

立法會
Legislative Council

LC Paper No. CB(2)1051/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 14 December 2007, at 9:00 am
in the Chamber of the Legislative Council Building

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, SBS, JP
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Member attending** : Hon Alan LEONG Kah-kit, SC
- Members absent** : Hon James TIEN Pei-chun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP

**Public Offices
attending** : Item IV

Home Affairs Bureau

Ms Esther LEUNG Yuet-yin
Deputy Secretary for Home Affairs (3)

Ms Winnie SO Chui-ying
Principal Assistant Secretary (Home Affairs) (Culture)1

Mr Vincent FUNG Hao-yin
Principal Assistant Secretary (West
Kowloon Cultural District)1

Leisure and Cultural Services Department

Miss Agnes TANG In-kwan
Acting Deputy Director of Leisure and
Cultural Services (Culture)

Hong Kong Arts Development Council

Mr Louis YU
Executive Director

Hong Kong Academy for Performing Arts

Professor Kevin THOMPSON
Director

Item V

Home Affairs Department

Mrs Pamela TAN, JP
Director of Home Affairs

Ms Margaret HSIA, JP
Assistant Director of Home Affairs (2)

Miss Victoria TANG, JP
Assistant Director of Home Affairs (3)

Leisure and Cultural Services Department

Mr Thomas CHOW, JP
Director of Leisure and Cultural Services

Mr Paul CHEUNG
Assistant Director (Leisure Services) 1

Mr LEE Yuk-man
Assistant Director (Libraries & Development)

Professor Joe LEUNG, PhD, JP
Department of Social Work and Social
Administration, University of Hong Kong

Item VI

Home Affairs Department

Mr David LEUNG
Deputy Director of Home Affairs

Miss Linda SO
Assistant Director of Home Affairs

Mr TANG Hung-ki
Chief Officer, Office of the Licensing Authority

Attendance by invitation : Tuen Mun District Council

Mr KWU Hon-keung
Convenor, Working Group on Facilities and
Works under the District Facilities Management
Committee

Ms LEE Ying
Convenor, Working Group on Community Involvement
under the District Facilities Management Committee

Sai Kung District Council

Mr WAN Yuet-kau
Chairman, District Facilities Management Committee

Mr OR Yiu-lam
Vice Chairman, District Facilities Management
Committee

Wan Chai District Council

Ms Ada WONG
Chairman, Wan Chai District Council

Mr John TSE
Vice Chairman, Wan Chai District Council

Wong Tai Sin District Council

Mr FUNG Kwong-chung, BBS, JP
Chairman, District Facilities Management Committee

Mr SO Sik-kin
Vice Chairman, District Facilities Management
Committee

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Confirmation of minutes

The minutes of the meeting held on 9 November 2007 [LC Paper No. CB(2)554/07-08] were confirmed.

II. Information papers issued since the last meeting

2. Members noted that the following papers had been issued after the last regular meeting held on 9 November 2007 -

- (a) report of the Hong Kong Special Administrative Region (HKSAR) on its follow-up to the Concluding Observations of the Human Rights Committee on HKSAR's second periodic report

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under the International Covenant on Civil and Political Rights (ICCPR) [LC Paper No. CB(2)369/07-08(01)];

- (b) information paper on examples of policy areas to which the Administration had applied the concept of gender mainstreaming [LC Paper No. CB(2)442/07-08(01)];
- (c) information paper on "District Open Space in Area 18, Tung Chung, Lantau" [LC Paper No. CB(2)507/07-08(01)];
- (d) letter dated 26 November 2007 from Hong Kong Christian Institute and the Administration's reply letter dated 3 December 2007 [LC Paper No. CB(2)441/07-08(01) and CB(2)518/07-08(01)]; and
- (e) supplementary information on the promotion of Olympism [LC Paper No. CB(2)536/07-08(01)].

III. Items for discussion at the next meeting

3. Members noted the "List of outstanding items for discussion and the list of follow-up actions [Appendices I and II to LC Paper No. CB(2)556/07-08 respectively].

Next regular meeting on 11 January 2008

4. Members agreed to discuss the following items -

- (a) "Review of charging for estate beneficiaries support services" proposed by the Administration;
- (b) the HKSAR's report on its follow-up to the Concluding Observations of the Human Rights Committee on HKSAR's second periodic report under ICCPR [LC Paper No. CB(2)369/07-08(01)] as proposed by Ms Emily LAU; and
- (c) future development of private museums - the Hong Kong Maritime Museum (HKMM)

5. On the agenda item in paragraph 4 (c) above, The Chairman said that, subsequent to the Panel's visit to HKMM on 4 December 2007, members considered that the Panel should discuss the Administration's policy on the development of private museums and HKMM should be invited to make a submission on their operational difficulties and its plan for development. Members agreed. Members further agreed that the next regular meeting should be advanced to start at 9:30 am in order to allow sufficient time for discussion.

