

立法會
Legislative Council

LC Paper No. CB(2)2530/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 10 July 2009, at 8:30 am
in the 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
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
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 LEE Cheuk-yan
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Priscilla LEUNG Mei-fun
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Hon Cyd HO Sau-lan
Hon Emily LAU Wai-hing, JP

**Public Officers
attending** : Item III

Home Affairs Bureau

Mr TSANG Tak-sing, JP
Secretary for Home Affairs

Mrs Carrie YAU, JP
Permanent Secretary for Home Affairs

Miss Winnie TSE
Principal Assistant Secretary for Home Affairs (Civic Affairs) 3

Item IV

Home Affairs Bureau

Miss Janet WONG
Principal Assistant Secretary (Recreation and Sport)

Leisure and Cultural Services Department

Mr Thomas CHOW Tat-ming, JP
Director of Leisure and Cultural Services

Mr Bobby CHENG Kam-wing
Deputy Director (Leisure Services)

Mr Paul CHEUNG Kwok-kee
Assistant Director (Leisure Services) 1

Mr Richard WONG Tat-ming
Chief Leisure Manager (Aquatic Venues)

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

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

Miss Vivien POON
Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Confirmation of minutes

[LC Paper No. CB(2)2108/08-09]

The minutes of the meeting held on 8 May 2009 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 –

LC Paper No. CB(2)1871/08-09(01) -- Information paper provided by the Administration on comparison of staff cost between Hong Kong Chinese Orchestra and Hong Kong Philharmonic Society

LC Paper No. CB(2)1871/08-09(02) -- Information paper provided by the Administration on community arts programmes organized by the major performing arts groups

LC Paper No. CB(2)1885/08-09(01) -- Submission from Society for Community Organization on issues relating to the amendment of the Bedspace Apartments Ordinance

LC Paper No. CB(2)2157/08-09(01) -- Administration's paper on the additional public libraries requested by the 18 districts in comparison to the provision of libraries under planning by the Administration

3. Members agreed that the issues raised respectively by Mr KAM Nai-wai and Mr Paul TSE on the development of public library services and monitoring of unlicensed hotel and guesthouse should be discussed at the first regular meeting in the 2009-2010 legislative session.

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III. Hong Kong Jockey Club's proposals on horse racing activities

[LC Paper Nos. CB(2)2110/08-09(01) - (03) and CB(2)2145/08-09 (01) - (73)]

4. Secretary for Home Affairs (SHA) briefed members on the Government's policy on gambling, the Administration's position on the Hong Kong Jockey Club's (HKJC) proposals on horse racing activities, and measures taken by the Administration to address gambling-related problems. Principal Assistant Secretary for Home Affairs (Civic Affairs)³ conducted a powerpoint presentation on the salient points of the Administration's paper on HKJC's proposals.

(Post-meeting note : The powerpoint presentation materials were issued vide LC Paper No. CB(2)2190/08-09 on 10 July 2009.)

Gambling policy

5. Mr WONG Sing-chi expressed dissatisfaction about the Executive Council's endorsement of the five additional race days and 15 simulcasts of overseas races on non-local race days in the 2009-2010 racing season prior to consultation with the Panel. He considered that the Government had not respected Legislative Council (LegCo) members by pre-empting the Panel's discussion on the matter. Mr CHEUNG Kwok-che expressed similar concern. Mr CHEUNG Hok-ming asked whether there were any statistics on the gambling situation in Hong Kong since the authorization of football betting in 2003 to facilitate members' assessment of the impact of the gambling activities and the public concern on the issue.

6. SHA said that -

- (a) the Administration gave due regard to LegCo members' views and the approval to increase horse racing activities was made in accordance with the law and proper procedures. The Home Affairs Bureau (HAB) had consulted the Betting and Lotteries Commission (the Commission) and the public on HKJC's proposals and the decision was made with a view to striking a balance among the diversified views of the community;
- (b) while the Government policy was not to encourage gambling, it concurred with the Commission's view that the proposed additional racing activities would not promote the growth of gambling culture, given that Hong Kong people were used to horse racing;

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- (c) in allowing HKJC to conduct additional races during the summer, due consideration had been given to the impact of the proposal particularly on young people, and the importance of retaining a summer break for each racing season in order to encourage family gatherings; and
- (d) HAB had made reference to various surveys on the gambling situation in Hong Kong and the relevant figures had not revealed any obvious increase in gambling activities in recent years. In contrast, gaming industry in the nearby cities had grown rapidly. HAB would keep in view the economic and social impacts of the additional racing activities. To uphold the Government's policy of not to encourage gambling, HAB would continue its efforts in raising public awareness of problems related to excessive gambling and providing assistance to pathological gamblers through the Ping Wo Fund.

