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Panel on Home Affairs

**Updated Background brief prepared by the Legislative Council Secretariat
for the meeting on 8 July 2011**

Private Recreational Leases

Purpose

This paper provides background information on Private Recreational Leases ("PRL") and highlights the views and concerns of members of the Panel on Home Affairs ("the Panel") about the subject.

Background

2. According to the Administration, PRLs require the grantee to permit outside bodies to make use of its club facilities to organize sports and recreational activities. As at 1 March 2011, there were a total of 73 cases of PRLs, which involved 51 organizations in **Appendix I**. More than 50 cases of PRLs are subject to renewal between 2011 and 2012. Under the existing policy, the land leases concerned will be renewed if there have been no breaches of the prescribed lease conditions on the part of the grantees; the grantees' sites are not required for other public uses; and the grantees have upheld a non-discriminatory membership policy. The discriminatory nature of a membership policy refers mainly to such aspects as race, religion, age, gender or other forms of discrimination. The amount of fee levied does not fall under the scope of discrimination.

Review on PRLs

3. In May 2011, the Panel received a briefing from the Administration on the initial conclusions of its review on the extent to which organizations operated under PRLs could be more open to outside bodies and contribute more to the development of sports in Hong Kong. Members noted the Administration's proposed revisions to the conditions of PRLs, which included -

- (a) revising the access requirements by replacing "*no more than three sessions of three hours per week*" by "*40 hours per month or more, provided that such use would not interfere with the proper care and maintenance of the lot*"; removing the condition that facilities could not be used on weekends or public holidays; and allowing outside bodies to approach such organizations directly rather than having to go through a competent authority (i.e. the Secretary for Home Affairs, Secretary for the Civil Service, Secretary for Education, Director of Social Welfare or Director of Leisure and Cultural Services);
- (b) considering requiring all private sports clubs operating under PRLs to put in place a junior membership scheme that should allow sports people below a certain age to join at significantly reduced rates of entry, and requiring such clubs to allow National Sports Associations ("NSAs") to book their facilities for squad training or local competitions for a minimum of 10 hours per month, in addition to the requirement to allow access by outside bodies for 40 hours per month;
- (c) requiring private sports clubs operated under PRLs, which had high-quality facilities suitable for hosting major international sports events, to allow NSAs to use their facilities for staging recognized international events; and
- (d) removing obsolete conditions from all PRLs.

Members' views and concerns

4. The views and concerns expressed by members at the Panel meeting on 13 May 2011 on the Administration's initial conclusions of its review on PRLs are highlighted in the ensuing paragraphs.

Policy review

5. While members generally considered it necessary for the Administration to conduct a review on PRLs, they expressed diverse views on how to address the issues involved.

6. Some members considered that the grant of lands to private sports clubs operated by a small group of people under PRLs had been a privilege and historical legacy from the British colonial era. They expressed dissatisfaction with the Administration's hands-off approach to such clubs in that the Administration had not been mindful whether they had fulfilled their social responsibility of, or complied with the requirements for, making available their sports and recreational facilities for public use. It was also unreasonable to request the public to ask for permission by such clubs with lands owned by taxpayers to access their facilities. While it was understood that the PRL policy could not be abolished overnight, the Administration should formulate a long-term policy to open up in phases the facilities run by such clubs, and PRLs should only be granted to organizations with a mission of providing community services. There was also a view that if members of the club concerned were unwilling to open up its facilities for public use, the Administration should consider requiring the club concerned to pay the market value for the land granted. Moreover, as the lands granted to such clubs were important public resources worth billions of dollars, the Administration's policy review on PRLs should include how to ensure fair and effective use of such lands.

7. While supporting the policy review on PRLs, some members opined that PRLs were a historical problem and the issues involved should not be simplified. In particular, some private sports clubs operated under PRLs had been granted lands by the Administration for the purpose of promoting certain types of sports at the community level. While such clubs had been required to pay a low land premium, they had invested a lot in the development and management of sports and recreational facilities over the years and had contributed significantly to meeting the sporting and recreational needs of the community, such as hosting sports events. The Administration should not adopt an across-the-board approach to all PRL cases, and should be given sufficient time to conduct a comprehensive analysis on PRLs, having regard to the nature and historical background of the individual clubs concerned. Pending the outcome of the review, PRLs due to expire in the near future could be renewed for a short period. There was also a suggestion that if a club operated under PRL wished to purchase the land granted by the Administration, the Administration should consider whether the club concerned should pay the value of the land on the date on which the land was granted or the present market value of the land.

8. According to the Administration, most PRLs would be subject to renewal by the end of 2011. It would take into account members' views when considering whether to conduct a comprehensive policy review on PRLs.

Lease conditions

9. Noting the Administration's proposed revision to the access requirement relating to private sports clubs' facilities under PRLs by replacing "*no more than three sessions of three hours per week*" by "*40 hours per month or more*", some members pointed out that there was no actual increase in the opening hours of such facilities to the public. They queried why the Administration did not require such clubs to allow more access to their facilities by outside bodies, particularly when such facilities were not used by their members. According to the Administration, such clubs had contributed to the sports and recreational development in Hong Kong. The proposed revised lease conditions of PRLs had struck a balance between the operational needs of such clubs and the public demand, and would not only increase access by the public to the facilities of such clubs but also facilitate athletes' training and the staging of sports events, thus serving the Government's policy objectives of sports development.