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Special meeting on 20 December 2007

6. The Chairman reminded members that a special meeting had been scheduled for Thursday, 20 December 2007, at 10:45 am to discuss three agenda items relating to heritage conservation policy and initiatives.

(Post-meeting note: As the Council meeting on 19 December 2007 resumed on the following day for the continuation of unfinished business on the agenda, the special meeting had been re-scheduled from 20 December 2007 for 2 January 2008 at 10:45 am.)

IV. Strengthening the software and humanware in culture and the arts

Internal discussion on the arrangements for following up issues relating to the West Kowloon Cultural District (WKCD) Development

7. The Chairman informed members that the Chairman of the Panel on Development, the Chairman of the Subcommittee on West Kowloon Cultural District Development (the Subcommittee) and herself had held an informal meeting to consider how the outstanding issues pertinent to the WKCD projects should be followed up having regard to the terms of reference of these three committees. Pursuant to the informal discussion, the appropriate approaches had been proposed as set out in paragraph 10(a) to (e) of the paper prepared by the Legislative Council (LegCo) Secretariat entitled "Arrangements for following up issues relating to the WKCD Development" [LC Paper No. CB(2)405/07-08]. She invited members to note that it was proposed that the Panel should follow up on issues on cultural policy, cultural software development and general management of cultural facilities which might or might not be related to the WKCD project but needed to be tackled from a broader perspective. When such issues were discussed, members of other committees, where appropriate, should be invited to join the discussion. Members agreed to the proposed arrangements.

Briefing on measures to strengthen the development of cultural software and humanware in Hong Kong

8. Deputy Secretary for Home Affairs (3) (DSHA(3)) briefed members on the salient points of the Administration's paper setting out the existing and new measures to strengthen the software and humanware for culture and the arts [LC Paper No. CB(2)245/07-08]. Acting Deputy Director of Leisure and Cultural Services (Culture) (DDLCS(C)(Ag)) introduced the work of the Leisure and Cultural Services Department (LCSD) to promote and strengthen the development of culture and the arts in Hong Kong.

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9. The Executive Director of Hong Kong Arts Development Council (ED/HKADC) said that HKADC received an annual recurrent subvention of around \$70 million in 2007-2008, but it had to provide funding for about 30 medium and over 200 small arts groups. HKADC was also planning to strengthen support for medium and small arts groups and to enhance links between the local arts community with the Mainland and neighbouring regions. ED/HKADC considered that resources support for HKADC should be strengthened.

10. The Director of Hong Kong Academy for Performing Arts (HKAPA) considered that, in building cultural software, it was important for the Administration to formulate its policy objective and a clear vision for cultural development in Hong Kong. In this connection, reference could be made to the experience of overseas places where a clear cultural vision had been formulated and policy initiatives were integrated with the vision. He added that there was an increasing demand for theatre and technical arts talents arising from the development of cultural and creative industries in Hong Kong and neighbouring regions, and it was necessary for the Academy to review and strengthen the training of manpower in theatre and entertainment arts.

11. Members noted that the LegCo Secretariat prepared a background brief entitled "Development of culture and the arts in Hong Kong" [LC Paper No. CB(2)245/07-08(04)].

Issues raised by members

Community involvement and resource deployment

12. Dr Fernando CHEUNG and Ms Emily LAU expressed concern that the bulk of resources, i.e. 80% of the Government's annual recurrent expenditure on culture and the arts, was monopolized by LCSD. HKADC, which was tasked to provide funding support for medium and small arts groups, only received less than 3% of the Government resources. They considered that it was not conducive to encouraging diversified and balanced development of culture and the arts. They stressed that the Administration should decentralize its control over resources in order to encourage diversified development of culture and the arts. Dr CHEUNG also queried how the Administration's initiatives could achieve the four major elements of the cultural policy set out paragraph 2 of its paper.

13. DSHA(3) responded that the Government's annual recurrent expenditure on culture and the arts amounted to \$2.5 billion, of which around \$1.9 billion was allocated to LCSD. The reason for LCSD taking up a large share was that most of the major cultural facilities including performing arts venues, museums and public libraries were directly managed by LCSD, for which the associated staffing, programming and management expenses were the major cost items.

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14. DSHA(3) further pointed out that the policy on culture and the arts was moving towards the direction of enhancing community participation. Several schemes for this purpose were introduced. For example, the Venue Partnership Scheme sought to allow performing arts groups to participate as venue partners and encourage community involvement in arts development. The proposal to set up a statutory Museums Board, as recommended by the Committee on Museums, to take on the operation and management responsibility of public museums would also enhance community participation in this respect.

15. The Chairman asked about the amount of Government funding expected to be saved by implementing the Venue Partnership Scheme and how the funding saved would be used. DDLCS(C)(Ag) responded that the Administration was not in a position to provide the information as proposals had yet to be received from arts groups.

