

Guidelines on the Use of the Moreton Terrace Activities Centre

(1) Eligibility

- 1.1** The eligibility for the use of the **Moreton Terrace Activities Centre** are as follows-
- a. Government departments;
 - b. Subvented welfare organizations;
 - c. Subvented education institutions, subvented schools or non-profit making schools;
 - d. Offices of Legislative Councillors and District Councillors;
 - e. Charity organizations (organizations which are exempt from tax under section 88 of the Inland Revenue Ordinance (Cap.112));
 - f. Non-profit making organizations which are under the sponsorship of legitimate organizations or Government departments (organizations which are registered under the Societies Ordinance (Cap. 151) or incorporated under the Companies Ordinance (Cap. 32) / (Cap. 622) and their Constitutions or Memoranda of Associated specifically provide that members do not take any share of the profits or any share of the assets upon dissolution); and
 - g. Local committees/organizations recognized by the Government (such as District Youth Programme Committees, District Fight Crime Committees, mutual aid committees, Kai Fong Welfare Associations, owners' corporations and owners' committees).

(2) Procedures for application

- 2.1** Applicants applying for the use of the facilities at Moreton Terrace Activities Centre for next season (January – March 2023) can submit application from 7 December to 21 December 2022. All applicants will be chosen by drawing lots.
- 2.2** Other applications for other non-assigned timeslots from January to March 2023 will be accepted from 22 December 2022 on a first-come-first-served basis. Applicant organizations may submit their application forms 3 weeks prior to the intended date of use. Applications submitted before the prescribed period will not be entertained.
- 2.3** From 1 January 2023 onwards, the following procedures will be:

Successful applications will be chosen by drawing lots. Applications for using the venue in the next quarter should be made to the Wan Chai District Office (WCDO) during the first 10 days of each quarter (i.e. from the 1st to 10th day of the month for drawing lots).

Months for Submitting Applications and Drawing Lots	Time Periods for Using the Venue
January	April to June
April	July to September
July	October to December
October	January to March of the following year

- 2.4 All applications will be processed in accordance with the priorities set out in paragraph (3) below. In case there is more than one applicant organization with the same priority applying for using the facilities in the same timeslot, WCDO will draw lots on the first working day after the application deadline. The result of drawing lots will be the final decision and applicant organizations shall raise no objection. WCDO will notify the applicant organizations of their application results in writing as soon as possible.
- 2.5 The applicant organization should submit, **at least 3 weeks** before the function date, a duly completed application form to WCDO together with the required documents and specify the joint organizer/co-organizer (if any). Any addition or change of the joint organizer/co-organizer as set out in the application form is not permitted without approval. In general, applications made less than 3 weeks before the function date will not be entertained except for the use of the hall for residents' meetings by mutual aid committees, owners' corporations and owners' committees in the Wan Chai district, and under other special circumstances.
- 2.6 The booking sessions are:
Mon. – Sun.
AM session: 9:00am – 1:00pm
PM session: 1:30pm – 5:30pm
Night session: 6:00pm – 10:00pm
- 2.7 Details for hiring of venues are as follows:
- (a) **Block sessions:** Each applicant organization may submit at most **one** application for hiring block sessions in each quarter. Except under special circumstances, other applications submitted by the applicant organization in the quarter will not be accepted. Please refer to paragraph 4 below for details for hiring block sessions.
- (b) **Individual sessions:** Each applicant organization may apply for the use of at most one combination of sessions, as indicated below, **per week**. [One session means an AM session, a PM session or a Night session]:
- (i) **one session** of the Hall at Leighton Hill Community Hall and the Hall at Moreton Terrace Activities Centre or **two sessions** of an Activity Room at Moreton Terrace Activities Centre/ an Activity Room at Wan Chai Activities Centre / the Conference Room at Leighton Hill Community Hall; or
 - (ii) **two sessions** of the Hall at Leighton Hill Community Hall and the Hall at Moreton Terrace Activities Centre; or
 - (iii) **four sessions** of an Activity Room at Wan Chai Activities Centre or an Activity Room at Moreton Terrace Activities Centre or the Conference Room at Leighton Hill Community Hall; or
 - (iv) **two sessions** of the two Activity Rooms of Moreton Terrace Activities Centre.
- 2.8 Applications for use of the Hall at Moreton Terrace Activities Centre or all Activity Rooms at Moreton Terrace Activities Centre for one or more days for one-off activities may be considered on a case-by-case basis by WCDO.

