

立法會
Legislative Council

LC Paper No. CB(2)817/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 12 December 2008, at 8:30 am
in the Chamber of the Legislative Council Building

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Tanya CHAN (Deputy Chairman)
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Yuk-man
Hon Paul TSE Wai-chun
- Members attending** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Dr Hon LAM Tai-fai, BBS, JP

Public Officers attending : Item IV

Home Affairs Bureau

Ms Florence HUI, JP
Under Secretary for Home Affairs

Home Affairs Department

Mr David LEUNG, JP
Deputy Director of Home Affairs (2)

Miss Linda SO, JP
Assistant Director of Home Affairs (4)

Item V

Home Affairs Bureau

Mr SO Kam-shing, JP
Deputy Secretary for Home Affairs (3)

Miss Polly KWOK Wai-ling
Principal Assistant Secretary for Home Affairs
(Culture)²

Leisure and Cultural Services Department

Mr CHUNG Ling-hoi, JP
Deputy Director (Culture)

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

Ms Angela LO Yim-po
Senior Information Technology Manager 3

Item VI

Home Affairs Bureau

Mr SO Kam-shing, JP
Deputy Secretary for Home Affairs (3)

Miss Polly KWOK Wai-ling
Principal Assistant Secretary for Home Affairs
(Culture)²

Cantonese Opera Advisory Committee and
Cantonese Opera Development Fund Executive Committee

Dr Stephen CHOW Chun-kay, SBS, JP
Chairman

Leisure and Cultural Services Department

Mr CHUNG Ling-hoi, JP
Deputy Director (Culture)

Ms Cynthia LIU Chiu-fun
Assistant Director (Performing Arts)

Mr Tom MING Kay-chuen
Executive Secretary (Antiquities & Monuments)

Architectural Services Department

Mrs Celina KWOK
Chief Project Manager

Mr CHAU Kwun-tong
Senior Project Manager

Item VII

Home Affairs Bureau

Mr LEE Kwok-hung
Assistant Secretary (Home Affairs) (Recreation and
Sport)¹

Leisure and Cultural Services Department

Miss Olivia CHAN Yeuk-oi
Assistant Director (Leisure Services)²

Mr Gary WONG Chi-fai
Acting Chief Executive Officer (Planning)¹

Architectural Services Department

Ms Winnie HO Wing-yin
Chief Project Manager

Mr LEE Cheuk-ming
Senior Project Manager

Clerk in attendance : Ms Betty FONG
Chief Council Secretary (2)2

Staff in attendance : Ms Janet SHUM
Senior Council Secretary (2)2

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Confirmation of minutes

[LC Paper Nos. CB(2)425/08-09 and CB(2)469/08-09]

The minutes of the meetings held on 20 October 2008 and 14 November 2008 were confirmed.

II. Information paper(s) issued since the last meeting

2. Members noted that the following papers had been issued since the last meeting -

- (a) the Administration's response on the issue related to Yuen Long Kau Hui [LC Paper No. CB(2)391/08-09(01)];
- (b) the Administration's paper on Swimming Pool Complex in Area I (San Wai Court), Tuen Mun [LC Paper No. CB(2)384/08-09(01)];
- (c) referral from the Complaints Division regarding the measures to address gambling-related problems [LC Paper No. CB(2)394/08-09(01)]; and
- (d) the Administration's paper on Public Library and Indoor Recreation Centre in Area 3, Yuen Long [LC Paper No. CB(2)424/08-09(01)].

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3. The Chairman said that no comment was received from members on the papers entitled "Swimming Pool Complex in Area 1 (San Wai Court), Tuen Mun" and "Public Library and Indoor Recreation Centre in Area 3, Yuen Long". He further advised members that the gambling-related problems highlighted in item (c) had been scheduled for discussion in the first quarter of 2009. Upon some members' request, the meeting agreed that issues relating to the listing of Yuen Long Kau Hui as an indigenous village in the Schedules of the Village Representative Election Ordinance (Cap.576) should be further discussed at the next meeting on 9 January 2009. As suggested by Ms Emily LAU, in addition to representatives from Shap Pat Heung Rural Committee, Yuen Long Kau Hui, and Heung Yee Kuk, representatives from Cheung Chau, where a similar dispute was raised before, should also be invited to give their views.

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)427/08-09]

Next regular meeting on 9 January 2009

4. Members agreed to discuss the following items -

- (a) Village Representative Election (Amendment) Bill and other issues related to village representatives;
- (b) Centre on Youth Development; and
- (c) proposed injection of funds into the Arts and Sport Development Fund.

5. Members noted that the Administration had proposed to discuss the implementation of the recommendations relating to the roles and functions of District Councils (DCs) arising from the 2006 DC Review at the regular meeting in February instead of January 2009 to allow more time for the deliberations on the issue. Noting that the Administration had not provided all the required information in response to her written question on District Minor Works under DC, Ms Cyd HO requested the Administration to include in its discussion paper for the February meeting a detailed response to her questions. Ms Emily LAU said that in the Administration's reply to her oral question on the District Council election mechanism and its response to related questions raised by other members at the Council meeting on 10 December 2008, the roles and functions of DC were mentioned. Ms LAU requested the Secretariat to extract such information to facilitate the discussion on DCs at the February meeting.