7. Mr WONG Sing-chi, Mr KAM Nai-wai, Mr James TO and Mr LEE Cheuk-yan shared the view that the Government's approval for HKJC to increase race days was in contradiction of its policy of not to encourage gambling. SHA disagreed with members' comment that the Administration had acted against its own policy. He reiterated that pursuant to receiving HKJC's proposals, the Government had deliberated the matter with care and made a decision with a view to balancing all factors.

8. Mr WONG Sing-chi, Mr CHEUNG Man-kwong, Mr James TO and Mr LEE Cheuk-yan expressed concern that support for charities had been used repeatedly by HKJC as a pretext to justify continual increase in the variety and magnitude of gambling activities, such as in the introduction of football betting in 2003 and the increase in horse race days in the new racing season. They considered that this would encourage the growth of gambling culture and social problems, which necessitated more funding to charitable organisations for addressing gambling related problems. Mr TO further pointed out that the decline in betting turnover was a natural trend in the midst of economic downturn. He expressed objection to the Administration's decision to increase gambling activities as a means to boost the economy and employment, given their social impact on youth and families.

9. PSHA responded that the no-race period from 16 July to 31 August for each racing season had left little room for further increase in number of race days in future. She added that in assessing the impact of the enhanced horse racing activities, there was a practical need to address economic concerns such as employment, tourism, and Hong Kong's competitiveness in the gaming industry in the region.

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10. Mr KAM Nai-wai asked whether the Government would revert to 78 race days if the horse race betting revenue had risen to a reasonable level pursuant to the implementation of the extra race days. SHA responded that it was not the Government's policy to adopt a mechanism to adjust the number of race days in proportion to the betting turnover of HKJC.

11. In response to the Deputy Chairman and Mr KAM Nai-wai's enquiry about the increase in the number of race meetings in the past racing seasons, SHA explained that as SHA, he was authorized by law to decide the number of race days and specify the dates, but not the number of race meetings on each race day. HAB would solicit the information from HKJC. Permanent Secretary for Home Affairs (PSHA) acknowledged that the overall number of race meetings, which was open for the public's information, had increased in the last decade due to the growth of the gaming industry.

(Post-meeting note: HAB advised on 11 September 2009 that the number of races has increased from 726 in 2006/07 to 733 in 2008/09.)

Betting turnover and betting duty

12. To ensure that HKJC's charitable donations would not be affected by the fluctuation in the betting revenue, Mr CHEUNG Man-kwong suggested that the Administration should reform the betting duty system so that HKJC would be required to set aside a portion from its net stake receipts for donations to charities and community programmes prior to the payment of betting duty to the Government. PSHA responded that the guaranteed amount of horse racing betting duty paid to the Government annually in accordance with the Betting Duty Ordinance (Cap.108) was used as general revenue allocated for various public expenditure such as education and health services. The Administration considered it more appropriate to maintain the status quo while keeping in view the need to review the policy in future.

13. Mr Paul TSE remarked that the change of the horse racing culture, the availability of other gambling options and HKJC's provision of the 10 % rebate to high-value bettors had attributed to the decline of betting revenue. Dr Priscilla LEUNG was worried that the Administration might continue to open up other forms of sports for gambling in order to supplement the declining revenue from horse race betting. She further opined that the HKJC management should critically review the remuneration of its senior staff which was considered to be exceedingly high. In response, PSHA said that the remuneration for HKJC senior staff, which was also open to the public for scrutiny, was decided by HKJC. She added that the Administration did not have any plan to authorize other sports, such as swimming and tennis games, for betting.

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Economic impact

14. Mr WONG Sing-chi, Mr CHEUNG Kwok-che, and Mr LEE Cheuk-yan expressed doubt about HKJC's claim that the extra race days would be conducive to creating some 4 000 job opportunities for the community. They were informed by HKJC employees that HKJC had largely reduced the working hours of its part-time staff (by as much as 50%) in order to boost the number of jobs to be created. Mr LEE urged the Administration to look into the matter and remarked that HKJC's Telebet cum Volunteers and Training Centre (the Centre) in Tin Shui Wai had little impact in solving unemployment problem of the local community. Mr CHEUNG requested the Administration to provide information on HKJC's staffing requirement to cope with the enhanced racing activities in terms of estimated increase in man hours and man days. PSHA agreed to relay members' concern to HKJC. She added that HKJC was in general a good employer, particularly in its management of middle and junior level employees.

