

立法會
Legislative Council

LC Paper No. CB(2)1088/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 9 January 2009, at 8:30 am
in Conference Room A 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
Dr Hon Philip WONG Yu-hong, GBS
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
Dr Hon LAM Tai-fai, BBS, JP
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 LAU Wong-fat, GBM, GBS, JP
Hon Albert CHAN Wai-yip
- Member absent** : Hon WONG Yung-kan, SBS, JP

Public Officers : Item III
attending

Home Affairs Department

Miss Adeline WONG
Deputy Director of Home Affairs (1)

Mr Kesson LEE
Assistant Director of Home Affairs (1)

Mr MA Kit-chi
Chief Liaison Officer (1)2

Item IV

Home Affairs Bureau

Ms Grace LUI Kit-yuk, JP
Deputy Secretary for Home Affairs (1)

Mr Jacky LUM Kwok-keung
Principal Assistant Secretary for Home Affairs (Civic
Affairs)1

Ms Maria LAM Man-ki
Senior Manager (Centre for Youth Development)

Item V

Home Affairs Bureau

Ms Florence HUI, JP
Under Secretary for Home Affairs

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

Miss Janet WONG
Acting Deputy Secretary for Home Affairs (2)

Hong Kong Arts Development Council

Mr MA Fung-kwok, SBS, JP
Chairman

Mr Louis YU
Chief Executive

- Attendance by invitation** : Item III
- Mr KWOK Cheuk-kin
Resident of Cheung Chau
- Mr TAM Tai-ming
Resident of Yuen Long Kau Hui
- Mr KWAN Cheong-ying
Resident of Yuen Long Kau Hui
- 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. Information paper(s) issued since the last meeting

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

- (a) Administration's response on the display of national flag and regional flag at Government buildings and offices [LC Paper No. CB(2)554/08-09(01)];
- (b) Supplementary information note provided by the Administration on major upgrade of Multimedia Information System for Hong Kong Public Libraries [LC Paper No. CB(2)582/08-09(01)];
- (c) Response from the Administration in relation to a referral from the Complaints Division of the Legislative Council Secretariat on measures to address gambling-related problems [LC Paper No. CB(2)597/08-09(01)]; and
- (d) Letter dated 23 December 2008 from Hon KAM Nai-wai on the future of the Sunbeam Theatre [LC Paper No. CB(2)608/08-09(01)].

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2. In response to Mr KAM Nai-wai's suggestion for discussing the future of the Sunbeam Theatre, the Chairman said that according to the Administration, the tenancy of the Theatre had been extended to the end of February 2009 to facilitate the staging of Cantonese opera during the Lunar New Year while the negotiation on a new tenancy agreement for the Theatre was still underway. The Chairman suggested and members agreed that the future of the Sunbeam Theatre should be discussed in tandem with the long-term development of Xiqu at the regular meeting in February 2009.

II. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)580/08-09]

Next regular meeting on 13 February 2009

3. Members agreed to discuss the following items -

- (a) Implementation of recommendations of the 2006 District Council (DC) Review;
- (b) Development of Cantonese opera and other Xiqu and future of the Sunbeam Theatre; and
- (c) Centre on Youth Development.

4. On agenda item (a), Ms Emily LAU suggested that apart from the recommendations relating to home affairs, DC election-related matters should also be deliberated, and members of the Panel on Constitutional Affairs (CA Panel) should be invited to join the discussion. Mr WONG Sing-chi said that as a DC member, he supported the proposal for a comprehensive and in-depth discussion on the item. The Chairman said that he would follow up Ms LAU's suggestion with the Chairman of the CA Panel.

(Post-meeting note: Upon the Chairman's instruction, members were informed via CB(2)687/08-09 that the discussion should focus on issues relating to home affairs and members of the CA Panel would be invited to join the discussion.)

5. Members also agreed to the Administration's proposal to postpone the discussion on "Intangible Cultural Heritage" to the regular meeting in March 2009.

