to an applicant that adds ineligible joint organiser(s)/co-organiser(s): breaching for the first time will attract 10 points; breaching for the second time will attract 20 points; breaching for the third time will attract 30 points and so on. For an ineligible organisation serving as the joint organiser(s)/co-organiser(s) for the first time, a warning letter will be issued. For repeated breaches, a progressive demerit point system will apply: breaching for the second time will attract 10 points; breaching for the third time will attract 20 points; breaching for the fourth time will attract 30 points and so on.
  - (e) The staff of SKDO will inspect the venues to ensure proper use of CH/CC facilities. Where breaching of regulations and conditions is found, the SKDO will issue verbal and / or written warning to the organisation(s) concerned. The nature of breach, the demerit points served and the validity period will be stipulated in the warning letter.
  - (f) Those organisations that receive a warning letter may submit a written representation within two weeks from the issue date of the warning letter to the SKDO for consideration. The SKDO has the authority not to give any demerit points if the representation is deemed justified.
  - (g) Apart from the breaches listed in Appendix IV, if an organisation provides false information in the application, the application submitted for the present and next quarter will be disqualified. The SKDO will not accept any application for the use of CH/CC facilities from the organisation concerned in the next two quarters.

## **8. Arrangements under Typhoon or Rainstorm Warnings**

- (a) When Tropical Cyclone Warning Signal No. 8 or above or Black Rainstorm Warning is in effect, all CH/CC will be closed.
- (b) When Tropical Cyclone Warning Signal No. 3 or Red Rainstorm Warning is in effect, the CH/CC will remain open as usual. If the organisation would like to cancel the booking due to bad weather, the SKDO should be contacted in advance. The organisation should submit the Notification for Cancellation of Booking to SKDO within 14 working days. No demerit point will be served due to the absence of the organisation under such circumstances.

**9. Enquiry numbers**

(a)	Booking of venue (office hours):	3740 5328
(b)	Hang Hau Community Hall:	3740 5346
	Kin Choi Community Hall:	3409 5345
	King Lam Neighbourhood Community Centre:	2703 5440
	Lohas Park Community Hall:	3695 0030
	Sai Kung Jockey Club Town Hall:	2792 1487
	Sheung Tak Community Hall:	2178 1404
	Tsui Lam Community Hall:	2702 3701



## **Criteria and Arrangements for Timeslot Allocation of the Community Halls / Community Centre in Sai Kung District**

### **1. General Rule**

If more than one organisation applies for a particular timeslot, the SKDO will allocate the timeslot concerned base on the priority listed below.

### **2. Priority base on nature of organization**

The SKDO will allocate the timeslots base on the nature of organisation first, with priorities set as follows:

- (i) Sai Kung District Council and its Committees / Working Groups, Government departments, local committees in Sai Kung District recognised by the Government (including Area Committees, District Co-ordinating Committee on Summer Youth Programme, District Fight Crime Committee, etc.) and Rural Committees;
- (ii) Owners' corporations and residents' organisations formed in accordance with the deed of mutual covenant in Sai Kung District (limited to holding owners' meetings);
- (iii) Organisations in Sai Kung District (with registered address within Sai Kung district);
- (iv) Organisations outside Sai Kung District.

### **3. Priority base on nature of activity**

- (a) After categorising the applicants according to paragraph 2 above, if two or more applications for a certain timeslot are received from organisations of the same priority, the SKDO will allocate the timeslot base on the arrangements below:

	<b><u>Monday to Friday</u></b>	<b><u>Saturday, Sunday or Public Holiday</u></b>
<b>Priorities</b>	i) Class Activities	i) Large-scale Activities
	ii) Large-scale Activities and Other Activities	ii) Class Activities
		iii) Other Activities

- (b) Activities are classified as follows:
  - (i) Large-scale Activities --- The applicant can hold one large-scale activity of not more than six hours once every quarter at each Community Hall / Community Centre (CH/CC) on Saturday, Sunday or public holiday, provided that the anticipated number of participants reaches 100. Large-scale activities may include large-scale activities provided by local organisations for the local community, as well as owners' meetings held by mutual aid committees / owners' corporations and residents' organizations formed in accordance with the deed of mutual covenant, etc.
  - (ii) Class Activities --- Class activities refer to those activities being held at the same timeslot of the same weekday every week within a particular month (e.g. every Monday from 8:00 a.m. to 10:00 a.m. in January).
  - (iii) Other Activities --- Activities not falling into the above categories.
- (c) If after the above arrangements, there is still more than one application for a certain timeslot that are of the same priority, the timeslot concerned will be allocated by lot drawing.