- 2.9 The applicant organization should not submit more than one application form for the same session of a community hall/an activities centre.
- 2.10 Application forms are available at the Public Enquiry Service Centre, Wan Chai District Office, G/F, 2 O'Brien Road, Wan Chai, Hong Kong during office hours, and online at our website (www.had.gov.hk). The person-in-charge of the organization should submit the completed application form, by mail, by fax (fax no.: 2147 0465) or in person to WCDO (address: 21/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong). Telephone and verbal applications will not be accepted. Telephone Enquiry Number: 3422 3068.
- 2.11 The application form should bear the signature of main office-bearers and official chop of the applicant organization, specifying the joint organizer/co-organizer (if any), the purpose, the programme together with the budget of the proposed activities.

(3) Priority for submission of application

- 3.1 Priority will be accorded to applicant organizations (with registered address) in the following order:
- (a) Government departments, Wan Chai District Council and its sub-committees/working groups and local committees recognized by the Government (such as Area Committees, Wan Chai District Fight Crime Committee, Wan Chai District Fire Safety Committee, Wan Chai District Youth Programme Committee, etc.);
 - (b) Offices of Legislative Councilors/District Councilors, charitable organizations and non-profit making organizations in Wan Chai district (including voluntary organizations, Kaifong Welfare Associations and schools) and statutory institutes;
 - (c) Mutual aid committees, owners' corporations and owners' committees in Wan Chai district.
- 3.2 Depending on individual circumstances, WCDO may, at its discretion, give Government departments the priority of using a community hall/community center.

(4) Hiring Block Sessions

- 4.1 Each applicant organization may use the same venue at the same timeslot for up to **eight** consecutive **weeks** in each quarter and may apply for at most **two timeslots** per week. Except under special circumstances, application for hiring block sessions on Saturdays and Sundays will not be accepted. For application for using the Hall at Moreton Terrace Activities Centre, each timeslot will last at most **one timeslot**. If the applicant organization wishes to continue the hire after the hiring period, a new application must be submitted.
- 4.2 If two organizations of the same priority apply for the same timeslot for organizing activities, the organization holding continuous activities will be accorded a higher priority than the one holding one-off activities.

(5) Minimum Attendance

5.1 Except for renting the community hall for holding residents' meetings by mutual aid committees, owners' corporations and owners' committees in the Wan Chai district and other special circumstances, the applicant organization is subject to the following minimum attendance requirement:

Facilities	Minimum Attendance	Maximum Attendance
Moreton Terrace Activities Centre (Individual Activity Room)	25 persons	250 persons
Moreton Terrace Activities Centre (Individual Activity Room)	5 persons	40 persons

(6) Exemption for charges

6.1 The following organizations may be exempt from rental and air-conditioning charges:

- a. Government departments;
- b. Subvented welfare organizations;
- c. Subvented education institutions, subvented schools or non-profit making schools;
- d. Offices of Legislative Councillors and District Councillors;
- e. Charity organizations (organizations which are exempt from tax under section 88 of the Inland Revenue Ordinance (Cap.112));
- f. Non-profit making organizations which are under the sponsorship of legitimate organizations or Government departments (organizations 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); and
- g. Local committees/organizations recognized by the Government (such as District Youth Programme Committees, District Fight Crime Committees, mutual aid committees, Kai Fong Welfare Associations, owners' corporations and owners' committees).

6.2 If the applicant organization wishes to apply for exemption of fees, it needs to produce relevant documents as proof and declare in the application form that the applicant organization and its joint organizer/co-organizer(s) are those listed above and are non-profit making.

(7) Penalties for Non-compliance

7.1 Each applicant organization (with registered name) is entitled to 15 points. If an applicant organization is found to have breached any rules and conditions (see **Annex III**), 3 to 10 points will be deducted. Once an applicant organization has accrued a total of 10 points within 12 months, it will be banned from booking all community halls/community centres (CH/CC) and using CH/CC facilities as joint organizer/co-organizer in the same district in the next two quarters. The demerit point system is only applicable to applicant organizations or hirers.