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III. Village Representative Election (Amendment) Bill and other issues related to village representatives

[LC Paper Nos. CB(2)580/08-09(01), CB(2)239/08-09(01) and (02)]

6. The Chairman reminded the deputations/individuals attending the meeting that they were not covered by the protection under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel.

Meeting with deputations/individuals

Mr KWOK Cheuk-kin - Resident of Cheung Chau
[LC Paper Nos. CB(2)580/08-09(02)]

7. Mr KWOK Cheuk-kin presented his views as detailed in his submission (LC Paper No. CB(2)580/08-09(02)). In brief, Mr KWOK considered that the Cheung Chau Rural Committee (CCRC) should be abolished as its members were not village representatives (VRs) but Kaifong representatives. He considered that the Home Affairs Department (HAD) should not allow CCRC to handle the rural affairs of Cheung Chau, as its Chairman and Deputy Chairman were not indigenous inhabitants (IIs). He queried the legality of the CCRC election which in his view, was conducted in the absence of a proper monitoring mechanism.

Mr KWAN Cheong-ying - Resident representative of Yuen Long Kau Hui
[LC Paper Nos. CB(2)580/08-09(03)]

8. Mr KWAN Cheong-ying considered that Yuen Long Kau Hui (YLKH), a settlement with over 400 years of history, should be added onto the relevant Schedules to the Village Representative Election Ordinance (VREO) (Cap.576) and the villagers should be given the right to elect their VRs for the following reasons : (a) the Shap Pat Heung Rural Committee of the last term (the last SPHRC) had indicated that YLKH was an indigenous village which existed before 1898; (b) documentary evidence and witnesses were available to prove that VRs had existed in the area during the Japanese Occupation; and (c) inhabitants of YLKH had all along been granted rent concession and land burial right. Mr KWAN considered that the current SPHRC was being manipulated to raise objection against the claim of YLKH as an indigenous village, and added that staff of the Yuen Long District Office (YLDO) should visit YLKH to understand its unique history.

9. The Chairman invited members to take note of two written submissions from the current SPHRC and CCRC, in which SPHRC stated that it did not accept the application of YLKH to be its member because its status as an indigenous village was still in doubt; and CCRC expressed support for the Administration's stance for not including Cheung Chau in the Schedules to the VREO and held the view that the status quo should be maintained.

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Meeting with the Administration

10. Deputy Director of Home Affairs (1) (DD(HA)1) advised that the purpose of the VREO enacted in 2003 was to bring VR election in compliance with the ruling of the Court of Final Appeal and to preserve the long-adopted village representation system. The legislative intent of the VREO was that VR elections should be held for indigenous villages (i.e. villages which were already in existence in 1898) and existing village settlements included in the village representation system in the New Territories then (i.e. in 1999 when the last round of village election before the enactment of VREO was held). For indigenous villages, only those which met the two criteria stated above (i.e. already in existence in 1898 and included in the village representation system in 1999) were listed in the Schedules to VREO. In formulating these arrangements, extensive consultation had been conducted with the rural community, including the Heung Yee Kuk (HYK) and the Rural Committees (RCs). While it was acknowledged that YLKH existed in 1898, the key issues were whether it was in the village representation system in 1999 and whether it was a village. DD(HA)1 further clarified that Yuen Long District Officer and herself had visited YLKH to study the case in detail.

11. DD(HA)1 pointed out that the VREO was not applicable to Cheung Chau, and Mr KWOK's views regarding CCRC was a separate issue not directly related to VREO. She explained that CCRC was an RC acknowledged by the Secretary for Home Affairs (SHA) under the Societies Ordinance (Cap. 151). Its members were all Kaifong representatives, who were elected to CCRC by secret ballot on a one-person-one-vote basis in accordance with the Constitution of CCRC. The elections were regulated by the Election (Corrupt and Illegal Conduct) Ordinance (Cap. 554), and the Independent Commission Against Corruption would take action against any corrupt or illegal conduct if warranted. Referring to the election-related publicity activities mentioned in Mr KWOK's submission, DD(HA)1 said that it was a common practice for candidates of similar political views to launch joint publicity campaign during elections and this was not considered inappropriate.