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(Post-meeting note: The required information was circulated to members vide LC Paper no. CB(2)2383/08-09(01) on 19 August 2009.)

15. Mr KAM Nai-wai asked whether the Centre in Tin Shui Wai would cease operation if the Government did not approve the five additional local race days. Mr CHEUNG Kwok-che enquired about the possibility of layoff of staff and salary reduction if the proposal was rejected.

16. SHA reiterated that in considering HKJC's proposal, the Government had taken into account the views of the Commission and the need to balance all relevant factors. While the Administration had facilitated the operation of the Centre through venue provision, it was beyond the ambit of HAB to comment on the operation plan of the Centre. In response to the Deputy Chairman's enquiry on the breakdown of jobs to be created, PSHA said that as stated in the information provided by HKJC to LegCo, among the 1 500 new jobs to be created, 1 000 would be for general telebet services, and 500 for provision of miscellaneous services in the betting stations, security and catering divisions etc.

Social impact

17. Mr CHEUNG Kwok-che asked whether the Administration had assessed the possible negative impact of the enhanced racing activities in order to draw up complementary measures to deal with gambling-related problems. In the light that football betting was more popular among the younger generation than horse race betting, Mr CHAN Hak-kan considered that the Administration should focus more on the former in its publicity work on the negative impact of gambling to young people. Dr LAM Tai-fai noted the merits of HKJC's proposals on the job market and charity work. He however considered that the Administration should increase the funding support for youth education and development at the same time.

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18. The Deputy Chairman and Mr WONG Sing-chi considered that funding provision for the Ping Wo Fund should be enhanced to deal with problems of pathological gamblers. The Deputy Chairman highlighted the need to target at the different profile of youth groups in launching anti-gambling programmes. Referring to the comment of the study report of the Hong Kong Polytechnic University on the inadequacy of administrative support for the implementation of preventive measures to combat gambling problems, Dr Priscilla LEUNG urged the Administration to step up its effort in the provision of more extensive counselling and treatment services to pathological gamblers.

19. SHA agreed that more resources should be provided for projects and activities funded by the Ping Wo Fund and noted the need for further deliberation on youth gambling problem. In response to Mr CHEUNG Hok-ming, SHA said that the Administration would follow up with HKJC to enhance publicity at off-course betting branches to warn against excessive gambling as suggested by the anti-gambling concern groups. PSHA said that youth groups were one of the targets of the programmes launched by the Ping Wo Fund. The Administration would continue its effort in promoting youth development programmes by organising various activities to instill in youngsters positive and healthy values.

20. Mr Timothy FOK said that HKJC had undertaken to enhance its contribution to sports development and facilities during the deliberation on the authorization of football betting. To balance the negative impact of its latest proposals, HKJC should step up its commitment in promoting sports development to enhance the well-being of young people and the community at large. Mr WONG Yung-kan shared Mr FOK's view. He also expressed concern about the trend for Hong Kong residents to participate in gambling activities in the Mainland.

21. Mr Paul TSE considered that the mild increase of racing activities was acceptable and unlikely to cause much negative impact, and the issue should not be over moralized as gambling had always been a popular pastime in the Chinese society. He added that the enhanced racing activities should be conducive to adding attraction to tourists. Mr WONG Yuk-man shared similar views. He further highlighted the need to balance the pros and cons in considering such a controversial issue. He said that members opposing the enhanced horse racing activities should support their arguments with quantifiable data. He considered that gambling activities in Hong Kong were well-regulated when compared to those conducted in the Mainland and available on the internet.

No local race period

22. Referring to SHA's remark that horse racing in hot weather was technically feasible as proven in the organisation of the 2008 Olympic Equestrian Events, Mr KAM Nai-wai asked whether it was the

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Administration's intention to allow more local races during the summer break in future racing seasons. Mr WONG Sing-chi expressed concern about the extension of local races to the first two weeks of July, during which most students were still having school examinations. Mr Tommy CHEUNG considered that a mandatory requirement for a six to eight weeks' no local race period would be more preferable than a fixed schedule of summer break as it would allow flexibility in setting the timetable of the race season in alignment with that of the international horse race competition. He also suggested that more race days should be scheduled for Saturday instead of Sunday which was a family day.