16. In response to Dr CHEUNG's question as to whether the Administration would strengthen funding support for HKADC to enhance arts development, DSHA(3) informed members that the Administration would increase funding support for HKADC to enhance its role in supporting young and budding artists, in developing small and medium sized arts groups, in building a cultural network for the Hong Kong artists and arts groups on the Mainland, and in conducting baseline researches to support arts development.

Funding allocation for HKAPA

17. Mr CHEUNG Man-kwong was of the view that, while HKAPA was an important training ground for nurturing performing arts talents, there would be a great demand for training arts educators for primary and secondary schools arising from the implementation of the new academic structure for senior secondary education. However, the funding support for the Academy was not commensurate with its important role. Compared with LCSD which received \$1.9 billion of recurrent subvention, HKAPA only received around \$150 million of Government's recurrent subvention. Referring to paragraph 26(d) of the Administration's paper, Mr CHEUNG asked about the amount of increase in funding for HKAPA. He also asked whether it was the Administration's policy that the courses run by HKAPA had to operate on a self-funding basis which, in his view, was not conducive to facilitating arts development.

18. DSHA(3) clarified that the courses of HKAPA which were offered on a self-financed basis were those provided by the self-funding extra-mural studies unit of HKAPA, i.e. Extension and Continuing Education for Life Ltd (EXCEL). The mainstream courses of HKAPA were financed mainly by Government's recurrent subvention. She further said that, while the Administration had yet to decide on the amount of increase in funding to HKAPA, the amount would be adequate for the Academy to implement the programmes and courses set out in paragraph 26(d) of the Administration's paper.

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19. The Chairman expressed support for enhancing funding allocation to HKAPA. She pointed out that the fact that EXCEL had enrolled some 7 400 participants in self-financed courses on the arts spectrum in 2006 showed that there was a large demand for places of HKAPA arts courses. She considered that if the course fees could be reduced by increasing government subsidies to HKAPA, there might be more enrollments for the courses. DSHA(3) said that the Administration would consider the subject.

20. As regards the training of arts educators, DSHA(3) explained that the main task of HKAPA was to train up professional talents in the performing arts. Whether HKAPA should take on the role of training up arts educators for primary and secondary schools would be subject to the results of a review on its role. DSHA(3) informed members that the Administration would work in conjunction with HKAPA to conduct an institutional review in 2008-2009, with a view to re-affirming the Academy's role and development directions, taking into account the vision of WKCD. She added that if it was concluded after the review that HKAPA should play a role in assisting Hong Kong's schools in the promotion of arts education, the Administration would further work out the details in collaboration with HKAPA and the education sector.

21. The Director of HKAPA said that he agreed that the responsibility of HKAPA should be widened in the 21st century and no longer confined to the training of arts professionals. The Academy might also have to engage in more socially inclusive activities to promote arts to the community. He considered that the matter should be further studied in the review of HKAPA.

A clear vision for cultural development

22. Mr Alan LEONG said that he shared the view of the Director of HKAPA that it was important for the Administration to have a clear cultural vision for Hong Kong. The Administration should consider Hong Kong's cultural positioning, e.g. whether greater emphasis should be put on mainstream culture, popular culture or any particular arts forms. Mr LEONG asked about the Administration's work plan for formulating a cultural vision.

23. DSHA(3) responded that the Administration's policy objective was to create an environment which was conducive to the freedom of artistic expression and creation, and the wider participation in cultural activities. She explained that the Government only played the role of a facilitator, and would not influence the specific operation of artistic creation or contents of creativity. Instead, it was committed to upholding the freedom of cultural and artistic creation and expression, as well as providing an environment that supported the development of culture and the arts.

24. DSHA(3) further said that the Administration would seize the opportunity of the WKCD development to implement a series of measures as set out in the Administration's paper with a view to building Hong Kong into an

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international cultural metropolis and fostering the development of cultural and creative industries. She added that the Administration adopted an open attitude and would consult the public on how best to facilitate the development of culture and the arts in Hong Kong.

25. In response to Mr LEONG, the Director of HKAPA said that it was important for the Administration to recognize the special aspect of Hong Kong's cultural value, and many people considered that Hong Kong was special for its fusion of cultures of the west and east. He also agreed with some members' views that the Administration should enhance opportunities of arts appreciation especially for young people in order to realize Hong Kong's cultural vision.

Cultivating cultural literacy in the community

26. Ms Emily LAU considered it important to widen the audience base for the development of culture and the arts and implement more arts education programmes at school to raise young people's cultural literacy. She requested the Administration to give an account of measures to enhance cultural and arts studies under the new academic structure.