12. Mr CHEUNG Man-kwong pointed out that the legislative intent for preserving the village representation system under the VREO should not prevent the Administration from adopting a more flexible attitude in the dealing with reasonable requests to amend the Schedules to the VREO, taking into account that some villages which met the two criteria for inclusion to the Schedules might have been omitted when the Schedules were first compiled, as in the case of Lai Pek Shan. He further suggested that amendments should be made to the VREO to allow more flexibility for the Administration to make changes to the Schedules. Regarding the case of YLKH, Mr CHEUNG considered the request for its inclusion to the Schedules justifiable in the light of the evidence provided, and urged the Administration to respect its history and rectify the mistake by adding the village onto the relevant Schedules.

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13. Mr Paul TSE declared that he was an II of Shap Pat Heung in Yuen Long. He considered it rather arbitrary for the Administration to set year 1999 as a criterion for determining the eligibility of a village for VR election. Taking into account the time and the legislative procedures for updating the Schedules to the VREO, he suggested that the VREO should be amended to empower SHA to make necessary changes. Referring to a letter in March 2006 signed by the then Chairman of the last SPHRC, which affirmed YLKH's status as an "established village" which existed in 1898, and another letter in December 2008 signed by the Chairman of the current SPHRC, which objected to YLKH's claim as an "indigenous village", Mr TSE pointed out that the matter as to whether YLKH was an "indigenous village" should be established by facts rather than simply relying on the opinions of SPHRC.

14. Mr Albert CHAN shared the view that the VREO should be amended to enable the addition of YLKH onto the relevant Schedules to the VREO, as historical documents had proved the existence of VR in the village. He considered that unreasonable administrative measures, such as the requirement for the village to be included in the VR system in 1999 in order to be eligible for VR election, had hindered the growth of rural community and development of democracy.

15. On whether a village should be added onto the Schedules to the VREO as an indigenous village, Mr CHEUNG Hok-ming said that HYK's stance was that the village in question should meet two criteria, namely, the relevant village should be a village which existed in 1898 and a village representation system should have been established in that village in or prior to 1999. Mr CHEUNG stressed that in considering the eligibility of a village for inclusion onto the Schedules as an indigenous village, the above criteria should be the major consideration and the opinions of RCs should be taken as reference. He added that HYK had compiled a register in which all indigenous villages were listed in the 1980s.

16. DD(HA)1 responded that upon examination of objective evidence, the Administration was prepared to include villages which met the two criteria in paragraph 10 above but had been omitted from the Schedules to VREO, as in the case of Lai Pek Shan. Referring to the case of YLKH, DD(HA)1 said that the Administration would need further evidence to ascertain its eligibility for listing on the Schedules. She pointed out that the evidence provided by the villagers so far was insufficient to warrant such a decision for the following reasons: (a) information on the VR for that area during the Japanese Occupation (including the name and number of VR) as claimed by three villagers in their statutory declarations was inconsistent with that shown in a copy of an old contract-type document recently provided to HAD by another villager; and (b) the SPHRC did not support the claim that YLKH was an indigenous village and the SPHRC had clarified in a recent letter that the previous SPHRC did not give any formal recognition to YLKH. On (b), the

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Chairman of the last SPHRC claimed in a letter that its Executive Committee, at a meeting on 10 February 2006, had recognized YLKH as an established village. HAD had checked the minutes of that meeting and found that no such conclusion had been reached at that meeting. As to whether the VREO should be amended to empower SHA to exercise discretion to add more villages to the Schedules, she said that the suggestion would require careful deliberation.

17. Mr CHEUNG Man-Kwong considered that the villagers' declaration and the relevant historical document were already strong evidence to prove the existence of VR in YLKH, and the issue on whether there had been one or two VRs of YLKH during the Japanese occupation was irrelevant. He asked if the Administration was willing to add YLKH onto the Schedules having regard to these documentary proof or would steadfastly adhere to its inflexible position. Mr Albert CHAN shared similar views and criticised the Administration for being bureaucratic and rigid in handling the case.