23. SHA said that the Administration concurred with the Commission's view about the importance of retaining a summer break for each racing season to encourage family gatherings, and would maintain the arrangement for the summer break period scheduled from 16 July to 31 August. He agreed to convey Mr CHEUNG's view to HKJC on the scheduling of more racing days on Saturday.

24. After deliberation, Mr WONG Sing-chi moved the following motion -

"本會對行政會議未經諮詢立法會便倉卒決定容許馬會增加賽馬日表示不滿，並要求政府擱置有關決定，待本會進行公聽會聆聽市民聲音後才作出決定。"

(Translation)

"That this Panel expresses dissatisfaction with the Executive Council's hasty decision to allow the Hong Kong Jockey Club to increase the number of race days without consulting the Legislative Council, and requests the Government to shelve that decision until the views from the public have been listened to at a public hearing to be conducted by this Panel."

The Chairman put the motion to vote and Mr CHAN Hak-kan claimed a division.

25. Six members voted for the motion and seven members voted against it. The individual results were as follows -

For:

Mr James TO Kun-sun
Mr KAM Nai-wai
Mr WONG Sing-chi

Mr CHEUNG Man-kwong
Mr CHEUNG Kwok-che
Miss Tanya CHAN

Against:

Mr WONG Yung-kan
Mr CHEUNG Hok-ming

Mr Timothy FOK Tsun-ting
Prof Patrick LAU Sau-shing

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Mr CHAN Hak-kan
Mr Paul TSE Wai-chun

Mr WONG Yuk-man

26. The Chairman declared that the motion was negatived.

IV. Staff deployment and management of public swimming pools
[LC Paper Nos. CB(2)2110/08-09(04)-(05) and CB(2)2191/08-09(02)]

27. Director of Leisure and Cultural Services (DLCS) briefed members on the salient points of the Administration's paper.

Provision of lifeguards

28. Referring to the submission of the Hong Kong & Kowloon Life Guards' Union (the Union), Mr LEE Cheuk-yan and Mr KAM Nai-wai expressed grave concern about the reduction in the lifeguard establishment of Tseung Kwan O Swimming Pool (TKOSP) and Kowloon Park Swimming Pool (KPSP) in 2004, viz. from 102 to 52 (50% reduction) and from 104 to 70 (30% reduction) respectively. They criticised that the staff cut by the Leisure and Cultural Services Department (LCSD) had been made at the expense of public safety, and queried the reason for LCSD's departure from the International Life Saving Federation's (ILSF) standard in the provision of lifeguards (viz. four to six lifeguards per standard pool/secondary pool per shift excluding first aid post).

29. The Deputy Chairman noted that the current lifeguard provision of LCSD (four lifeguards per standard pool including first aid post) did not even meet the minimum international standard. Mr WONG Kwok-hing noted the concern of the Hong Kong Government Lifeguards General Union that the current deployment of one lifeguard for lookout post (who was required to station at the post at all times) and two for patrol duty (who would perform the rescue duty), or vice versa, was unsatisfactory as the standard pool rescue training would require a team work of three lifeguards in an rescue operation. Mr WONG urged LCSD to rectify the situation.

30. DLCS responded that -

- (a) the standard of ILSF quoted was not a standard prescribed for compliance world-wide and the lifeguard provision cited by the Union was the British standard. As the level of lifeguard provision varied from country to country, there was no universal standard to follow. Individual places (including Hong Kong) set their own level of lifeguard provision taking into account variations in pool attendance, design and facilities;
- (b) LCSD gave top priority to protecting swimmers' safety and regularly reviewed the lifeguard provision at each pool according to operational or specific need of individual aquatic venue; and

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- (c) for a standard 50-metre pool, LCSD would deploy three lifeguards for lookout and/or patrol posts and one for the first aid post during the opening hours of the swimming pool.

31. Mr WONG Sing-chi and Mr CHEUNG Kwok-che considered that the level of lifeguard provision for LCSD's swimming pool complexes should be far higher than that in the United Kingdom as the former were more heavily utilized. Mr KAM Nai-wai and Mr WONG Sing-chi asked about the Administration's standard in setting the level of lifeguard provision during the staff cut in 2003 and details of the deployment of lifeguards.