27. The Chairman also suggested that with the implementation of whole-day schooling, the Administration should fully implement the programme "One Sport and One Art for One Student" and require schools to allocate one learning session each day for arts/physical education courses. She urged the Home Affairs Bureau (HAB) to follow up the matter with the Education Bureau (EDB).

28. DSHA(3) responded that, as far as she knew, EDB had conducted briefings for various arts groups on the curriculum for the new senior secondary education under which 5% of the students' learning time would be earmarked to aesthetic education, i.e. culture and the arts. At present, schools were required to develop a balanced school curriculum so as to provide an all-round education for their students. Arts education was already made a Key Learning Area of primary and secondary school curricula.

29. DSHA(3) further informed members that HAB had also been discussing with EDB on how to build up close partnership between educational institutions and arts groups/artists in launching arts education programmes for schools. HAB had also proposed that schools should consider opening up their facilities to be used on weekends for performances for students and local residents.

30. Ms Emily LAU asked about any progress made by the Administration in exploring the provision of a television (TV) channel on culture and arts. DSHA(3) advised members that HAB was discussing with TV stations on the possibility of using a TV channel during specified time periods each day for

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broadcasting of arts programmes. The Chairman and the Deputy Chairman both considered that such a TV channel, if available, should also be used to provide opportunities for budding artists to give performances. The Deputy Chairman suggested that the Administration should consider purchasing a TV channel and funding the necessary costs. However, he understood that the Administration had declined the offer of free TV channels by the Cable TV for broadcasting of cultural and arts programmes. He requested the Administration to provide reasons for the decision.

31. Principal Assistant Secretary (West Kowloon Cultural District)1 (PAS(WKCD)1) recalled that such offer had been made, but with harsh conditions attached. At the request of the Deputy Chairman, the Administration agreed to check the records on details of the proposal put forward by Cable TV and the Administration's latest thinking regarding the matter.

Admin

32. The Deputy Chairman considered that, in order to promote the appreciation of visual arts and design, the Administration should make full use of public space, including foyers and open spaces at MTR stations and the airport, for the display of the artistic creation. ED/HKADC said that HKADC had worked with public transport corporations in making use of open space at MTR stations and ferry piers for display of creative works, in order to enhance the public accessibility to arts. He added that the governments in some overseas places had enacted the "One Percent" law requiring 1% of the construction cost for certain public facilities to be earmarked for purchase of arts works for display at the facilities.

Provision of a support environment and conditions to facilitate development of culture and the arts

33. Miss CHAN Yuen-han expressed dissatisfaction that various polices of the Government had failed to provide a support environment for development of culture and the arts. For example, relevant government bureaux or departments had rigidly refused to address the need of young artists who were unable to acquire suitable venues for creative pursuits. She said that the shortage of performance venues in Hong Kong had hindered the development of culture and the arts, and more community-based performance venues were needed. She urged the Administration to exercise greater flexibility in its policies, e.g. land policy, and to devise a policy of offering rental concession to young artists who had limited capital funding but wished to engage in small-scale arts and creative retail business activities.

34. DSHA(3) responded that the conversion of the decommissioned Shek Kip Mei Flatted Factory Estate into a creative arts centre for adaptive re-use was to provide creative arts space for arts workers. She added that, if any more suitable sites could be identified for conversion for similar purpose, HAB would be most willing to explore collaboration with the relevant parties.

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Clerk

35. After discussion, members agreed to further discuss the issue at the regular meeting scheduled for 15 February 2008 at 10:45 am with deputations and the Administration.

V. Implementation of the pilot scheme under the 2006 District Council Review

[LC Paper Nos. CB(2)556/07-08 (01) and (02)]

36. The Chairman, Mr LAU Wong-fat and Mr Tommy CHEUNG declared interests as incumbent District Council (DC) members.

37. Members noted that the LegCo Secretariat had prepared a background brief entitled "Implementation of a pilot scheme under the 2006 District Council Review" [LC Paper No. CB(2)556/07-08(02)].

Meeting with the Administration and representatives of four pilot DCs

Tuen Mun District Council (TMDC)

38. Mr LAU Wong-fat, who was also the chairmen of TMDC and its District Facilities Management Committee, said that the implementation of the pilot scheme in Tuen Mun was satisfactory and the scheme had given DC members opportunities in undertaking district minor works projects for the improvement of district environment, and in organizing different cultural and recreational activities for local residents. He said that the pilot scheme was beneficial to local residents.

39. With the aid of Powerpoint, representatives of TMDC made the following comments -

- (a) apart from several district minor works projects, a variety of leisure, sports and cultural programmes and community involvement projects had been implemented which not only benefited residents but also helped build up partnership between TMDC and district groups; and
- (b) DCs should be allowed to hire their own consultants who could better meet their aspirations in implementing district minor works or facility improvement projects.

(Post-meeting note: the softcopy of the Powerpoint presentation materials was issued to members vide LC Paper No. CB(2)647/07-08(01).)