18. Pointing out that the making of a statutory declaration was a solemn matter and such a declaration could be considered as a legitimate claim in the court, Mr Paul TSE queried the Administration's rigid stance in this regard. Given the Administration's acknowledgement of YLKH's existence in 1898 and the availability of other supporting evidence, such as YLKH's entitlement to rates exemption and rent concession, Mr TSE considered that there was sufficient proof for YLKH's inclusion onto the Schedules. He reiterated the need to amend the VREO so as to enable the Administration to rectify its mistakes or omissions in a timely manner.

19. Mr WONG Yuk-man asked whether the Administration had verified with the respective Chairmen of SPHRC of the last and current terms on the apparently different stance of SPHRC as expressed in their respective letters; and whether YLKH should be regarded as an indigenous village.

20. Noting that YLKH was included in the "List of Established Villages in the New Territories" and HAD had acknowledged its existence in 1898, Prof Patrick LAU found it puzzling for questions to still arise on YLKH's status as an "indigenous village". He asked whether the problem was attributed to the Administration's rigid policy in adhering to the same number of indigenous villages as listed in the relevant Schedules.

21. Mr LAU Wong-fat said that HYK had worked in collaboration with the Administration to compile a register of indigenous villages with a view to clarifying the rights and interest of indigenous villagers in these villages for various purposes, such as rent concession and application for small house grant under the New Territories Small Housing Policy. He recalled that the proposed legislation on VR elections was deliberated within a tight schedule in order to give effect to the 2003 VR election, and both HYK and the Administration had agreed to review the election arrangements after the enactment of the legislation to rectify any inadequacies. Mr LAU considered it reasonable to

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revise the relevant Schedules to include all eligible villages. As for YLKH, he said that there was reason to believe that it was an indigenous village considering that the two contiguous villages at its both sides were also indigenous villages. Mr KWAN Cheong-ying said that information on YLKH's status as an established village enjoying rates exemption and rent concession was provided by staff of YLDO to the last SPHRC. He questioned the Administration's contradictory stance in the issue.

22. In response to Prof Patrick LAU's enquiry, DD(HA)1 clarified that the Administration had acknowledged YLKH's existence in 1898 but not its status as an "indigenous village". Regarding the "List of Established Villages in the New Territories", DD(HA)1 explained that the List was compiled in 1991 by HYK and the former Planning, Environment and Lands Branch mainly for defining whether the properties or lands owned by villagers in the "established villages" were eligible for rent recession. Established villages might include indigenous villages as well as market places, and hence not all villages on the List were indigenous villages.

23. Referring to the case of YLKH, DD(HA)1 said that while she would not dispute the seriousness of villagers' declaration, the major issue was not whether there had been one or two VRs but rather the inconsistency of information contained in the documentary proofs provided by the villagers, which had rendered the evidence less reliable and convincing. Sufficient material evidence would be required to warrant a decision to add YLKH onto the Schedules. Having regard to the legislative intent when the VREO was enacted, DD(HA)1 said that the question now was whether villages with a village representation system before 1999 should be added to the Schedules to the VREO. If they were to be included, questions over the credibility of evidence would likely arise, in particular in respect of declarations asserting the historical existence of VRs decades before 1999. She further pointed out that the addition of indigenous villages onto the relevant Schedules would affect the composition of RCs and the operation of HYK, as all VRs would become members of RCs.

24. DD(HA)1 welcomed members' views on the policy and legislative intent in relation to the VREO, but cautioned that any proposal to introduce significant changes to VREO would require wide public consultation and careful deliberation. As members in general agreed to the proposed amendments to the VREO at the Panel meeting in November 2008, DD(HA)1 sought members' support for the introduction of the Village Representation Election (Amendment) Bill 2009 (the Amendment Bill) to LegCo as scheduled to enable commencement of the preparation work for the next village ordinary election in 2011. She undertook to include in the LegCo brief on the Amendment Bill the Administration's decision on the case of YLKH or revert to the Panel if more time was required to deliberate on the case.

