

# 立法會

## *Legislative Council*

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### **Report of the Panel on Home Affairs for submission to the Legislative Council**

#### **Purpose**

This report gives an account of the work of the Panel on Home Affairs during the 2008-2009 Legislative Council (LegCo) session. It will be tabled at the Council meeting on 8 July 2009 in accordance with Rule 77(14) of the Rules of Procedure.

#### **The Panel**

2. The Panel was formed by resolution of the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to district, community and rural matters, civic education, building management, youth matters, the provision of leisure and cultural services as well as matters relating to the development of arts and culture, public entertainment, sport and recreation.
3. The terms of reference of the Panel are in **Appendix I**.
4. The Panel comprises 18 members, with Hon IP Kwok-him and Hon Tanya CHAN elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

#### **Major work**

##### Culture and the arts

##### *Strengthening of the arts and cultural software*

5. With the commencement of the development of the West Kowloon Cultural District (WKCD), the strengthening of the arts and cultural software

was high on the Panel's agenda. Some members considered that the Administration should enhance its financial support for the development of cultural software and humanware, which was disproportionately small in comparison with the investment in hardware in the WKCD project.

6. The Administration informed members that in 2008-2009, the government spent more than \$2.6 billion (excluding capital works expenditure) on culture and the arts which was around 1% of the total government expenditure, a level comparable to France. Of the \$2.6 billion, more than \$880 million was invested directly into subvention to the major performing arts groups (MPAGs), support to small and medium sized arts groups, the Hong Kong Academy for Performing Arts (HKAPA) and government sponsored arts and cultural programmes.

7. To realize the vision of developing Hong Kong into a cultural metropolis, members held the view that the Administration should step up its efforts in bringing the arts and culture to the community, nurturing and developing artistic talents and arts administrators, and widening the audience base for the arts and culture. Some members considered that the Administration should capitalize on the New Senior Secondary School Curriculum in promoting arts education.

8. The Administration advised that the Leisure and Cultural Services Department (LCSD), the Hong Kong Arts Development Council (HKADC) and its many partners in the arts and cultural arena had organised many cultural events, festivals and community programmes throughout the year. In bringing arts to the community, programmes such as the Community Arts Activities Enhancement Scheme and the Community Cultural Ambassador Scheme were organised at district level in partnership with the District Councils (DCs) and cultural organisations. On the nurturing of artistic talents, HKAPA was training professionals in various fields of arts and about 340 young people graduated from the Academy every year. Schemes/funds were available to cater to the needs of artists and arts groups of different sizes, nature and development stages, while internship positions in performing arts venues, programming offices and museums were widely available for the development of arts administrators. To enhance arts appreciation in the community, about 8% to 15% of lesson time in the school curriculum had been recommended for arts education, and the New Senior Secondary School Curriculum would provide students with more opportunities to pursue arts education.

9. The Panel noted that the Administration would set up a steering group later this year to coordinate cross-bureaux and inter-departmental efforts in further developing the cultural software in Hong Kong.

*Funding support for and governance of arts groups*

10. In relation to the Administration's proposed injection of \$150 million into the Arts and Sport Development Fund, the Panel met with deputations including representatives of non-major arts groups in February 2009 to seek their views on the funding support for arts groups. In view of the public concern over the incident relating to the termination of the principal dancer of the Hong Kong Ballet, the Panel met with the Administration and representatives of the nine MPAGs in May 2009 to discuss the funding policy for these arts groups and various issues relating to their governance.

11. Some members expressed concern about the existing funding mechanism for performing arts groups which in their view, was tilting towards MPAGs and not addressing the needs of the small and medium sized arts groups or budding artists. These members enquired about measures to ensure a reasonable and fair distribution of funding resources amongst performing arts groups. Other members urged the Administration to enhance the competitiveness of MPAGs and regulate their administrative expenses such as imposing a cap to avoid the groups' over-reliance on government funding. They also considered that MPAGs should be encouraged to seek sponsorship to enhance its income other than government subvention. A member urged the Administration to monitor vigilantly the appointment of senior executives in arts organizations.

12. The Administration informed the Panel that since April 2007, HKADC had focused its work on new and budding artists as well as small and medium sized arts groups. To improve the existing assessment and funding mechanism for MPAGs and to strengthen the progression ladder for the second tier arts groups, a consultancy study would be commissioned in 2009 to develop a new set of assessment criteria for MPAGs. The study would also examine the establishment of "flagship" companies, an "entry and exit" mechanism to the league of majors, an articulation ladder for the second tier arts groups to become majors, as well as the feasibility of introducing a matching fund scheme to encourage private sponsorship to boost the overall resources available for performing arts groups. The Administration assured members that the increase in private sponsorship should not reduce government subvention for arts development.