#### **4. Arrangement of Lot Drawing**

- (a) In the first month for receiving application, the SKDO will process the applications in accordance with the procedures below:
  - The 1<sup>st</sup> to 5<sup>th</sup> working day --- collection of application forms
  - The 9<sup>th</sup> working day --- lot drawing
  - The 13<sup>th</sup> working day --- announcement of lot drawing results
- (b) Lot drawing will be conducted at the conference room of Hang Hau Community Hall at 10:00 a.m. The results will be posted at the corresponding CH/CC. Applicants with timeslot(s) allocated will be notified by writing.
- (c) In the month of lot drawing, only the application forms for the next quarter will be processed from the 1<sup>st</sup> to the 13<sup>th</sup> working day. Applicants can apply for the unallocated timeslots starting from the 14<sup>th</sup> working day. These applications will be processed on a “first come, first served” basis.
- (d) In the event of Tropical Cyclone Warning Signal No. 8 or above or Black Rainstorm Warning being issued on the above working days, the application process will be postponed accordingly.

## Rates of Charges and Exemption from Payment of Charges for Use of Community Halls / Community Centres in Sai Kung District (with effect from 1.7.2012)

### Exemption from Payment of Charges for Use of Facilities in Community Halls and Community Centres

- (1) The facilities may be made available to other Government departments and this Department free of charge.
- (2) Organisations belonging to one of the following groups may be completely exempt from charges for using the facilities for non-profit making activities-
- (i) subvented welfare agencies;
  - (ii) subvented educational institutions, subvented schools and non-profit making schools;
  - (iii) Offices of the Legislative Councillors and District Councillors;
  - (iv) Charitable institutions or trust of a public character which are exempt from tax under section 88 of the Inland Revenue Ordinance (Cap.112);
  - (v) Non-profit making organisations which are registered under the Societies Ordinance (Cap. 151); or incorporated under the Companies Ordinance (Cap. 32); and their Constitutions or Memoranda of Association specifically provide that members do not take any share of the profits or any share of the assets upon dissolution;
  - (vi) local committees/organisations recognised by the Government, such as District Youth Programme Committees, District Fight Crime Committees, Mutual Aid Committees, Rural Committees, Kaifong Welfare Associations, Owners' Corporations, Owners' Committees, etc.
- (3) Candidates standing for election to the Legislative Council and the District Councils may be given total exemption if they apply for permission to use the facilities for electoral meetings during the period between close of nomination(s) and election day.

### Rates of Charges for Use of Facilities in Community Halls / Community Centres

Facility	Rate (\$/ per hour)				
	Sai Kung Jockey Club Town Hall	Hang Hau CH	Kin Choi CH、 King Lam NCC、 Lohas Park CH & Sheung Tak CH	Lohas Park CH	Tsui Lam CH
Multi-purpose Hall - basic charge	\$90	\$90	\$90	\$90	\$90
Multi-purpose Hall - air-conditioning charge	\$180	\$140	\$116	\$116	\$89
Multi-purpose Hall - basic charge (Partitioned portion that includes stage)	---	\$54/\$36	---	\$55/\$35	---
Multi-purpose Hall - air-conditioning charge (Partitioned portion that excludes stage)	---	\$89/\$38	---	\$116/\$89	---
Multi-purpose Hall - using the lighting panel	\$18	\$18	\$18	\$18	\$18
Dressing Room (Male or Female) - basic charge			\$6.5		
Dressing Room (Male or Female) - air-conditioning charge			\$7		
Conference Room - basic charge			\$44		
Conference Room - air-conditioning charge			\$10		
Badminton Court - basic charge			\$68		
Badminton Court - air-conditioning charge			Same as air-conditioning charges of multi-purpose halls		
Classroom / Meeting Room / Activity Room - basic charge			\$48		
Classroom / Meeting Room / Activity Room - air-conditioning charge			\$11		
Outdoor Play Area (Sai Kung Jockey Club Town Hall)- day time (9:00 a.m. to 6:00 p.m.) / evening (6:00 p.m. to 10:00 p.m.)( Lighting provided)	\$51/\$53	---	---	---	---

The Home Affairs Department has entered into licence agreements with Composers and Authors Society of Hong Kong Limited [CASH], Phonographic Performance (South East Asia) Limited [PPSEAL] and Hong Kong Recording Industry Alliance Limited [HKRIA] for the performance of copyright literary and musical works, playing and showing of sound recordings, music videos and karaoke videos at CHs/CCs. The applicant does not need to apply for an individual licence from these three copyright licensing bodies if the copyright works to be performed, played and/or shown by it at CHs/CCs are controlled or administered by these licensing bodies and its performance, playing and/or showing is not excluded by the relevant licence agreements as extracted below.

**Exclusions / Reservation of Rights**

**CASH – Exclusions**

The licence hereby granted shall not extend to nor authorize the following –

- (a) any Visual Music Performances by means of Video Wall;
  - (b) any public performance or causing any public performance of the Society's Repertoire to be visible beyond the precincts of the Premises;
  - (c) any reproduction of the Society's Repertoire; and
  - (d) any copyright in respect of any sound recordings.
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**PPSEAL – Exclusions**

- (a) This Licence does not authorize the Licensee(s) to do any act which could be an infringement of any copyright subsisting in the works reproduced upon the sound recordings, music videos and/or karaoke videos.
  - (b) This Licence does not extend to nor may it be deemed to authorize the reproduction, remixing, rerecording or editing of the sound recordings, music videos and/or karaoke videos.
  - (c) This Licence does not permit the Licensee(s) to use any unauthorized copies of the sound recordings, music videos and/or karaoke videos.
  - (d) This Licence expressly does not cover those works which do not fall within the repertoire of PPSEAL.
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**HKRIA – Reservation of Rights**