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Sai Kung District Council (SKDC)

40. With the aid of Powerpoint, representatives of SKDC made the following comments -

- (a) a number of the minor district works/facility improvement projects implemented in Sai Kung under the pilot scheme were able to meet residents' needs expeditiously and enhance community involvement;
- (b) various community involvement programmes had been implemented under the pilot scheme, e.g. a community library set up by district groups with funds allocated by SKDC;
- (c) given that DC members were familiar with the circumstances in their own districts, they were able to initiate promptly projects to meet district needs;
- (d) DC members had greater involvement in the management of district facilities under the pilot scheme and developed a greater sense of commitment and responsibility in discharging their functions; and
- (e) the period of the pilot scheme was relatively short and more time would be required to establish better coordination with works departments.

(Post-meeting note: the softcopy of the Powerpoint presentation materials was issued to members vide LC Paper No. CB(2)647/07-08(02).)

Wan Chai District Council (WCDC)

41. Representatives of SKDC made the following comments -

- (a) the implementation of the pilot scheme in Wan Chai had been smooth and DC members were encouraged to be more innovative and react more quickly to residents' needs which had resulted in enhancing cost-effectiveness in the delivery of district services/facilities;
- (b) the pilot scheme only represented a small stride in delegating powers to DCs, which were given only a limited role to play in district administration compared with the former municipal councils. The works projects undertaken by DCs should be allowed to cover wider policy areas, and additional funding should be provided to DCs so that they could implement more works projects and community involvement programmes;

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- (c) training sessions on territory-wide policy issues should be organised to equip DC members with better knowledge for discharging their enhanced role; and
- (d) the term consultants engaged by the Home Affairs Department (HAD) for launching works projects did not possess the required expertise for some projects. The District Facilities Management Committees under DCs should be given executive powers for implementing their works projects.

Wong Tai Sin District Council (WTSDC)

42. With the aid of Powerpoint, representatives of WTSDC made the following comments -

- (a) DCs were able to expedite the implementation of works projects as a result of the streamlined procedures introduced under the pilot scheme;
- (b) the delegation of powers under the pilot scheme allowed room for DC members to be more innovative in improving the provision of district facilities/services; and
- (c) additional manpower and resources should be provided to HAD and the Leisure and Cultural Services Department (LCSD) to discharge the additional work arising from implementing the new arrangements under the pilot scheme.

(Post-meeting note: the softcopy of the Powerpoint presentation materials was issued to members vide LC Paper No. CB(2)647/07-08(03).)

Initial response of the Administration to comments made by the four pilot DCs

43. Director of Home Affairs (DHA) said that, with the support and active participation of the four pilot DCs, the implementation of the pilot scheme had been smooth. A research team of the University of Hong Kong (HKU) had conducted a study to track the progress of the pilot scheme and evaluate its effectiveness. The team's observations were detailed in paragraphs 9 to 15 of the Administration's paper [LC Paper Nos. CB(2)556/07-08 (01)].

44. DHA further said that, based on the feedback of the four pilot DCs, the Administration would introduce the following additional measures to give DCs greater flexibility to facilitate the full roll-out of the new arrangements in all 18 districts -

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- (a) 10% of the DC Funds could be used by DCs to hire additional staff members to support DC members' work in discharging their enhanced role and functions; and
- (b) District Offices would be allowed flexibility in the procurement of printing and transport services for DCs, i.e. they did not have to follow strictly relevant regulations requiring government departments to procure such services from the Government Logistics Department;
- (c) in the new round of selection of term consultants for implementing works projects, more detailed briefings would be held for interested consultancy firms in a bid to ensure that the shortlisted firms would be able to better meet the expectations of DCs; and
- (d) series of briefing sessions would be organised for supporting staff on the new manual on the use of DC Funds and guidelines on implementation of District Minor Works for the new DC term to enable them to provide better support and services to DCs.

DHA emphasized that the Administration would strengthen support to 18 DCs to ensure smooth implementation of the new arrangements in January 2008.

Issues raised by members

Role and functions of DCs

45. Miss CHAN Yuen-han said that the Administration had undertaken that, with the dissolution of the municipal councils, DCs would perform the powers and functions of the former municipal councils. She asked the four pilot DCs whether they considered that the undertaking had materialised under the new arrangements and whether the new arrangements represented a stride forward in the delegation of powers to DCs.

46. Ms Ada WONG considered that, compared with the powers and functions of the former municipal councils, the enhanced role and functions given to DC members were very limited. She suggested that DCs should be given the power to undertake works projects in policy areas, such as district planning and environmental hygiene. She also considered that the Administration should allow DCs more administrative autonomy in the next DC term, such as in staff recruitment and hiring of consultants. Mr WAN Yuet-kau considered that the Administration had taken concrete measures in enhancing the role and functions of DCs through implementation of the pilot scheme. He took the view that the new arrangements had, to a certain extent, enabled DCs to have greater involvement in the management of district facilities and should be fully implemented.