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25. Mr CHEUNG Hok-ming reiterated HYK's support for the inclusion of indigenous villages with a VR system in or before 1999 in the Schedules to the VREO. HYK would not intervene in the Administration's decision on whether a particular village, or in this case, YLKH, should be added to the Schedules. He stressed that the onus was with the Administration as to whether YLKH should be added to the Schedules, having regard to the views of LegCo members and the relevant RCs.

26. Mrs Sophie LEUNG considered that the issue was not about changing the legislative intent of VREO but the Administration's readiness to rectify its mistake if the village in question was omitted when the Schedules of VREO were first compiled.

27. Mr Paul TSE reiterated his view regarding the adequacy of the villagers' declaration for supporting the YLKH's claims. He expressed disappointment at the Administration's rigid attitude in handling the matter, and proposed to move a motion at the Panel meeting to object to the Administration's introduction of the Amendment Bill into LegCo for first reading.

28. DD(HA)1 said that in a judicial review case related to the listing of indigenous villages in the relevant Schedules to the VREO, the Court of Final Appeal had re-affirmed the legislative intent of the VREO and this should not be discounted lightly simply because of the YLKH case. She further pointed out that a decision on the inclusion of a village in the relevant Schedules based solely on villagers' declaration (as in the case of YLKH) would set a precedent, and this was risky. She added that HAD would need more time to further deliberate on the case.

29. The Chairman said that members in general accepted the two criteria highlighted by Mr CHEUNG Hok-ming in considering requests for inclusion onto the relevant Schedules to VREO. Given the strong evidence presented by the villagers, members were dissatisfied with the Administration explanation on the case. To allow sufficient time for the preparation of the village ordinary election in 2011, he considered that the Administration should proceed to introduce the Amendment Bill to LegCo having regard to members' views, and where necessary, members might propose amendments when scrutinizing the Bill. Mr Paul TSE concurred with the Chairman's suggestion and agreed to withdraw the proposed motion.

30. Mr Albert CHAN considered that the Administration should not introduce the Amendment Bill if it refused to add YLKH onto the relevant Schedules. Prof Patrick LAU said that the Administration could revert to the Panel on the case of YLKH prior to the introduction of the amendment Bill. Mr CHEUNG Man-kwong suggested that, since the Panel would have no objection to the introduction of the Amendment Bill if the Administration was to add YLKH to the Schedules, should the Administration decide so, it should inform the Panel in writing in about one month. Should the Administration

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decide not to add YLKH to the Schedules, the Panel would further discuss and decide on the next steps. DD(HA)1 agreed.

IV. Hong Kong Centre for Youth Development

[LC Paper Nos. CB(2)580/08-09(04) & (05)]

31. Deputy Secretary for Home Affairs (1) (DS(HA)1) conducted a powerpoint presentation on the latest development of the Hong Kong Centre for Youth Development (HKCYD) project.

32. In view of time constraint, the Chairman said that the meeting should be extended for 15 minutes beyond 10:30 am in accordance with House Rules 24A(a) to allow members to raise questions for the Administration's response at the next regular meeting.

Management and operation of HKCYD

33. Mr WONG Yuk-man noted that revisions had been made to the facility plan of HKCYD in 2005 to convert various facilities for promotion of youth creativity and development, such as the Arts and IT Centres into retail areas, cafeteria and multi-purpose facilities. He expressed concern about the tendency for HKCYD to be operated as a commercial complex rather than a focal point for youth development work and services, and requested the Administration to explain the usage of the multi-purpose areas. The Deputy Chairman enquired about the future usage of vacant floors and measures to mitigate the nuisance caused by the renovation work in these areas.

34. Mr CHEUNG Kwok-che was concerned about the self-financing requirement for HKCYD which in his view, would result in the centre having to adopt a more commercialized mode of operation and hence deviate from its original objectives.

35. Ms Emily LAU said that when HKCYD was first proposed in 1998, one of its objectives was to replace the functions and facilities of the then Chai Wan Community Centre. She was dissatisfied with the commercialization of HKCYD's operation and queried the overly long period for the construction of the project.