- (a) All rights in the Works that are owned or controlled by HKRIA and/or its members and not expressly licenced to the Licensee under the Licence are hereby expressly reserved.
- (b) Nothing contained in the Terms and Conditions shall be construed as authorizing the Licensee to :-
  - (i) include any Work in any broadcast, or copy, reproduce, remix, re-record, edit or otherwise deal with any Work, or do any other act which may infringe the copyright subsisting in any Work for any purpose whatsoever; or
  - (ii) use any unauthorized copies of the Works to publicly perform any Works.
- (c) The Licensee expressly undertakes and warrants not to commit the acts specified in paragraph (b) above.
- (d) HKRIA and its members expressly reserve their rights and remedies against Licensee in respect of any unauthorized activity or infringement of intellectual property rights.

**Demerit Points System**

<i>Items</i>	<i>Breaches of Regulations and Conditions</i>	<i>Seriousness of Breach</i>	<i>Demerit Points</i>
1	Number of participants below the minimum requirement.	Minor Breaches	3
2	Late for 15 minutes or more.		
3	Minor misconduct or breaches, such as causing nuisance, sprinkling of powder on the floor, failed to clean and restore the venue, hanging banner, putting up poster or slogans, eating at the venue without prior approval of District Office.		
4	Cancellation of allocated timeslot with less than 10 working days' advance notice before the date of the activity. <sup>Note 1</sup>		
5	Failed to submit an application for approval for alteration of the nature of activity or addition/change of joint organiser(s) /co-organiser(s) 7 working days or more before the date of the activity.		
6	Failed to produce the approval letter for use of facilities in CH/CC.		
7	Failed to vacate the venue on time.		
8	Number of participants exceeds the maximum capacity of respective CH/CC.	Serious Breaches	5
9	Failed to provide post-activity statement of account within one month of completion of a fee-charging activity which has been exempted from charges or failed to provide the receipts/supporting documents upon request.		
10	Failed to turn up.		
11	Altered the nature of activity without prior approval of District Office.		
12	Provide false information or omit information about eligible joint organiser(s)/co-organiser(s), or serve as joint organiser(s)/co-organiser(s) without prior approval from District Office. <sup>Note 2</sup>		
13	Permanent damage of the facilities, such as PA system, hardware that needs replacement. The organisation is also subject to the charges for the replacement of equipment.	Very Serious Breaches	10 (or revoked immediately if applicable)
14	Serious misconduct or breaches, such as smoking, cooking, lighting of fire, or using fireworks.		
15	Transfer of the allocated timeslot to another organisation without authorisation, or accept the transfer of the allocated timeslot without authorisation. <sup>Note 2</sup>		
16	Holding of fee-charging activities against the original claim of non-fee charging.		
17	Conducting auction, fund-raising, sales activity without prior approval of District Office.		
18	Addition of ineligible joint organiser(s)/co-organiser(s), or serve as ineligible joint organiser(s)/co-organiser(s).		

Note 1 : Taking into consideration of the time required for processing application, the penalty applies equally to an applicant whose application is made less than 10 working days from the day of the activity.

Note 2 : A progressive demerit point system will be applied for breaches of item 12, 15 and 18. Please refer to paragraph 7(b), 7(c) and 7(d) for details.

## **Guidelines for Displaying Poster and Banner in Community Halls / Community Centre in Sai Kung District**

### **1. General**

- (a) Posters should not exceed 42cm x 60cm (A2 size), while banners should not exceed 3 feet x 8 feet.
- (b) Only posters / banners of activities to be held in the Community Halls / Community Centre (CH/CC) concerned will be considered for display at the respective CH/CC.
- (c) Each poster and banner can be displayed for a maximum of two weeks, counting from the first day of display. However, if the first day of display is less than two weeks before the last day of the activity, the poster / banner will be removed sooner.

### **2. Displaying poster**

- (a) The organization should hand in the poster(s) to the staff at the CH/CC for handling.
- (b) Upon receipt of the poster(s), the SKDO staff will write down the date of receipt and arrange to display them on the designated location of the CH/CC.

### **3. Displaying banner**

- (a) The banner must be displayed at the designated location of the CH/CC.
- (b) The organization with approved banner(s) for display should arrange to hang and remove the banner(s) on its own.
- (c) While hanging the banner, the organization concerned is not allowed to drill any hole or conduct any other works that may damage the fence, exterior wall or structure of the CH/CC. The organization should also ensure that the works are carried out safely without posing threats to passers-by and users of the CH/CC.
- (d) During the display period, the organization concerned should conduct regular inspections to ensure that the banner(s) is / are hung properly. If the banner is found still on display after the allowed period, loosen or may affect passers-by or environmental hygiene, the SKDO will remove the banner immediately without prior notice. The banner will not be retained after removal and no compensation will be made.