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47. Mr KWU Hon-keung said that relevant departments including HAD and LCSD had provided active support and useful assistance to TMDC. However, there was room for improvement in the communication between the term consultants and works departments in implementing minor works projects. Mr SO Sik-kin said that the pilot scheme had enabled DCs to better respond to residents' needs for district facilities and services.

48. Ms Emily LAU said that the constitutional development of Hong Kong was in regression. The Administration should be reprimanded for failing to delegate the powers of the former municipal councils to DCs as undertaken and for appointing 102 members to DCs in the next DC term. She took the view that the Administration had undermined the credibility of DCs by making appointments to DCs.

49. Mr Albert CHAN echoed Ms LAU's views. He said that, compared with the functions and duties of the District Management Committee under the former Regional Council, the enhanced role and functions of DCs under the pilot scheme were rather limited. The amount of additional funding provided to the pilot DCs was also minimal compared to with the Government's budget for the promotion of Olympism in Hong Kong. He expressed dissatisfaction that under the new arrangements, DCs would not be given independent secretariats or autonomy over financial matters. In addition, as the role and functions of DCs had been restricted by the DCs Ordinance to be advisory in nature, the new arrangements would not bring about any material change to the role and functions of DCs, and the Government's previous undertaking of delegation of powers to DCs also would not be materialised through the new arrangements.

50. Mr Tommy CHEUNG asked whether the Administration had any plan to further enhance the role and functions of DCs by delegating more powers formerly exercised by the municipal councils to DCs. DHA responded that the new arrangements were still new to the remaining non-pilot DCs and they might take time to cope with the new changes. However, the Administration would further consider the views of Mr CHEUNG after the new arrangements had been implemented smoothly in all the 18 DCs.

51. Mr Tommy CHEUNG, however, considered that the Administration should not consider the issue only after the new arrangements had been fully implemented in all the 18 DCs. He said that the Administration should strive to fulfil its undertaking. He urged the Administration to give thought to the issue and let the public know its plan as early as possible. The Chairman suggested that the Administration should allow DCs to participate in the management of more district facilities and in the provision of services relating to food and environmental hygiene.

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52. Dr Fernando CHEUNG considered that sufficient resources should be allocated to enable DCs to enhance its work. DHA said that with the increase in funding for DCs under the new arrangements, DCs would be working proactively with different sectors to organise a variety of programmes for the community. She considered that with the concerted efforts made, more services would be provided to the community and district work would also be enhanced.

Implementation of the pilot scheme

53. Ms Emily LAU asked whether the new arrangements, which allowed a larger degree of involvement of DCs and public participation in the implementation of district works projects, had lengthened the project planning stage and delivery process. She also asked whether the pilot DCs had been able to reach consensus in prioritising community needs and in deciding on the works projects to be implemented under the pilot scheme.

54. Ms Ada WONG pointed out that WCDC had conducted more consultation exercises with residents on the design of works projects but this had not prolonged the implementation process. She explained that by conducting the consultation exercises, the residents' needs could be better catered to in the design of relevant works projects. Mr SO Sik-kin said that implementation of the pilot scheme in district was quite smooth and DC members had been able to reach consensus through discussion in prioritising works projects for implementation. Mr WAN Yuet-kau also considered that the works projects launched under the pilot scheme in general had taken relatively short periods of time for implementation.

55. Mr John TSE said that the term consultants did not match the expectations of WCDC and this problem had prolonged the project implementation process. Mr OR Yiu-lam expressed similar concern and pointed out that SKDC had experienced delay in the tendering process of two works projects due to inaccuracies of project cost estimates made by the term consultants.

56. Mr Tommy CHEUNG requested information on a comparison of the implementation time of various works projects undertaken before and after the pilot scheme. Director of Leisure and Cultural Services (DLCS) said that, while the information was not available, he observed that the four pilot DCs had managed to come into consensus faster than before in their discussion on the priorities of projects and project planning.

57. The Chairman said that many representatives of the pilot DCs had expressed the view that the term consultant seemed to have failed to meet their aspirations. She asked whether the term consultancy approach would still be adopted for the 18 DCs in the next term or whether each DC would be allowed to hire its own consultant. She considered that each DC might be in a better

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position to judge whether a particular consultancy firm would meet their requirements.

58. DHA explained that a total of two consultancy firms had been engaged by the Administration for the four pilot DCs. The Administration was planning to engage about four consultancy firms under the term consultancy approach to implement works projects when the new arrangements were fully implemented in 18 DCs. She undertook to follow up on the Chairman's suggestion in consultation with DCs.