- 7.2 An applicant organization which is found to have breached the regulations and conditions will be issued with a warning letter stipulating the nature of breach, the demerit points served and the validity period. A summary of all breaches will also be listed in the letter. The consequences of accruing 10 points or more by the organization will also be stated in the letter. The applicant organization concerned may submit a written representation for the District Officer's consideration within two weeks from the issue date of the warning letter.

(8) Regulations and conditions to be followed by applicant

- 8.1 Compliance with the Law of the People's Republic of China on Safeguarding National Security in Hong Kong Special Administrative Region (National Security Law) and other laws in force:
- (a) The applicant shall declare and ensure that no acts or activities which are likely to constitute or are likely to cause the occurrence of an offence endangering national security under the National Security Law or other relevant laws of the Hong Kong Special Administrative Region (HKSAR), or which would otherwise be contrary to the interest of national security, shall be engaged in the part(s) of the CH/CC hired by the applicant.
 - (b) The applicant shall further declare and ensure that all acts and activities engaged in the part(s) of the CH/CC hired by the applicant shall comply with the laws in force in the HKSAR.
 - (c) Conduct which may endanger national security or breach other laws in force in the HKSAR will be reported to the law enforcement agencies.
- 8.2 The applicant organization should follow the regulations and conditions as stated in **Annex I**. In case of a breach of the regulations or conditions, WCDO will impose punishment in accordance with the demerit point system listed in paragraph (6) above.
- 8.3 The applicant organization should present the confirmation letter and the receipted Demand Note (if payment required) to the officer-in-charge before the scheduled activities can commence.
- 8.4 The applicant organization should submit, at least **three weeks in advance**, the Notification of Cancellation of the Hire of Venue to WCDO **and state the reasons**. Otherwise, fees paid will not be refunded and points will be deducted. Upon approval, payment(s) made will be refunded on presentation of receipt(s).
- 8.5 If the venue has to be reserved for departmental use under emergency relief arrangement: for example, to accommodate typhoon victims, WCDO has the right to cancel the application already approved and the organization concerned will be informed as soon as possible. Any payment made will be refunded on production of receipted Demand Note.
- 8.6 Should there be any changes to the details of item as listed in the application form, the applicant should submit, **three weeks in advance**, a written notification to WCDO and give explanation for such changes. WCDO has the right to withdraw the approval on the booking of facilities in the community hall/conference room.
- 8.7 Any addition or change of the co-organizer as set out in the application form is not permitted without approval.
- 8.8 The applicant organization **must not let** other organization or another unit of the same organization use the venue **in private**, or else its right to use the facilities in the community hall/conference room will be revoked by WCDO at once and any amount paid will be forfeited. WCDO will also impose punishment in accordance with the demerit point system listed in paragraph (6) above.

Remarks

1. WCDO has the right to make a final decision on any application.
2. WCDO reserves the right not to grant the use of facilities in the community hall to any applicant organization.
3. WCDO can alter at any time the approval for the use of the facilities granted.
4. Staff members of the Moreton Terrace Activities Centre shall have the right to enter, at any time, any part of the venue used by the applicant organization and impose additional conditions for its continued use in the light of prevailing circumstances. If the applicant organization fails to observe these conditions, the staff members may terminate the right of use at any time and have the place cleared. In this case, any amount paid will be forfeited.
5. The applicant organization and/or anyone of its members, whether as invitee or otherwise, whilst using the community hall/conference room or activities centre, is there entirely at their own risk, and they shall not have or make any claim for injury or damage against the Government of the Hong Kong Special Administrative Region, its servants or agents however such injury and/or damage must be occasioned, whether or not such injury or damage is in any way due to any negligent act, breach of duty, default and/or omission on the part of the Government of the Hong Kong Special Administrative Region, its servants or agent.
6. In case of tropical cyclone signal no.8 or above or black rainstorm warning is hoisted, the community hall/conference room or activities centre will be closed. Hirers may call WCDO at 3422 3068/3422 3067 for enquiry.
7. WCDO reserves the right to make any changes to these guidelines without prior notice.
8. Should discrepancies arise from the above, the Chinese version shall prevail.