36. Mr CHAN Hak-kan considered that Government subvention would be necessary to sustain the operation of HKCYD in future. He asked -

- (a) whether the Administration would subsidize the operation of HKCYD when it ran into deficit;
- (b) how the Administration would ensure the affordability of the rental charges for non-governmental organizations (NGOs); and

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- (c) whether consideration would be given to according priority to uniformed groups in renting spaces at the centre as their office and activities bases.

37. Mr KAM Nai-wai asked how the Administration would deal with the envisaged \$90 million operation deficit for HKCYD during the first 10 years of its operation. Mr WONG Sing-chi enquired about the latest position of the tendering exercise, the selection criteria for the contractor, and the contingency plan if there was no interested bidder. The Deputy Chairman also asked whether youth groups and NGOs would be consulted on the use, allocation and management of various facilities in the centre. Ms Emily LAU expressed similar concern and asked whether the relevant stakeholders in youth development had made a bid in the tendering exercise.

Construction of HKCYD and its objective

38. Mr CHEUNG Man-kwong expressed dissatisfaction about the undue delay in the Administration's implementation of the \$750.9 million project. He considered that the predicament was attributed to the maladministration under the former Chief Executive, who announced the project in his 1998-1999 Policy Address and intended to designate its management to some pro-government/patriotic organizations. Mr CHEUNG was also disappointed about the lack of detailed information on HKCYD's mode of management and operation, and the absence of more concrete contents (such as facilities) within the superstructure after more than 10 years since the project was initiated. He considered that LegCo and the Audit Commission should look into the matter which apparently was a waste of public resources and a case of maladministration. Ms Emily LAU and Mr KAM Nai-wai shared similar views.

39. Mr CHEUNG Kwok-che said that the Panel might need to form a working group to examine whether the latest objectives of the HKCYD were in line with its original ones, as well as to monitor the development of the project.

40. Pointing out that the multi-media centre to promote youth creativity had been converted into a multi-purpose activities room and no international youth forums had been held over the years, Ms Cyd HO was doubtful about the Administration's commitment in achieving the original objectives of the centre. In view of these developments, Ms HO considered that it would be more constructive for the Home Affairs Bureau (HAB) to collaborate with local universities in organizing work programmes (such as hostel management) for young people at the centre. Mrs Sophie LEUNG shared Ms HO's view. She added that there was a need to revisit the original objectives of the centre in implementing the project.

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Management Advisory Committee of HKCYD

41. Mr CHEUNG Kwok-che and the Deputy Chairman enquired whether youth representatives would be invited to sit on the Management Advisory Committee (MAC), which would decide the future development and use of venues/facilities in HKCYD. Sharing the view that it was of utmost importance for young people to participate in MAC, Mr KAM Nai-wai enquired about the percentage of youth representatives to be appointed to the Committee. Mrs Sophie LEUNG suggested that more focus groups should be organized to solicit the views of young people.

The Administration's response

42. In response to members' views and suggestions, DS(HA)1 said that in taking forward the development of HKCYD, the Administration had sought the approval of the Finance Committee (FC) at different phases of the project, and the construction of its superstructure was only approved by FC in 2005. She assured members that there was no change to the objectives of the centre since they were first proposed to LegCo in 1998 and the Administration had no intention to develop the centre as a commercial complex. DS(HA)1 further advised that HAB would directly take up the responsibility for managing and operating the centre by funding the necessary recurrent expenditure, and a contractor would be selected in the current tendering exercise to provide management and operation services for HKCYD.

43. The Chairman requested the Administration to provide a written response to members' views and concerns for further discussion at the next regular meeting. He further instructed the Secretariat to arrange a visit to HKCYD for members and, as requested by Ms Emily LAU, summarize past deliberations on the issue at FC meetings for members' reference.

(Post-meeting note : A written response (LC Paper No. CB(2)778/08-09(01)) was issued to the Panel on 4 February 2009 and a site visit to HKCYD was arranged for Panel members on 7 February 2009.)