*Promotion and development of Cantonese Opera*

13. The Panel held two meetings to discuss the development of Cantonese Opera, in particular the venue shortage problem. While the Panel supported the Administration's proposal to convert the Yau Ma Tei Theatre and Red Brick Building into Xiqu Activity Centre, members considered that the 300-seat Centre was by no means a feasible solution to solve the venue shortage problem, particularly during the interim before the completion of the new Annex Building of the Ko Shan Theatre (KST) in 2012 and the dedicated Xiqu Centre in WKCD

in 2014. Members urged the Administration to implement immediate measures to address the problem.

14. The Administration advised that in 2009-2010, it would provide 118 days of time slots for Cantonese Opera performances at the Shatin Town Hall and the Tuen Mun Town Hall through LCSD's Venue Partnership Scheme, an additional 100 days in KST through the existing priority booking system for Cantonese Opera performances, and an additional 44 days or so at five major performing arts venues (such as the Hong Kong Cultural Centre and the Hong Kong City Hall) for priority hiring by professional Cantonese Opera performing troupes.

15. Regarding the future of the Sunbeam Theatre, members held the view that given the unique history and status of the Theatre in the development of Cantonese Opera, the Administration should consider the preservation of the Theatre as a performance venue for or as part of the collective memory of Cantonese Opera. In response, the Administration advised that as the landlord had stated that he would not sell the property or renew the tenancy with the operator after three years, it had been actively arranging alternative venues, including venues managed by LCSD, for staging Cantonese Opera performances and would help local professional troupes to migrate smoothly to these venues within these three years.

16. Members considered that Cantonese Opera as a cultural activity was highly popular at the district level and urged the Administration to implement long term measures for the preservation and development of the art. The Administration informed the Panel that efforts were made to sustain and revitalize the arts within the community. For example, HKAPA had offered diploma and advanced diploma programmes on Cantonese Opera, and the Administration had provided support for the development of the art at the district level through subsidizing projects proposed by schools and district opera groups.

#### *Intangible cultural heritage in Hong Kong*

17. The Administration briefed members on its plan to carry out a territory-wide survey of intangible cultural heritage (ICH) in Hong Kong. Some members considered that the Administration should formulate a long-term policy for the safeguarding of ICH in Hong Kong and expressed concern about the slow progress in the preservation and protection of ICH in comparison with the work accomplished in the Mainland. Members also urged the Administration to work out objective selection criteria prior to the scrutiny and assessment of the ICH items and consult the community before finalizing the ICH inventory list.

18. The Administration advised that it had been working on the promotion and preservation of ICH in parallel. To further enhance the preservation and protection of ICH, the territory-wide survey was initiated with a view to

establishing a comprehensive and inclusive ICH inventory and drawing up appropriate safeguarding measures. The Administration also assured members that the survey would be conducted in an open and non-prescriptive manner and members of the public might express their views on the items to be preserved in the course of the survey.

#### *West Kowloon Cultural District development*

19. In consideration of the high expectation of the community on the WKCD project, the important impact of WKCD on Hong Kong's long term development especially on the cultural life of the populace, and the significant public resources involved, the Panel on Home Affairs and the Panel on Development appointed a Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project (the Joint Subcommittee) in December 2008 under the Chairmanship of Hon IP Kwok-him to continue the monitoring of the project. From December 2008 to June 2009, the Joint Subcommittee held five meetings with the Administration and the West Kowloon Cultural District Authority to discuss issues relating to the masterplanning of WKCD, development of M+, establishment of the Consultation Panel, and progress of the public engagement exercise. The Joint Subcommittee also met with deputations to garner their views on the WKCD project.

#### Sports and recreation

##### *2009 East Asian Games*

20. Following the visit to major East Asian Games (EAG) venues, the Administration and the organiser of the 2009 EAG, viz. the 2009 East Asian Games (Hong Kong) Limited (the EAG Company), briefed the Panel on the latest progress in the preparation for EAG to be held from 5 to 13 December 2009. In response to members' enquiry on whether the economic downturn had any adverse impact on the financial position of EAG, the EAG Company informed the Panel that EAG had received sufficient funding and sponsorship to cover the estimated expenditure and assured members that the Company would continue to monitor the expenditure vigilantly. The Administration also assured members that the organiser would collaborate with the Transport Department to work out traffic arrangement plans to mitigate any possible adverse impact on local traffic brought about by the Games.

21. In response to members' enquiry about measures to facilitate public viewing of the boat parade and fireworks display at the Victoria Harbour during the Opening Ceremony, and the community's participation in the 100-Day Countdown and Torch Relay, the Administration advised that arrangements would be made for live broadcast of the Opening Ceremony on TV and giant telescreens in various locations to enable the public to enjoy the event. To facilitate public participation, the 100-Day Countdown would be held in the

afternoon of 29 August 2009, starting with a torch relay at the city area to be participated by athletes of the 23 EAG sports and other athletes from the 18 districts. The Administration undertook to advise the Panel when details of the routing and torch bearers were available.