59. Mr LAU Wong-fat asked whether the Administration would collate information on the four pilot DCs' experience in implementing some 60 district minor works or facility improvement projects as well as some 65 major district partnership programmes and recreational and cultural activities under the pilot scheme for reference of the non-pilot DCs.

60. DHA said that the evaluation to be made by the HKU research team would include identifying the best practice of some outstanding projects/programmes launched by the four pilot districts. The team would provide a detailed report on these outstanding projects/programmes by end of 2007. The report would be made available for reference of DCs in the next DC term.

Pilot DCs' cooperation with government staff

61. Ms Emily LAU asked about the cooperation between the four pilot DCs and relevant government departments and staff under the pilot scheme. She asked whether the government staff had shown resistance to the new arrangements, as they might be worried that the involvement of DCs in the management of district facilities would increase their workload substantially.

62. Mr John TSE said that at the initial stage of the pilot scheme, government supporting staff had expressed some worries. He said that WCDC had managed to alleviate the staff's concern after engaging in dialogue with them and enhancing understanding of each other's expectations. Mr KWU Hon-keung took the view that the government supporting staff had cooperated well with TMDC. Ms Ada WONG said that there was room for improvement in the deployment of manpower of DCs for implementation of the new arrangements. She suggested that, for an optimal use of manpower as well as resources, the use of the additional \$3 million allocated to the DC Funds should not be restricted to organising community involvement programmes and DCs should be given the flexibility to deploy the additional manpower support for the performance of other duties.

63. DLCS said that at the initial stage of the pilot scheme, some government supporting staff inevitably showed some concerns about the new arrangements. As DC members had been very understanding and had maintained

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communication with the staff and the relevant staff unions, such concerns had been addressed to a certain extent. He believed that the working relationship would further improve with the smooth implementation of the pilot scheme.

64. Dr Fernando CHEUNG considered Ms Ada WONG's suggestion worthy of consideration. He hoped that the Administration would continue to streamline various procedures to facilitate the work of DCs. DHA said that the Administration would consider Ms WONG's suggestion. She added that the Administration had improved the mechanism to ensure efficient and proper use of the DC Funds, and the adoption of a term consultancy approach for launching district minor works or facility improvement projects was also an example of new measures introduced for the pilot DCs to facilitate their work. Ms Emily LAU urged that the Administration should also follow up on the suggestion of the pilot DCs that additional manpower should be provided to relevant departments to discharge the additional work arising from the new arrangements.

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65. To conclude the discussion, the Chairman requested the Administration to follow up on the comments and suggestions made by the pilot DCs and members for the purpose of achieving a smooth and effective roll-out of the new arrangements to all districts. The Chairman thanked the representatives of the four pilot DCs for their attendance and valuable comments.

VI. Nuisances caused by holiday flats to residents nearby

66. Deputy Director of Home Affairs (DDHA) briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)556/07-08 (03)]. He invited members to note that the measures taken by the relevant government departments to tackle the noise-related nuisance caused by users of holiday flats were set out in paragraphs 3 to 7 of the paper.

67. Members noted that a letter relating to a noise-related complaint [LC Paper No. CB(2)646/07-08(01)] was tabled by Mr Albert CHAN for members' reference.

68. Mr Albert CHAN said that the crux of the problem was the lack of mechanism under the Office of the Licensing Authority (OLA) to ensure relevant licensees' compliance with licensing conditions. He said that OLA did not deploy any staff to follow up on whether a licensee, after having received noise-related complaints relating to his holiday flat, had taken any action to rectify the noise problem. However, some operators of holiday flats did not exercise vigilance in monitoring the proper use of their holiday flats. For examples, they would not bother to check whether the number of users staying in the flat had exceeded the permissible number or designate staff at the holiday flats after 9:00 pm to advise users not to make loud noise during the

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night. He expressed dissatisfaction that OLA only relied on the Police to take actions upon receipt of complaints.

69. Mr Albert CHAN further said that he had handled a case in which the complainant had suffered from noise nuisances caused by users of a holiday flat every weekend over a long period of time, and little improvements had been made. He considered that OLA should have exercised regulatory control on the use of a holiday flat after it was issued a licence, and OLA should not only resort to persuasion upon receipt of complaints. He suggested that OLA should put in place a demerit points system and conduct investigations into complaints about noise nuisances caused by holiday flats. Reference could be made to the Demerit Points System for food establishments introduced by the Food and Environmental Hygiene Department as well as the mechanism of the Liquor Licensing Board for conducting public consultation in connection with an application to the Board for licence.

70. DDHA explained that noise from domestic premises and public places including holiday flats was regulated under sections 4 and 5 of the Noise Control Ordinance, Cap.400 (NCO). He said that the general approach for handling noise-related complaints was that, upon receipt of a complaint, the Police would deploy officers to the scene. If a case was established, the Police would give warning to the relevant parties. If the advice was not heeded, the Police would consider initiating the prosecution process by issuance of summonses to the relevant parties.