32. DLCS reiterated that there was no internationally recognised standard on the provision of lifeguard due to variations across individual places in pool attendance, design and facilities. LCSD had endeavoured to ensure cost-effectiveness in the deployment of lifeguards without compromising public safety during the streamlining of manpower resources in 2003. The reduction in the number of the lifeguards was achieved mainly through replacement of lifeguards posted at the top of water slides of leisure pools by security guards. Moreover, blind spots and visual obstacles at leisure pools were rectified or removed so that lifeguards performing lookout duties could be deployed to patrol duty, which was more effective to ensure swimmers' safety.

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33. In response to Mr KAM Nai-wai's query, DLCS agreed to report to members on the changes in lifeguard establishment from 2001 to 2008, particularly the drastic reduction of lifeguard provision for TKOSP and KPSP in 2004. At the request of Mr WONG Kwok-hing and Mr CHEUNG Kwok-che, DLCS undertook to complete the review of LCSD's lifeguard establishment in 2009 and report to the Panel in the 2009-2010 legislative session. Mr CHEUNG suggested that the Panel should invite deputations to express their views on the Administration's review.

Pool accidents of aquatic venues

34. Mr LEE Cheuk-yan queried the 50% increase in the number of rescue/give a hand cases in public swimming pools from 1 510 in 2006 to 2 173 in 2008. Referring to Point 4 under Item 2 in Paragraph 3 of the Union's submission which alleged that the shortage of manpower to monitor swimmers' safety at the defective blind spots of the leisure pool at TKOSP had attributed to a recent fatal case, Mr James TO considered that while the cause of death would be subject to judgment of the Coroner's Court, DLCS should alert SHA about the Government's legal obligation in ensuring public safety. In the light of the Union's petition, he further reminded that it would not only be maladministration but also a failure of the administration system if the Government refused to make improvement despite the fatal accident.

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Admin 35. Citing various fatal cases in leisure pools involving children and in training pools which were open to the public in recent years without provision of extra lifeguards, Mr CHEUNG Man-kwong said that LCSD should not under-estimate the risk in using these pools. He queried whether staff cut had attributed to the occurrence of the fatal accidents and urged LCSD to increase the number of lifeguards to mitigate the risk of drowning at these pools. He further requested LCSD to provide a detailed breakdown of the number/types of pool incidents reported at the various types of public swimming pools.

36. DLCS responded that -

- (a) the number of pool incidents in a year should be interpreted in conjunction with the pool overall attendance for that year. Such ratio was fairly stable in 2006 and 2008. The pool patronage in 2008 was boosted by 26% due to the launching of Free Admission Scheme to promote the 2008 Beijing Olympic Games; and
- (b) the level of lifeguard provision was determined by operational need. LCSD would review the staffing requirement for swimming pools annually and recruit additional lifeguards if the service provision was found to be inadequate.

Other issues

37. Mr WONG Kwok-hing relayed the request of the Hong Kong Government Lifeguards General Union urging LCSD to (a) review the appropriateness of categorizing lifeguards under the "Artisan" grade as their job nature was considered to be similar to that of the Ambulanceman; and (b) offer more regular lifeguard posts to retain experienced lifeguards and provide job security for staff employed under contract terms. The Deputy Chairman highlighted the need to enhance the professional competence of lifeguards through the introduction of a licensing system. The Chairman and Mr CHEUNG Hok-ming requested LCSD to consider subsidizing the qualification revalidation fee for lifeguards.

38. Mr CHEUNG Hok-ming enquired about the investigation on the allegation against the service provider of the Island East Swimming Pool (IESP) in committing fraudulence and whether LCSD would consider resuming the management of IESP and Tai Kok Tsui Swimming Pool (TKTSP) which had been contracted out.

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39. DLCS responded that -
- (a) the relevant lifeguard unions had been invited to submit written justifications for a review of the Artisan (Beach-Swimming Pool) grade;
 - (b) LCSD maintained a core to non-core lifeguard ratio of no less than 1:1 and had conducted on-going recruitment exercises to enable contract staff to become regular lifeguards; and
 - (c) the case in which the IESP contractor was alleged of providing forged report on the shift duties records of lifeguards was being dealt with by law enforcement body. LCSD would study the feasibility of resuming the management of the two pools mentioned in paragraph 38.

V. Any other business

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

Council Business Division 2
Legislative Council Secretariat
24 September 2009