*Promotion and development of local football*

22. Members criticized the Administration for failing to take effective measures to address public concern about the worrying decline of local football. Pointing out that football was a highly popular sport in the community, members considered that the some \$7.5 million annual subvention to the Hong Kong Football Association (HKFA) was unreasonably low, particularly given that \$4.44 million of the subvention would be used for organising youth development programmes for more than 48 000 youngsters. The Administration explained that the annual subvention for HKFA, which had increased by 80% since 2005, was among the highest as compared to the funding received by other National Sports Associations and like many other places, the development of professional leagues in Hong Kong would have to rely on commercial sponsorships and proceeds from ticketing and broadcasting.

23. In response to members' concerns about the inadequate government subvention to district football and the shortage of sports facilities at district level, the Administration undertook to discuss with HKFA the feasibility of channelling more funding support for district teams, in particular those that had reached the professional league level. As for venue provision, the Administration advised that each district football team would be provided with facilities free of charge for 36 training sessions in each football session.

24. The Administration also advised that in response to members' suggestion raised in a motion debate relating to the promotion of local football development at the LegCo meeting on 4 June 2008, it would commission a consultancy study to review the current status of local football and develop proposals and strategies to raise the standard of the sport. The Administration undertook to revert to the Panel on the findings and recommendations of the study in the first quarter of 2010.

Implementation of recommendations of the 2006 District Council Review

25. Pursuant to the implementation of recommendations of the 2006 DC Review to enhance the role and functions of DCs in the 18 DCs since January 2008, the Panel held a discussion with the Administration in February 2009 on the implementation experience and areas for improvement.

26. Some members asked whether the Administration would consider engaging in-house professionals in implementing the District Minor Works (DMW) projects instead of the term consultants. The Administration advised

that with the huge increase in the provision for DMW projects to \$300 million with effect from April 2008, the term consultancy approach was required to enhance the capacity and capability of DCs in the delivery of projects of larger scales and greater complexity. A member raised concern that the cost ceiling for DMW projects had barred DCs from implementing large-scale projects with more direct impact on the livelihood of the local community. In response, the Administration agreed to consider the member's suggestion for establishing a standing mechanism for DCs to propose major project items (i.e. items with project cost exceeding \$21 million) for the consideration of the Finance Committee.

27. On the role and functions of DCs, some members held the views that DCs should not remain as an advisory body but should assume an active role in the planning of public facilities and services closely linked to the livelihood concerns of the local community, and an independent secretariat should be established to provide professional support to DCs. A member stressed that DCs should play a stronger role in district planning in order to better reflect the specific characteristics of the local community and synchronize with the overall planning at the territory level. Another member considered that apart from community halls, public libraries, leisure and sports venues, DCs should participate in the management of district facilities relating to food and environmental hygiene as these affected directly the quality of life of the local community.

28. In response to members' suggestions, the Administration undertook to explore the feasibility of expanding the role of DCs to cover other district facilities, taking into account the views of DCs and their capacities in managing these facilities. The Administration also advised that DC Secretariats were part of the civil service establishment and the Home Affairs Department (HAD) would endeavour to strengthen the manpower support to DCs.

29. Notwithstanding the Administration's responses, members considered that issues relating to the role and functions of DCs as well as the progress on the implementation of DMW projects should be revisited in late 2009 with the participation of the relevant bureaux and departments.

#### Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009

30. The Panel was consulted on the legislative proposal in November 2008. Members raised a number of issues relating to village representative (VR) elections, including the general principles for the listing of indigenous villages, monitoring of false claims in voter registration, residency requirement in Resident Representative elections, as well as time limits for lodging and handling of claims, objections and reviews. One of members' key concerns was the requirement for an Indigenous Village to be included in the village

representation system in 1999 in order to be listed in the Schedules to the Village Representative Election Ordinance (VREO) (Cap. 576). Members held the view that this requirement might have excluded those Indigenous Villages where a village representation system had been established before 1999 but was not in operation in 1999.

31. In view of the controversies over the listing of indigenous villages in the Schedules to VREO, the Panel met with deputations in January 2009 to discuss the issue, in particular the requests for the inclusion of Yuen Long Kau Hui (YLKH) and Cheung Chau in the Schedules. Members considered that since YLKH had already been in existence in 1898 and sufficient evidence had been produced to demonstrate that it had a VR before 1999, the Administration should include YLKH in the Schedules to VREO.

32. The Administration, after having further considered the evidence produced by YLKH residents and the views of the Panel and Heung Yee Kuk (HYK), advised the Panel in May 2009 that it would introduce legislative amendments to include YLKH in VREO. As for Cheung Chau, the Administration advised that the Rural Election Review Working Group jointly formed by HYK and HAD had reviewed the case, and was of the view that the status quo should be maintained since Cheung Chau was a market town and there had never been any VR.