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IV. Procurement of third party risks insurance by owners' corporations and issues related to building management

[LC Paper Nos. CB(2)427/08-09(01)-(03) and CB(2)468/08-09(01)]

6. Under Secretary for Home Affairs (USHA) briefed members on the salient points of the Administration's paper which reported on the progress of procurement of third party risks insurance and proposed the commencement date for the relevant sections of the amendment ordinances and the Building Management (Third Party Risks Insurance) Regulation (the Regulation). She also highlighted the key points of the Administration's paper on the new measures to facilitate the making of declarations by members of management committee (MC) of owners' corporations.

Procurement of third party risks insurance by owners' corporations

7. Noting that about 9% of the owners' corporations (OCs) had not procured third party risks insurance, Mr KAM Nai-wai asked how the Administration would work with the insurers to ensure that the mandatory requirement could be enforced in January 2011 and what measures would be in place to help those OCs that had yet to secure insurance coverage. He also asked how the Administration would tackle the problem of unauthorized building works (UBWs), the main hindrance for OCs in the procurement of third party risks insurance.

8. USHA said that there were some 15,800 buildings with OCs. Of these, 91% had procured third party risks insurance while the remaining 9% had not yet done so. The Administration would adopt a targeted approach in providing assistance to OCs which had yet to procure third party risks insurance according to the circumstances of each case. If the MCs had not been very active, the Administration would assist the OCs to convene MC or OC meetings to procure insurance. If the OC needed financial and technical support in carrying out building maintenance works before procuring third party risks insurance, the Administration would introduce to owners the building maintenance loan and grant schemes offered by the Buildings Department (BD), Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA).

9. Ms Cyd HO was concerned about the financial burden of the mandatory requirement on owners, in particular those living in buildings with a small number of units. She enquired about the insurance premium for these old, single tenement buildings. To reduce the burden of these owners, Ms HO suggested that consideration could be given to allowing them to procure a joint third party risks insurance. She also stressed that prior to enforcement of the mandatory requirement, the Administration should expedite the clearance of all high risk UBWs, especially those large-size illegal sign-boards hanging on buildings in view of their potential danger to public safety and the significant amount of indemnity incurred on owners. She asked whether any new

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measures would be introduced by the Administration to solve the long-standing problem of UBWs. The Chairman shared Ms HO's concern regarding the demolition of illegal sign-boards.

10. USHA explained that there was no mandatory requirement for coverage of liabilities arising out of UBWs under the Regulation which would facilitate the procurement of third party risks insurance by an OC. As regards clearance of UBWs, USHA said that BD would assess the different types of UBWs and take enforcement actions against UBWs according to the circumstances of each case. Priority had been given to removing UBWs which were assessed to be posing imminent hazard to life and property.

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11. Ms Cyd HO considered that the key solution to problems on UBWs was for BD to expedite inspection and clearance of UBWs, and urged the Administration to strengthen the manpower support, such as appointing temporary staff, for enforcing the removal of UBWs. She also requested the Administration to provide information on the current number of BD staff deployed for such purpose, the total number of illegal sign boards across the territory and the number of sign boards which had been cleared. USHA agreed.

12. In response to Ms HO's enquiry on insurance premium, Assistant Director for Home Affairs (4) (AD(HA)4) said that the level of insurance premium depends on a host of factors. According to the Hong Kong Federation of Insurers, a very rough indication was that the annual insurance premium for a 20-flat old building with good maintenance conditions should be in the range of \$5,000 to over \$10,000 for an insured amount of \$10 million.

13. Mr CHAN Kin-por pointed out that the premium for third party risks insurance of a building would be determined by a number of factors, such as the number of units, existence of UBWs, conditions and maintenance of the building and its claim history; the removal of UBWs should result in considerable reduction in the premium. He believed that there were sufficient insurance companies in the market to ensure the competitiveness of the premium offered. As a general reference, for single tenement buildings with a small number of units, the annual insurance premium should be in the range of \$2,000 to \$3,000. He said that the insurance industry would consider Ms Cyd HO's suggestion regarding the joint-insurance arrangement.

14. Mr James TO was disappointed that the Administration had to postpone the commencement of the mandatory requirement to 1 January 2011, despite the fact that the scope of application of the requirement had been narrowed down to include buildings with OCs only while UBWs had been excluded from the mandatory insurance coverage. He disagreed with further deferring the commencement date on account of the difficulties faced by some OCs in complying with the mandatory requirement. In his view, problems relating to UBWs were always prevalent and would not be easily resolved in the near

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future. He opined that after more than five years' deliberations on the subject, further delay in its implementation would only symbolize the inefficiency of the Administration's governance.

15. Prof Patrick LAU queried why only buildings managed by OCs were subject to the mandatory requirement. He sought clarification on whether buildings without OCs were required to procure third party risks insurance, and the total number of such buildings.

16. USHA said that it was the onus of building owners to manage their property, and the Regulation was to provide a framework for the protection of both the owners and the third parties in case of claims arising out of the death and injury of third parties in relation to the common parts of the building and the property of OC. The mandatory requirement would first target at buildings with OCs, which currently accounted for about 40% of all private buildings in Hong Kong. In future, the Administration might further explore the feasibility and desirability of extending the mandatory requirement to other buildings. USHA added that for some buildings where no OC had been set up and were managed by owners' committees or mutual aid committees, such as Taikoo Shing and Kornhill Gardens, they had also procured the third party risks insurance although not required to do so by the legislation. Pointing out that the examples cited were properties managed by the Mass Transit Railway Corporation Limited, Ms Cyd HO queried the appropriateness in citing them as examples.