Wan Chai District Office
February 2024

Moreton Terrace Activities Centre
Rules and Regulations

1. The activities must be held in accordance with the programme previously submitted by the applicant. The activities organized and the noise emitted shall not obstruct other activities being held in the community hall/activities centre or cause any nuisance.
2. Unless prior **written** consent from WCDO is obtained, The applicant shall not post or hang posters, slogans, banners or portraits when using the venue. Activities that disturb public order are also prohibited.
3. Eating, cooking, smoking, lighting of fire or burning of any articles, sprinkling powder on the floor are strictly prohibited in the Moreton Terrace Activities Centre.
4. The applicant organization shall assume responsibilities for physical arrangement such as seating, and shall not put any nails or any other materials that are difficult to remove such as lacquer, paints, or other similar material on the walls, furniture and other equipment. The applicant organization shall be **liable to pay** for any damage to any equipment, furniture, or fabric of the building.
5. Unless with a relevant permit, no fund raising, sale, auction of any kind is allowed in the community hall or activities centre.
6. Unless consent is obtained from WCDO, no addition, such as an altar, is allowed in the community hall or activities centre.
7. The applicant organization shall ensure that the number of participants **does not exceed** the estimated number as stated in the application form, or the maximum intake capacity of the venue (the maximum intake capacity of the Hall of Moreton Terrace Activities Centre is **250 persons**/ the maximum intake capacity of each Activity Room at the Moreton Terrace Activities Centre is **40 persons**). Otherwise, the venue staff shall have the right to limit the number of participants, or to terminate the applicant organization's continual use of the venue and require the applicant organization to have the venue cleaned immediately.
8. The programme must be held in accordance with the programme content, procedures and objectives previously submitted by the applicant organization and approved by WCDO.
9. The applicant organization shall maintain good order and discipline during the activity and clean the place after use. Otherwise, WCDO will charge the applicant organization for cleansing expenses.
10. If the applicant organization has to charge the participants any fee for the activity held at the venue, a signed and verified income and expenditure account must be submitted to WCDO for reference **within one month** after the activity. The applicant need not attach any receipts/supporting documents to the self-certified statement of account when it is first submitted.
However, as the District Office will conduct random checks on statements of account of

fee-charging activities which have been exempted from charges, the applicant must retain the receipts and supporting documents for the activity for two years. Production of such receipts and supporting documents for examination is required if the self-certified statement of account in respect of the activity is selected for random check. If the applicant fails to provide the receipts/supporting documents to District Office for inspection upon request, it will be required to pay back the exempted charges.

11. The applicant organization has to be insured for the activity to be held.
12. No eating or drinking is allowed in the hall, conference room and activities centre.
13. It is not allowed to put an adhesive substance or put any nails that are difficult to remove on the ground.
14. **It is not allowed to put or hang banners on the curtain on the stage.**
15. The lighting equipment on stage is generally not for loan. If it is required for the staging of drama or any other kind of performances, application for its use must be submitted along with the application for the venue. Upon approval, the applicant shall employ a technician on its own and assume full responsibility for any damage caused.
16. The lighting system, once connected to the power supply, should not be relocated under any circumstances.
17. The adjustment of the lighting system can only be done in the presence of the officer on duty. Attachment to the lighting bar is strictly prohibited.
18. Organizers should inform WCDO of the facilities that would be used. The organization's designated person in charge on site shall assume responsibilities for physical arrangement and clear the venue after use.
19. Organizers shall assume responsibilities to clear the bulky rubbish.
20. It is recommended that the organizers should wear or carry a clear identification badge or card.
21. If the use of lockers in the changing rooms is required, organizations are advised to bring their own locks.
22. 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/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. The exclusions in the relevant licence agreements are set out at [Annex IV]. 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.

23. (i) Subject to clause 23, 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 authorized 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.
24. For the purpose of Annex I, “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.
25. 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.
26. The applicant organization, 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 community hall or activities centre/community centre 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 community hall or activities centre/community centre by the applicant or any of its Related Persons.