#### Tree preservation and greening

33. In March 2009, the Chief Executive tasked the Chief Secretary for Administration to lead a Task Force comprising representatives from relevant bureaux/departments to follow up on the Jury's recommendations in a Coroner's Court investigation into the fatal tree collapse accident in Stanley in August 2008. In view of widespread public concern over the accident, the Panel met with the Administration to discuss issues relating to the preservation and maintenance of trees.

34. Members suggested a number of improvement measures for the consideration of the Administration. These included enhancing the professionalism of the tree maintenance teams in the respective tree maintenance departments, expediting the inspection and preservation of trees located at busy spots, establishing a mechanism to coordinate all tree-related complaints, enhancing the transparency of the Register of Old and Valuable Trees, promoting public education and community participation in tree preservation, and increasing the penalty for tree felling on private land. Some members expressed concern that under the present integrated approach, there had been undue delay in the maintenance of those trees which did not fall within the facility boundary of any department. They suggested that the Administration should consider setting up a dedicated authority to co-ordinate all tree-related issues and enacting an encompassing legislation for tree protection.



35. Having regard to the Jury's recommendations, concerns and suggestions made by the Panel and those of the general public, the Administration advised that the Task Force would cover the following broad areas in the review scheduled to be completed by the end of June 2009: (a) the institutional framework including the division of responsibilities and interfacing among different departments in tree management within the Government, consistency of guidelines on tree management across different departments, possibility of having a single office to coordinate tree management work within the Government, and risk assessment of trees; (b) the legislative framework on tree management; (c) training and resources; (d) preservation of trees on private land; (e) involvement of DC members, volunteers and the public at large on the monitoring of trees; and (f) the complaints handling mechanism.

#### Procurement of third party risks insurance by Owners' Corporation

36. The Administration consulted the Panel on the deferment of the commencement date of the mandatory requirement for an Owners' Corporation (OC) to procure and keep in force a policy of third party risks insurance from 1 January 2009 to 1 January 2011. Members in general supported the proposal in view of the lead time required for OCs to carry out the maintenance work for the removal of unauthorized building works (UBWs), which was the main hindrance for OCs in their procurement of third party risks insurance and compliance with the requirement. To ensure public safety and facilitate the enforcement of the requirement, members urged the Administration to expedite the inspection and clearance of all high risk UBWs and step up its efforts to encourage OCs which had yet to procure the insurance to do so before the commencement of the mandatory requirement. At members' request, the Administration agreed to provide the Panel with progress reports on OCs' procurement of the third party risks insurance on a regular basis.

#### Hong Kong Centre for Youth Development

37. Following a visit to the Hong Kong Centre for Youth Development (HKCYD) in Chai Wan, which provided a variety of facilities and venues for promoting youth development work and activities, the Panel discussed with the Administration on areas for further improvement. Members raised concern about the poor quality of the fitting-out works in the Auditorium and requested the Administration to monitor closely the defect rectification and improvement works. A member reminded the Administration of the need to be vigilant about the future operation and management of HKCYD. Some members enquired about the role of the Administration and the Management Advisory Committee in the management of the Centre.

38. In response, the Administration informed the Panel that HKCYD would come into operation in phases after the second quarter of 2009 and prior to that, trial runs on the use of the Centre's facilities would be conducted. The Home Affairs Bureau would directly take up the responsibility for managing and operating the Centre by funding the necessary recurrent expenditure and would strive to achieve full cost recovery by making every effort to operate the Centre in a cost-effective manner. As for the Management Advisory Committee, it was set up for tendering advice to the Home Affairs Bureau to facilitate its formulation of the overall strategy in the management and operation of HKCYD and its facilities.

#### Other issues

39. The Panel received briefings from the Administration on the Chief Executive's Policy Address in 2008 and the progress of measures implemented to address gambling-related problems. The Panel also discussed with the Administration on the development of public library services.

#### Meetings held

40. From October 2008 to June 2009, the Panel held a total of 12 meetings.

Council Business Division 2  
Legislative Council Secretariat  
2 July 2009

**Legislative Council**

**Panel on Home Affairs**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to district, community and rural matters, civic education, building management, youth matters, provision of leisure and cultural services, development of arts and culture, public entertainment, sport and recreation.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Panel on Home Affairs**

**Membership list for 2008-2009 session**

**Chairman** Hon IP Kwok-him, GBS, JP

**Deputy Chairman** Hon Tanya CHAN

**Members**  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon Emily LAU Wai-hing, 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  
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

(Total : 18 Members)

**Clerk** Ms Betty FONG

**Legal Adviser** Miss Kitty CHENG

**Date** 2 July 2009