17. Considering that the presence of UBWs was the main obstacle for OCs to comply with the mandatory requirement, Mr CHAN Kin-por expressed support for deferment of the commencement of the requirement to 2011, in view of the lead time required for OCs to carry out the maintenance work for the removal of UBWs. He stressed that although it would be possible for insurance companies to provide coverage for buildings with less risky UBWs at a higher premium, the insurance industry generally held the view that UBWs should be demolished, as their presence would continue to pose a threat to public safety. He added that while the mandatory insurance policy did not cover UBWs in the common areas, insurers would still be required to compensate a third party on behalf of the owners before recovering the amount from the owners in case of claims arising out of UBWs. Pointing out that there were many buildings with situations similar to Kam Shan Building (金山樓), where the OC concerned had not been able to procure the third party risks insurance due to the existence of UBWs in the building, Mr CHAN Kin-por urged the Administration to provide a detailed plan in expediting the demolition of UBWs.

18. USHA said that in the coming two years, the Administration would step up its effort to encourage OCs which had not yet procured the third party risks insurance to do so, and would work with the relevant bureau and departments to expedite clearance of high risk UBWs.

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19. Mr CHEUNG Kwok-che found it unacceptable for the mandatory insurance requirement not to cover UBWs, which was the root of various building management and public safety problems. He also expressed dissatisfaction that only buildings with OCs were subject to the mandatory requirement, as this arrangement would discourage building owners to form OCs. He urged the Administration to apply the mandatory requirement to all buildings for the better protection of all owners and third parties. He also asked the Administration about measures to be taken to ensure that all building owners would be subject to the same legal requirement in the procurement of third party insurance.

20. USHA said that the Home Affairs Department had set up a dedicated team of staff to publicize the mandatory insurance requirement and provide assistance to buildings with OCs which had yet to procure the third party risks insurance in the coming two years. The Administration would also promote the benefit of procuring insurance to owners in general and continue its efforts to encourage these owners to form OCs and procure the insurance. USHA added that on average some 200 to 300 new OCs were set up each year.

21. Pointing out that the presence of UBWs was a reality and the problem was unlikely to be resolved in the foreseeable future, Mr WONG Yuk-man considered that UBWs should be included in the insurance coverage for the better protection of the third parties, and the mandatory insurance requirement should be implemented as soon as possible because public safety was involved. He suggested that the Administration should consider taking more proactive measures to implement the requirement, such as procuring insurance on behalf of the 9% of OCs without insurance policy and recovering the cost from the owners/OCs concerned in future. Ms Cyd HO shared the same view.

22. On whether UBWs should be included in the insurance coverage under the Regulation, USHA said that the Subcommittee on Building Management (Third Party Risks Insurance) Regulation had concluded, after lengthy discussion, that the arrangement to include UBWs under the mandatory arrangement would condone the existence of UBWs and provide less incentive for owners to have them removed and hence, slow down their removal. Regarding Mr WONG's suggestion for the Administration to subsidize the insurance premium for owners of private buildings in their procurement of third party risks insurance, USHA reiterated that it was the owners' responsibilities to manage their own buildings, and it would be inappropriate for the Administration to use public money for such purpose.

23. Mr KAM Nai-wai criticized the Administration for failing to provide adequate information on the insurance premium and details of the insurance procurement to OCs. Referring to the Administration's latest statistics that 9% of OCs had yet to procure an insurance policy, Mr KAM asked whether the Administration would set a target on the percentage of OCs that should have obtained the insurance by the commencement of the mandatory requirement.

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He also requested the Administration to update members on the progress in the procurement of the insurance by OCs on a regularly basis.

24. USHA said that there were a number of schemes to assist OCs which had yet to secure the third party risks insurance to carry out building maintenance work and procure insurance for their buildings. These included the Building Maintenance Incentive Scheme and the Building Maintenance Grant Scheme for Elderly Owners offered by HKHS, and the Building Rehabilitation Materials Incentive Scheme provided by URA. Mr KAM Nai-wai was doubtful about the usefulness of these schemes in resolving the problems encountered by OCs, in particular those OCs that had all along failed to secure the third party risks insurance for their buildings. Considering that these buildings would pose the greatest risk to the public, he urged the Administration to pinpoint the reasons for their failure to obtain the required insurance and offer the necessary assistance. In response, USHA said that the building maintenance schemes were intended to enhance the conditions of the buildings concerned and facilitate insurance coverage for these buildings. To enhance the transparency of the mandatory requirement, the Administration would step up publicity and provide the relevant information on insurance procurement to owners/OCs.

25. Mr Paul TSE declared that he was the OC Chairman of a building. He expressed support for the proposal to defer the commencement of the relevant sections of the Regulation to 2011, as its immediate implementation might give rise to legal disputes relating to the removal of UBWs. Pointing out that UBWs which had existed for a long time might be deemed as legalized structures from a legal view point, Mr TSE disagreed that the inclusion of UBWs under the mandatory insurance policy would imply the condoning of their existence. As a more effective measure to protect public interest and a more practical approach to resolve problems relating to UBWs, Mr TSE suggested that the Administration should consider reviewing the scope of the third party risks insurance to cover liabilities arising out of UBWs, as appropriate. He also considered that the Administration should actively resolve problems on UBWs before the commencement of the Regulation in 2011, and the implementation of the mandatory requirement should not be further deferred. The Chairman suggested that the Administration should consider Mr TSE's view given that many UBWs had existed for decades and it was unlikely that the problem would be resolved in two years.