- 27.** 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 community hall or activities centre/community centre by the applicant or any of its Related Persons including any loss, damage, injury or death referred to in clause 27 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.
- 28.** 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.
- 29.** For the purposes of clauses of 27, 28 and 29, “Negligence” shall have the same meaning as that assigned to it in Section 2(1) of the Control of Exemption Clauses Ordinance (Cap 71).
- 30.** 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.
- 31.** Without prejudice to the generality of the foregoing, the District Office has the authority to interpret and make exceptions to the regulations and conditions contained herein. 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 28 and 29) which shall survive the same and shall continue to be binding on the applicant and shall remain in full force and effect.
- 32.** No animals except guide dogs in the CH/CC when using the facilities

Guidelines for the Use of Facilities Available in the Moreton Terrace Activities Centre
(Provided by the Fire Services Department)

To ensure fire safety, the following regulations and conditions should be followed by the applicant:

General regulations (Applicable to both indoor and outdoor activities)

1. The premises are used for the designated entertainment activities/functions.
2. No change is made to the structural design or layout of the premises that will increase the designated capacity or render escape in the event of emergency difficult.
3. No decoration of readily combustible materials is used.
4. Chairs, if provided for audience, should be battened together in groups of not less than four and not more than fourteen per row.
5. The power supply cable should be so located that it will not constitute a hazard to the audience/attendees.
6. No scenery or decorations of readily combustible nature should be erected on the stage.
7. No hydrogen-filled balloon of readily combustible nature should be erected on site.
8. All exit doors shall remain unlocked.
9. All staircases, exits and corridors shall be kept free from obstruction and be adequately illuminated.

Demerit Points System**(A) Structure**

Items	Breaches of Regulations and Conditions	Seriousness of Breach	Demerit Points
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 DO.		
4	Cancellation of allocated timeslot with less than three weeks' advance notice before the date of the activity.		
5	Failed to submit an application for approval for alteration of the nature of activity or addition/change of joint organizer(s) /co-organizer(s) three weeks or more before the date of the activity.		
6	Failed to produce the approval letter for use of facilities in the community hall/community centre.		
7	Failed to vacate the venue on time.		
8	Number of participants exceeds the maximum capacity of respective community hall/community centre.	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 or addition/change of eligible joint organizer(s)/co-organizer(s) without prior approval of DO.		
12	Permanent damage of the facilities, such as PA system, hardware that needs replacement. The organization is also subject to the charges for the replacement of equipment.	Very Serious Breaches	10 (or revoked immediately if applicable)
13	Serious misconduct or breaches, such as smoking, cooking, lighting of fire, or using fireworks.		
14	Transfer of the allocated timeslot to another organization.		
15	Holding of fee-charging activities against the original claim of non-fee charging.		
16	Conducting auction, fund-raising, sales activity without prior approval of DO.		
17	Addition of ineligible joint organizer(s)/co-organizer(s).		

(B) Rules under the Demerit Points System

- 1.The Demerit Points System is district-based.
- 2.Under the Demerit Points System, an applicant organization or hirer will get demerit points for breaching regulations and conditions. Demerit points are given for each breach and counted individually, irrespective of whether the breach takes place in the same activity. Each breach will attract demerit points ranging from 3 points for a “Minor Breach”, 5 points for a “Serious Breach” to 10 points for a “Very Serious Breach”, having regard to the seriousness of the breach. For an application which includes a co-organizer, only the applicant organization or hirer will be served the demerit points for breaches of regulations and conditions.
- 3.Once an organization or hirer has accrued a total of 10 or more demerit points within 12 months, it will be banned from booking all CHs/CCs within the same District in the next two quarters. All the points that led to the ban will be cleared. Demerit points arising from new breaches of guidelines and regulations will be counted afresh. If the organization concerned has been allocated other sessions in the present quarter and/or the next quarter, it may continue to use the allocated sessions up to the quarter(s) concerned unless otherwise directed.
- 4.In the event that an organization commits two or more breaches in the same activity, the highest demerit points incurred in that activity will be counted first for the purpose of imposing a ban from booking of CH/CC facilities, as under paragraph 3 above. The remaining lower demerit points incurred from the other breaches committed in the same activity, which have not been counted for imposing the ban, will be carried forward.
- 5.An organization which is found to have breached the regulations and conditions will be issued with a standard warning letter stipulating the nature of breach, the demerit points served and the validity period. A summary of all breaches will also be listed in the letter. The consequences of accruing 10 points or more by the organization will also be stated in the letter.
- 6.The organization concerned may submit a written representation for the District Officer’s consideration within two weeks from the issue date of the warning letter. The District Officer has the authority not to give any demerit points if he/she finds the representation justified.

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.