71. DDHA further said that holiday flats had to meet the current licensing requirements relating to fire safety, building safety and health and hygiene under the Hotel and Guesthouse Accommodation Ordinance, Cap. 349 (HAGAO). As regards the problem of taking in guests in excess of the permissible number allowed to be accommodated in a holiday flat, DDHA pointed out that OLA would take enforcement action against a licensee if relevant complaints were established as such non-compliance had implications on fire safety. He added that OLA conducted 200 to 300 inspections to holiday flats each year, and it would step up inspection work in future.

72. As regards suggestion of introducing a demerit points system in the licensing of holiday flats, DDHA said that the Administration would consider the feasibility of the suggestion, having regard to the ambit of the HAGAO.

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73. Mr CHEUNG Man-kwong shared Mr CHAN's view that it was necessary for OLA to put in place a mechanism for regulatory control on holiday flats to ensure compliance with licensing requirements and to introduce penalties to achieve deterrent effect. He asked for the number of cases in which OLA had revoked licences on account of noise-related nuisances. DDHA explained that noise-related nuisances were dealt with by NCO. He said that, users of holiday flats usually made immediate improvements after being advised by the Police not to make loud noise. He noted that the current

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approach for the Police to give advice first before taking enforcement action was adopted in handling other noise-related nuisances. It was for consideration whether the Policy should be advised to take a more stringent enforcement approach, given that holiday flat users, only stayed at the holiday flats for a short time.

74. Mr CHEUNG Man-kwong, however, considered that any new measures introduced should target at the licensees rather than the users, otherwise the licensees would have no incentive to exercise vigilance in monitoring proper use of their holiday flats. DDHA took note of Mr CHEUNG's views. He said that the Administration would enhance the effectiveness of enforcement actions targeted at holiday flat users as well as the holiday flat operators. He added that OLA in the meantime would conduct more inspections to holiday flats to ensure the number of guests accommodated not to exceed the permitted number.

75. Referring to the letter [LC Paper No. CB(2)646/07-08(01)] tabled by Mr Albert CHAN, Ms Emily LAU said that the Administration should consider the following suggestions made by the complainant -

- (a) a survey should be conducted with local residents in holiday flat areas (e.g. Mui Wo, Pui O, Tong Fuk and Sai Kung) on the impact of the holiday flats on them;
- (b) a survey should be conducted with local business owners and stall owners in holiday flat areas to see whether the operation of holiday flats had really benefited them;
- (c) a study should be conducted on who really benefited from having holiday flats located in the middle of residential areas;
- (d) OLA should put in place a mechanism whereby licensees could have their licence revoked if they had received a certain number of complaints from nearby residents; and
- (e) the Administration should introduce a policy of zoning whereby no holiday flats should be permitted within any village boundary.

76. DDHA said that HAD took note of the above suggestions. He said that rental of holiday flats was part and parcel of the economy in rural areas and these economic activities not only generated income for flat owners and provided employment opportunities but also brought about recreation and entertainment to the general public. He undertook to examine the suggestion in item (d), in considering the feasibility of introducing a demerit system in the licensing of holiday flats, having regarding to the ambit of the HAGAO.

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77. Mr Tommy CHEUNG also took the view that after issuing a licence to a holiday flat operator, OLA should take measures to ensure that the operation of the holiday flat complied with the licensing requirements and rectifications were made by the operator for any irregularities. He, however, did not consider it necessary to introduce a demerit points system to tackle the noise nuisances caused by holiday flats.

78. Assistant Director for Home Affairs explained that OLA staff conducted inspections to hotel and guesthouse accommodation including holiday flats which were subject to licensing control under HAGAO. She provided the following numbers of inspections conducted by OLA for members' reference -

<u>Year</u>	<u>No. of inspections</u>
2006	5 326
2007 (up to 30 September)	3 547

She added that OLA would step up its inspection work under HAGAO.

79. Mr Tommy CHEUNG, however, pointed out that the inspections were conducted solely for checking compliance with the current licensing requirements relating to fire safety, building safety and health and hygiene and not for checking any irregularities in the operation of holiday flats. Mr Albert CHAN also considered that OLA should conduct inspections to detect any irregularities in the operation of holiday flats and, if such were found, require the licensees to make improvements. He reiterated that the problem of taking in guests in excess of the number allowed to be accommodated in a holiday flat had frequently occurred.

80. Mr CHEUNG Man-kwong suggested that the Administration should introduce a new licensing requirement, i.e. a licensee had to hire responsible staff who would be available at the holiday flat or in the vicinity to advise users not to make loud noise in the night and, if in vain, to report to the Police. DDHA said that the Administration would consider this suggestion, in the context of examining the proposal of demerit points system.

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81. There being no other business, the meeting ended at 12:45 pm.