26. Mr CHEUNG Kwok-che suggested that members might endorse the proposed commencement date for the mandatory insurance requirement on the condition that the Administration would undertake to work out a time table for the inclusion of UBWs under the mandatory insurance policy under the Regulation. Mr CHEUNG also expressed concern regarding the possible legal liability on LegCo members in approving the current proposal (i.e. with no mandatory insurance coverage for UBWs) in case accidents arose in future.

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27. USHA said that issues on the provision of third party risks insurance for UBWs and the commencement date of mandatory third party insurance should be handled separately. Based on the principle that UBWs should be combated rather than protected, the Administration would endeavour to expedite the removal of UBWs on one hand, and persuade OCs that had yet to meet the mandatory requirement to procure the insurance on the other in the coming two years. USHA further pointed out that most of the UBWs which posed imminent hazard to life and property had been demolished. To keep members up to date, USHA also said that HAD would provide members with the quarterly work plan for implementing the mandatory requirement. She shared the Chairman's view that LegCo members were not expected to be legally liable in endorsing the proposal.

Clerk

28. In response to members' request to further discuss the problems of UBWs, in particular illegal signboards attached to buildings, the Chairman suggested that the issue should be referred to the Panel on Development for further deliberation as the subject matter was under the purview of the Panel.

29. Mr KAM Nai-wai considered that prior to the enforcement of the mandatory requirement, the Administration should work closely with the insurance sector to ensure that OCs which had exercised due diligence in making insurance procurement would be able to do so, and the OCs concerned would be given details on the relevant information on insurance premium and would acquire a clear understanding that UBWs were not included under the mandatory insurance policy.

30. USHA said that the Administration would strengthen the publicity of the mandatory requirement by contacting OCs individually to promote the importance of third party risks insurance, explain the mandatory requirement, and facilitate them to procure the insurance as soon as possible. AD(HA)4 added that the Administration had worked closely with the Hong Kong Federation of Insurers which had informed its members the requirement of the Regulation and advised its members to facilitate procurement of third party risks insurance policy by OCs.

31. As it was a mandatory requirement for OCs to secure insurance coverage, Mr KAM Nai-wai enquired whether the Administration would guarantee that all OCs could obtain the third party risks insurance upon the commencement of the mandatory requirement. USHA said that the legislation had built in a defense for OCs if they had exercised all such due diligence in securing an insurance policy for their buildings, but still failed to secure the insurance coverage. In response to the Chairman's enquiry, USHA said that the Administration would continue to work closely with the insurance sector and OCs with a view to facilitating the procurement of the insurance by OCs. Mr CHAN Kin-por agreed that the defense clause should protect OCs that failed to secure the insurance on justifiable grounds. He added that the insurance sector would also consider establishing a mechanism to assist OCs

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that still had difficulties in obtaining insurance coverage by the commencement of the mandatory requirement.

32. To sum up the discussion, the Chairman said that although there were diverse views on the issue, members generally agreed that the commencement date of the mandatory insurance requirement should be deferred to 1 January 2011.

Declaration requirement for management committee members

33. Mr KAM Nai-wai said that the Administration should improve on the current arrangement for members of Management Committees (MCs) of owners' corporations to make statutory declaration. He suggested that the Administration should facilitate the making of declaration by MC members who needed to work during daytime by providing declaration services at non-office hours in all districts.

34. USHA said that at present declaration services were provided at public enquiry service centres of District Offices all over the territory, and each month some 20 000 to 30 000 people were already using the service to make all kinds of declarations. To facilitate the making of declarations by management committees members, apart from a Commissioner for Oath, the Home Affairs Department (HAD) had allowed a Justice of Peace or a solicitor to administer the declaration. HAD was exploring the feasibility for enabling MC members to make declarations outside office hours.

35. AD(HA)4 added that HAD had enlisted the assistance of the Hong Kong Housing Society to provide declaration service at Property Management Advisory Centres outside office hours. In response to the Chairman's enquiry on whether such service would be provided in all 18 districts, AD(HA)4 said that the new measure would be tried out initially in some districts and subject to further discussion with the Hong Kong Housing Society, the Administration would explore the extension of the service to other relevant districts in the long run.

V. Major Upgrade of Multimedia Information System
[LC Paper No. CB(2)427/08-09(04)]

36. Deputy Director (Culture) (DD(C)) briefed members on the salient points of the Administration's paper proposing the major upgrade of the Multimedia Information System (MMIS) for the Hong Kong public libraries.

37. Mr KAM Nai-wai questioned how the public could gain access to the upgraded MMIS at home when the new system was launched. He considered that the Administration should have arranged for a demonstration for members to facilitate their understanding of the proposed system. Ms Emily LAU shared similar view and requested the Administration to arrange a demonstration on the new proposed system.