V. Proposed injection of funds into the Arts and Sport Development Fund

[LC Paper Nos. CB(2)580/08-09(06) & (07)]

44. Under Secretary for Home Affairs (USHA) briefed members on the operation of the Arts and Sport Development Fund (ASDF) and the proposal to inject a sum of \$150 million (\$60 million for the arts portion and \$90 million for the sports portion) into ASDF.

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45. Mr Timothy FOK declared that he was the President of the Sports Federation & Olympic Committee of Hong Kong, China. He expressed support for the funding proposal, in view of the needs to prepare athletes to take part in five upcoming sports games and to create a cultural environment to complement the development of the West Kowloon Cultural District project.

46. While supporting the proposal, Dr LAM Tai-fai considered the proposed funding inadequate to meet the needs of the arts and sports sector. In view of the benefits of sports and arts activities to the well-being of individuals and the harmony of the society, he suggested that more resources should be put into the nurturing of budding artists and elite athletes. Dr LAM also highlighted the importance of the funding support for enhancing the competitiveness of local athletes in international games such as the East Asia Games in 2009 and the Asian Games in 2010.

47. Mr CHEUNG Man-kwong said that apart from elite sports, subvention should be made available under the sports portion of ASDF for the development of local/district football teams with a view to raising their standard and enhancing their competitiveness. Mrs Sophie LEUNG shared similar view.

48. While Ms Emily LAU supported the financial proposal in principle, she expressed concern about the sustainability of funds accorded to various arts groups. In view of the substantial amount of fund involved, she suggested that the public should be invited to express their views. Ms LAU also asked whether the Administration would consider devising a policy to encourage sponsorship from the private sector for arts and sports activities.

49. Mrs Sophie LEUNG considered that the Hong Kong Arts Development Council (HKADC) should review the existing mechanism with a view to enhancing its support for the nurturing of budding artists/arts groups. She further opined that the arts portion of ASDF should be used for the promotion of a variety of arts, in particular popular arts to enhance the participation of the public at large. She added that apart from commercial sponsorship, the support of the community was essential for arts development.

50. The Deputy Chairman declared that she had participated in stage performances as an amateur. She suggested that for the long-term development of small and medium-sized arts groups, more resources should be provided to these groups through HKADC on a sustainable instead of a project basis. She further suggested that a mechanism should be established to enable these arts groups to become major performing arts groups.

51. Ms Cyd HO supported the proposal in general but considered that in addition to performing arts, the scope of the arts portion of ASDF should cover arts policy research and interactive community activities, and the approving authority of the arts portion of ASDF should vest with HKADC instead of SHA to avoid the impression that the arts projects were being "official-led".

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52. In response to members' views/enquiries, USHA said that -
- (a) HAB would be vigilant in the disbursement of ASDF to provide support for the development of arts and sports activities;
 - (b) apart from ASDF, a recurrent funding of \$500 million to \$600 million had been designated for arts development, and a recurrent funding of around \$130 million had been provided to the Hong Kong Sports Institute for its operation for training elite athletes in the current financial year;
 - (c) arts development would require the collaborative effort of the Government, the community and the private sector. HAB would step up its effort to encourage sponsorship from the private sector to support more arts and sports activities;
 - (d) applications for the arts portion of ASDF were considered and approved by SHA based on HKADC's recommendations, which in turn were made in consultation with various stakeholders in the arts sector;
 - (e) HKADC would decide on the allocation of the \$84 million recurrent subvention from the Government for meeting its administrative expenses and programme expenses for different grant schemes and arts projects of a recurrent nature; and
 - (f) HAB would convey members' view relating to the promotion of local/district football teams to the relevant National Sports Associations.

53. In conclusion, the Chairman said that the Panel supported in principle the Administration's financial proposal. The meeting further agreed that a special meeting should be arranged to seek the views of the public on the funding proposal, as proposed by Ms Emily LAU and Ms Cyd HO, prior to the Administration's submission of the proposal to FC.

(Post-meeting note: A special meeting was held on 6 February 2009 for deputations to express their views on the financial proposal.)

VI. Any other business

54. There being no other business, the meeting ended at 10:50 am.

Council Business Division 2
Legislative Council Secretariat
18 March 2009