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(Post-meeting note: Members were informed of the arrangement of a demonstration on the MMIS at the Hong Kong Central Library at 5 pm on 6 January 2009 vide LC Paper No. CB(2)504/08-09)

38. DD(C) said that the proposed MMIS consisted of two parts. The first part comprised audio/video on demand programmes while the other part comprised a database of digitised documents. All the digitised materials, except for the video items, would be accessible through both the internet and workstations at public libraries. The current MMIS developed since 1999 and launched upon the opening of the Hong Kong Central Library in mid-2001 was in need of upgrading to enable the system to be more user-friendly in particular on data searching functions. The specifications for the proposed upgraded system would be worked out after funding approval had been obtained from the Finance Committee (FC).

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39. AD(L&D) said that the Leisure and Cultural Services Department (LCSD) would be happy to arrange a demonstration at the Central Library to show the current provision of library services through MMIS, the functions of the existing MMIS and the new functions to be implemented in the upgraded system. LCSD could also provide members with further information related to the consultant's study conducted in early 2008, which examined the feasibility of upgrading or replacing the system to meet anticipated needs. The current MMIS allowed internet access to basically all digitised documents for the general public. The information included photos, newspapers, maps, and other important reference materials. It was the goal of LCSD to make available to the public through the Internet as many digitized library resources as possible provided that relevant copyright issues could be resolved. The digital rights management system proposed in the upgraded system would enable effective management of copyrights and make the electronic materials more accessible to the general public.

40. Mr CHEUNG Man-kwong expressed concern on whether the upgraded MMIS would enable the users to have 24 hour access to the audio and video materials particularly those of high historical and cultural value, such as classic movies and gramophone records, which were no longer obtainable from the market. He suggested that LCSD should seek the advice of experts in the cultural field for recommendation of the digitisation of a selection (say initially about 200 to 500) of classic movies and gramophones which could be made accessible through the Internet. Mrs Sophie LEUNG added that local classic movies should be given priority in such a selection. DD(C) responded that LCSD would consider members' suggestion provided that the relevant copyright and technical issues could be resolved.

41. Mr WONG Shing-chi considered that the upgraded system should aim at enhancing the public's accessibility to library resources rather than simply pursuing technology advancement, and asked for the statistics of the current usage. Ms Emily LAU shared the same view.

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42. DD(C) responded that MMIS had been well received since its launch in mid-2001. About 1.5 million patrons used the system to gain access to about 1.8 million items of library materials in 2007-2008. It was anticipated that there would be an annual growth of over 10% in the use of library materials through MMIS. The public had been informed of the system through publicity materials such as leaflets distributed at all public libraries.

43. In response to Mr WONG Shing-chi's comment that the 1.5 million patrons per year was on the low side, AD(L&D) responded that the usage rate was on par with other similar digital library systems. The public libraries had organized regular training sessions including general introduction of MMIS to the general public and would continue to step up its effort in this regard.

44. Mr Paul TSE agreed that the MMIS should be upgraded but cautioned that the proposed system should target at enhancing public usage at reasonable price rather than achieving the secondary goals such as technical awards or excellence in information technology. As for the promotion of MMIS, the Administration should reach out to the community as a whole especially those who were not regular patrons of public library services.

45. DD(C) shared members' views on the need to improve publicity of MMIS and enhance the accessibility of the digital library system through the Internet. He added that one of the major objectives for upgrading MMIS would be to enable the preservation and dissemination of historical and heritage materials through digitisation. A comprehensive publicity strategy would be formulated with the implementation of the upgraded MMIS.

46. Mr Paul TSE asked whether LCSD had records regarding the duration of individual users' access to MMIS and if so, whether the Administration could provide members with the relevant statistics. DD(C) responded that there was no such record in the current computer system.

47. Considering that IT hardware would need to be updated and replaced every 18 months on average, Mr WONG Yuk-man asked how the administration would ensure that the proposed project to be contracted out in 2010 would not be outdated already when it was launched in 2012 as scheduled. He further asked about the number of years when another upgrading would be required subsequent to the implementation of the new system.

48. AD(L&D) said that the tender would require the contractor of the project to provide the most updated IT technology for the upgraded MMIS. DD(C) added that the upgraded system should have an anticipated usage period of about 10 years. However, it was expected that minor upgrades and enhancements of both the hardware and software of MMIS would be required after the sixth year. LCSD would work with the Office of the Government Chief Information Officer on the monitoring and upgrading of MMIS. Mr

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WONG Yuk-man said that he would agree with the proposal if the contract would include specific terms to address future system upgrading issues.

49. Referring to paragraph 14 of the Administration's paper, Mr WONG Shing-chi asked whether LCS D had planned to reduce its manpower in the light of the notional savings resulting from the automation of the existing manual operation. DD(C) responded that LCS D would re-deploy its staff following the automation of the existing manual operation, and the project would not lead to staff reduction. AD(L&D) supplemented that the estimate of a notional savings of about \$1 million per annum was worked out from accumulating fragmented savings from all public libraries.

50. Ms Emily LAU agreed that the proposal should be implemented as soon as possible. Noting that some library staff had complained about shortage of staff to cope with the extension of library service hours, she said that the Administration should have an accurate estimate of the manpower resources and assure the library staff that the management would address their concern in a fair manner.

51. Mr KAM Nai-wai supported the upgrading proposal. However, he requested the Administration to provide before the demonstration further details on the proposed upgrade of MMIS, the promotional strategy to publicise the new system, the target usage rate, measures to enhance its accessibility and the plan for monitoring the upgraded system etc. Ms Emily LAU said that the Administration should provide the requisite information and their response to members' concern in their submission to FC.

52. DD(C) informed members that the key information on the potential new or enhanced services to be provided in the upgraded system had been set out in the Administration's paper. LCS D would arrange a demonstration on MMIS to facilitate members' further understanding of the system.

53. The Chairman summed up that the Panel in general agreed to the Administration's submission to FC of the proposal to seek funding approval for the major upgrade of MMIS. The Administration should provide more information on MMIS and arrange a demonstration prior to its submission of the proposal to FC.

VI. Conversion of Yau Ma Tei Theatre and Red Brick Building into a Xiqu Activity Centre
[LC Paper No. CB(2)427/08-09(05)]

54. Deputy Secretary for Home Affairs (3) (DS(HA)3) briefed members on the proposed conversion of Yau Ma Tei Theatre (YMTT) and Red Brick Building (RBB) into a Xiqu Activity Centre (the Centre) as detailed in the Administration paper.

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55. The Deputy Chairman observed that in the Heritage Impact Assessment (HIA) Report, there were detailed and comprehensive requirements in conservation policies for maintenance and rehabilitation activities during the conversion of YMTT and RBB. She further pointed out that the impact on the heritage site during the conversion of the rooftop and floor area was assessed to be high, and questioned how the Administration would arrange to comply with the policy requirements and the proposed mitigation measures. She also questioned who the targeted users/hirers of the proposed Centre would be given that its small size, particularly the dressing room, would limit its function.

56. DSHA(3) responded that -

- (a) the Architectural Services Department would ensure that the construction works and mitigation measures to be carried out for heritage conservation would comply with the requirements stipulated in the HIA report. During construction stage, there would be vigilant supervision to ensure integrity of the structures of heritage value, and every effort would be made to maintain the original characteristics of the architectural design;
- (b) the Centre would be a small-scale performance venue due to the limited usable space of the site area but it would be equipped with all necessary facilities; and
- (c) the Centre would be a permanent base for Xiqu activities and serve as a training, rehearsal and performance venue for budding artists and groups.

57. Mr CHEUNG Man-kwong asked whether the public toilet and refuse collection station near the Centre would be relocated. Mrs Sophie LEUNG expressed similar concern.

58. DSHA(3) said that the issue had been discussed at the meetings of the Yau Tsim Mong District Council which supported the relocation of the public toilet and refuse collection station. The Administration would continue to identify suitable sites for the proposed relocation while proceeding with the project in order to expedite its implementation.

59. Mr WONG Yuk-man supported the proposal and urged the Administration to expedite the project as YMTT had remained vacant for more than 10 years. Furthermore, he noted that there was an increase in project estimate from \$80 million in 2006 to \$170 million in 2008. Mr Timothy FOK shared similar view and added that it had been eight years since the conversion project was first proposed in 2000.

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60. DSHA(3) responded that the Administration would proceed immediately with the project subject to members' support and the approval of FC. He explained that because of the historic value of the YMTT and RBB, extensive investigation and studies as well as comprehensive consultation with the relevant stakeholders had been conducted. He assured members that the Administration would make every effort to expedite the implementation of the project.

61. Considering that the Centre had three characteristics : (a) proximity to unique district features e.g. Temple Street and Banyan Tree, (b) high historic value and (c) limited seating capacity, Mr Paul TSE was of the view that this project should not be treated as a replacement for the Sunbeam Theatre or the Ko Shan Theatre (KST) but should primarily be designed as a tourist attraction. A separate site should be identified for a dedicated performance venue for Cantonese opera and other Xiqu for local residents. He further suggested that the Centre, instead of being a venue for hirers and artists' training, should be developed into a tourist spot where resident operatic artists would be staging performances throughout the day to attract tourists.

62. DSHA(3) said that the Administration in principle supported the suggestion, and in fact had also enlisted the assistance and support of the Hong Kong Tourism Board to promote the Centre as a tourist attraction. The Administration would also explore the possible use of operatic performance and rehearsal as part of tourist activities.

63. Mrs Sophie LEUNG commented that the Centre should be a venue catering for all kinds of Xiqu and related cultural activities rather than exclusively for Cantonese opera. It should also be open to primary and secondary schools for organizing operatic activities so that students could be encouraged to cultivate their interests in Xiqu, which was a cultural heritage essential to building the sense of belonging of the younger generation. Mrs LEUNG considered that a seating capacity of about 300 should serve the above purposes. She further suggested that the facilities of the Centre such as the dressing room should be improved as far as possible.

64. Mr KAM Nai-wai asked whether the Administration had worked out the details on the future operation of the Centre such as its mode of management and scale of hiring charges. DSHA(3) said that the Administration still kept an open mind and would consult the Cantonese Opera Advisory Committee, the District Councils and the relevant stakeholders on the future operation of the Centre.

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Venue shortage and Development of Xiqu

65. The Deputy Chairman pointed out that the existing lease of the Sunbeam Theatre in North Point would expire next year. However, new venues such as the new Annex of KST and the dedicated Xiqu Centre in the West Kowloon Cultural District (WKCD) would not be ready until 2011 and 2014 respectively. She asked what arrangements the Administration would make to solve the potential venue shortage problems for full-scale Chinese opera during the interim. Mr WONG Yuk-man expressed similar concern.

66. DSHA(3) said that the Administration understood that the landlord of the Sunbeam Theatre had yet to agree to the extension of the existing tenancy agreement. While the Administration hoped that the discussion between the landlord and the tenant would continue and an agreement be reached, measures had been taken to address the issue of venue shortage. For example, slots of major venues under the Leisure and Cultural Services Department (LCSD) such as KST would be reserved for use by Cantonese opera troupes .

67. The Deputy Chairman further asked whether priority given to these opera troupes would diminish the chance for other performing groups and schools in booking these major venues. For example, many organizations such as schools found it difficult to book those venues where priority had been given to designated arts groups participating in the "Venue Partnership Scheme".

68. DSHA(3) said that the venue management team of LCSD would endeavour to strike a balance in allocating slots to hirers of different cultural varieties and meeting their specific needs. For example, the management would accord higher priority to Cantonese opera troupes around the Chinese New Year and such arrangement would not affect other hirers who would have other preferred time slots.

69. DD(C) added that special measures would be taken to enable hirers to make use of the venues in the New Territories which had not been fully utilized. Furthermore, LCSD had planned to provide subsidy for performing groups to enable them to hire non-LCSD venues suitable for staging performances.

70. Mr CHEUNG Man-kwong said that the proposed Centre of 300 seats was by no means a feasible solution to solve the venue shortage problem arising from the possible closure of Sunbeam Theatre, as professional operatic troupes would have special financial consideration and technical requirement in staging full-scale Chinese operas. He asked whether the Administration would provide financial assistance to enable the Sunbeam Theatre to continue operation.

71. DSHA(3) agreed that the proposed Centre was no substitute for major Xiqu venue such as the Sunbeam Theatre, but its purpose in providing training, rehearsal and support for budding operatic groups/artists would still be

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important in promoting Cantonese opera and other Xiqu activities. To facilitate the continual operation of the Sunbeam Theatre, the Administration had, through the Hong Kong Arts Development Council, provided subsidy for the hirers of the Theatre between 2006 and 2008 to enable the private theatre operator to sustain its business. In response to Mr CHEUNG's further enquiry about the facilities of KST, DSHA(3) said that various improvement works had been carried out such as the lighting along the public access to KST to make the venue more accessible to the audiences particularly the elderly. An annex building to KST was also under planning.

72. Mr KAM Nai-wai considered that the financial assistance for the continual operation of the Sunbeam Theatre was minimal in comparison with the hundreds of millions invested in WKCD and the conversion project under discussion. He stressed that the Sunbeam Theatre embodied the collective memory of the local community and was a part of the local cultural heritage to be preserved. DSHA(3) responded that the Administration was concerned about the future of the Sunbeam Theatre and hoped that it would continue to operate. In case the Theatre ceased to operate, the Administration would put forward short-term measures to deal with the venue shortage problem.

73. Mr Timothy FOK said that the Administration should not count on the dedicated Xiqu Centre of the future WKCD to solve the short-term venue shortage problem. The Administration should implement immediate measures to materialize its support for Xiqu development. He noted that the landlord of Sunbeam Theatre had refused to renew the tenancy as the landlord felt aggrieved that the Administration had not shouldered its share to support the trade. DSHA (3) said that the Administration recognised and appreciated the contribution made by the landlord in supporting the operation of Sunbeam Theatre. He said that the Administration had explained to the landlord in writing regarding its policy on Xiqu development and measures taken to support the sector, including the establishment of the Cantonese Opera Advisory Committee and the Cantonese Opera Development Fund.

74. Mr WONG Yung-kan said that Cantonese opera as a cultural activity was highly popular at the district level. The Administration's support was inadequate when compared to the attention given to Cantonese opera by the provincial authorities in the Mainland. Mr WONG asked about the measures taken to increase the supply of venues for staging Cantonese opera.

75. DSHA(3) responded that with the joint efforts of Guangdong, Hong Kong and Macao, the Ministry of Culture had put up Cantonese Opera as one of the candidates to the United Nations Educational, Scientific and Cultural Organisation for inscription onto the Representative List of the Intangible Cultural Heritage of Humanity in September 2008. The Administration had provided support to the development of Xiqu at the district level through subsidizing projects proposed by schools and district opera groups. The Administration had also studied the upgrading of district community halls to make them more amendable for performances.

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76. The Chairman summed up that the Panel agreed to the Administration's submission to the Public Works Subcommittee of the proposal to upgrade the project as Category A item. Members considered that the Administration should expedite the implementation of the project.

VII. Improvement works for Mong Kok Stadium

[LC Paper Nos. CB(2)253/08-09(01) and CB(2)478/08-09(01)]

77. Assistant Director (Leisure Services)2 (AD(LS)2) briefed members on the proposed improvement works for the Mong Kok Stadium (the Stadium) as detailed in the Administration's paper.

78. Mr CHEUNG Man-kwong supported the proposed improvement works for the Stadium. As the improvement works would take two years to complete, he expressed concern about the inconvenience caused to football fans due to the possible relocation of the First Division football matches and other local football matches to some remote sports grounds in Yuen Long and Tai Po during the interim period when the Stadium was under reconstruction. He suggested that the Administration might consider relocating football matches to the former Fa Hui Stadium, which was located in the vicinity of the Stadium and currently managed by the Police Sports and Recreation Club, so as to minimize the disruption to football spectators.

79. AD(LS)2 assured members that the improvement works and temporary closure of the Stadium would not affect the organization of the First Division football matches. LCSD had worked closely with the Hong Kong Football Association Limited (HKFA) on the arrangements for suitable venues for organizing First Division football matches at various locations, such as Yuen Long, Tai Po and Sham Shui Po etc. The Administration would consider Mr CHEUNG's suggestion in consultation with HKFA when making the relevant arrangements.

80. Mr WONG Shing-chi supported the proposed improvement works. He however suggested that the Administration should adopt an integrated approach in the planning of the project, so that the surrounding areas such as the Flower Market and Birds Street could be developed into a tourist attraction. He also considered the current location of the single entrance of the Stadium facing Flower Market Road unsatisfactory and in need of improvement. Mr KAM Nai-wai considered that the Administration should enhance the accessibility of the Stadium by improving the pedestrian flow from the MTR station and vehicular access to the Stadium.

81. Chief Project Manager (CPM) responded that LCSD had worked with the Transport Department for relocating the entrance of the Stadium for better vehicular and pedestrian circulation. She advised that LCSD had planned an

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additional entrance/exit facing Boundary Street exclusively for football players, referees, and guests. AD(LS)2 added that while the Stadium was used mainly for football games and training, it had occasionally served as the venue for schools and community activities. After completion of the improvement works, the Administration would consider introducing measures to enhance utilization of the Stadium and involvement of the community.

82. The Deputy Chairman expressed concern regarding the impact of the construction work on the surrounding areas especially during the busy seasons of the Flower Market, and suggested that suitable mitigation measures should be taken. She further asked whether admission fees for football matches would be increased after the proposed improvement works.

83. AD(LS)2 responded that the Administration would give due attention to public safety when carrying out the construction works and would endeavour to minimize their impact on nearby residents and business. The Administration had no plan to increase rental charges of the Stadium after the improvement works. The admission fees of each football match would be determined by individual organizers.

84. Mr Timothy FOK declared that he was the President of HKFA. He supported the proposed improvement works and urged the early implementation of the project. As the Stadium was one of the main football fields, he urged the Administration to take adequate measures to ensure that football matches held by HKFA would not be adversely affected during the reconstruction period. He also shared Mr. WONG Shing-chi's views regarding the need for an integrated approach in the planning and design of Stadium and its surrounding areas.

85. Prof Patrick LAU said that the Administration might consider advancing minor improvements works at football fields, such as the football field at Siu Sai Wan, where the First Division football matches would be held during the reconstruction of the Stadium with a view to accommodating a greater number of audiences.

86. AD(LS)2 replied that similar football matches had been held in the past in venues identified by HKFA for holding the First Division football matches in the coming two years. The Administration would consider carrying out minor improvement works at those venues if needed.

87. Mr WONG Yuk-man expressed support for the proposed improvement works. However, he considered that further improvement could be made by re-orientating the field to the north-south direction to optimize its use.

88. Ms Cyd HO stressed that in addition to improving the hardware facilities, the Administration should promote the football sport. She considered that the facilities in the reconstructed Stadium should be user-friendly and their

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design should be attractive so as to promote public interest and participation in football activities. Efforts should also be made to enhance the booking of facilities and publicity of the sport.

89. Mrs Sophie LEUNG declared that her spouse was the Chairman of HKFA. She supported the proposed Stadium improvement works since the existing facilities were outdated and the Stadium needed to be renovated as soon as possible. She suggested that the issue related to development of local football be further discussed by the Panel in future and the Administration should report to the Panel the progress of the consultancy study on the development of local football. Mrs LEUNG added that the north-south alignment of the field was a requirement recommended by HKFA in the design of football pitches. Pointing out that four new football fields in Tseung Kwan O also failed to meet this requirement for various reasons, she suggested that members should be more vocal in reminding the Administration of this requirement.

90. In response to the suggestion on the direction of the fields, AD(LS)2 said that the Administration recognized this design requirement and would make every effort to meet this requirement in the construction of new football fields. However, due to practical site constraints, the field of the existing Stadium could not be orientated in the north-south direction.

91. Mr WONG Yuk-man and Mr KAM Nai-wai considered that the number of seats at the Stadium (i.e. 6 500) was insufficient, and asked whether the Administration would explore measures to maximize the seating capacity. CPO responded that much effort had been made to maximize the seating capacity of the Stadium. The number of seats totaling 6681 had been worked out with meticulous calculation and the possibilities for adding more seats had been exhausted.

92. Mr WONG Yuk-man queried the drastic increase in the estimated construction costs of the Stadium from \$140 million to \$250 million. CPO responded that the cost of \$140 million was estimated in 2007 when the design was undertaken. The increase in the estimated cost had taken into account the significant inflation in construction cost in the beginning of 2008. In view of the recent economic downturn, the construction costs were expected to go down, but the extent of decrease could only be ascertained pursuant to the tender exercise.

93. The Chairman summed up that the Panel agreed to the Administration's submission to the Public Works Subcommittee of the proposal to upgrade the project as Category A item. He also informed the meeting that he had received a letter from HKFA to show its support for the proposed project.

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VIII. Any other business

94. There being no other business, the meeting ended at 11:25 am.

Council Business Division 2
Legislative Council Secretariat
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