Monitoring

10. Some members sought information on whether each PRL lessee would be required to submit to the Administration a quarterly report on the use of its sports and recreational facilities by outside bodies, and if yes, whether such a requirement would be stated in PRLs upon renewal. There was a view that if the Administration had performed its monitoring effectively, such a quarterly report might be unnecessary, as it might increase burden on PRL lessees. According to the Administration, while most PRL lessees had made available their facilities to outside bodies, not many outside bodies had used them in the past. Therefore, not many PRL lessees had submitted quarterly reports to the Administration. The Administration would add an express provision in PRLs requesting the organizations concerned to provide a quarterly report on the use of their facilities by outside bodies.

Publicity

11. Some members criticized the Administration for failing to make any publicity on the availability of sports facilities at private sports clubs operated under PRLs to outside bodies, as there was no such information on the websites of these clubs. They called on the Administration to make it clear whether it was mandatory for these clubs to publicize such information, and, if yes, the deadline for doing so. In the Administration's view, publicity could be stepped up to make more outside bodies (like schools) aware of the availability of such facilities, and most of the clubs had accepted the booking of their facilities by schools. The Administration would require the clubs to publish information

about the availability of their facilities on their websites as soon as possible. Relevant information had also been uploaded onto the website of the Home Affairs Bureau ("HAB").

12. On the Administration's proposal for allowing outside bodies to directly approach the organizations operated under PRLs to book their sports and recreational facilities, instead of having to go through a competent authority, some members expressed concern whether the competent authority still had any role in facilitating the public access to such facilities. According to the Administration, many outside bodies had approached the organizations operated under PRLs directly to book their facilities, but they might also do so through the competent authority.

Complaint channel

13. Noting the Administration's proposals for allowing for more flexibility in the booking of such facilities by outside bodies, some members sought information on the measures to mitigate the possible conflicts between club members and outside bodies over the use of the facilities and the channels for outside bodies to lodge complaints about the difficulties in booking the facilities. According to the Administration, it had not been aware of any such conflicts and HAB could handle complaints, if any, in this regard.

Relevant papers

14. A list of the relevant papers with their hyperlinks at the Legislative Council's website is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
7 July 2011

List of Organisations holding Private Recreational Leases

Serial No.	Name of Holder	Location and Lot No.
1	Aberdeen Boat Club Limited	AIL 454, Shum Wan Road, Brick Hill
2	Bishop of the Roman Catholic Church in Hong Kong	Lot 1318, Cheung Chau
3	Boys' and Girls' Club Association of Hong Kong	Lot 642 DD 257, Wong Yi Chau
4	Chinese Recreation Club, Hong Kong	IL 8875, No. 123 Tung Lo Wan Road
5	Clearwater Bay Golf & Country Club	Lot 227 DD 241, Po Toi O
6	Club De Recreio	KIL 11098, No. 20 Gascoigne Road
7	Community Sports Limited	Lot 2322 DD 96, Ma Tso Lung
8	Craigengower Cricket Club	IL 8881, No. 188 Wong Nai Chung Road
9	Directors of the Chinese Young Men's Christian Association of Hong Kong	Lot 147 SD5, Sai Kung
10	Directors of the Chinese Young Men's Christian Association of Hong Kong	Lot 75 DD 254, Sai Kung
11	Directors of the Chinese Young Men's Christian Association of Hong Kong	Sha Tin Town Lot No. 366, 2 On Chun Street
12	Directors of the Young Men's Christian Association of Hong Kong	KIL 11105 and Extension, Off Gascoigne Road, King's Park
13	Duke of Edinburgh's Award Hong Kong	Lot 602 R.P. DD16, Lam Tsuen
14	Filipino Club	KIL 11096, No. 10 Wylie Road
15	Hebe Haven Yacht Club Limited	Lot 1138 and Extension DD 217, Pak Sha Wan
16	Hong Kong Buddhist Association	Lot 172 in DD4, Tung Chung
17	Hong Kong Chinese Civil Servants' Association	KIL 11048, No. 8 Wylie Road
18	Hong Kong Country Club	RBL 1129, Wong Chuk Hang Road
19	Hong Kong Cricket Club	IL 9019, No. 137 Wong Nai Chung Gap Road
20	Hong Kong Football Club	IL 8846, No. 3 Sports Road, Happy Valley
21	Hong Kong Girl Guides Association	IL 8894, Wong Nai Chung Gap Road
22	Hong Kong Girl Guides Association	Lot 148 DD 250, Sai Kung
23	Hong Kong Girl Guides Association	Lot 1707 DD 122, Yuen Long
24	Hong Kong Girl Guides Association	Lot 2544 DD 92, Hang Tau Road, Kwu Tung South, Sheung Shui

Serial No.	Name of Holder	Location and Lot No.
25	Hong Kong Girl Guides Association	Kowloon Inland Lot No. 10734 at the junction of Gascoigne Road and Wylie Road
26	Hong Kong Golf Club	RBL 1117, Deep Water Bay
27	Hong Kong Golf Club	Lot 942 RP in DD 94, Sheung Shui
28	Hong Kong Gun Club	TWTL 399, Chuen Lung, Tsuen Wan
29	Hong Kong Jockey Club	IL 8847, No. 1 Sports Road and Wong Nai Chung Road
30	Hong Kong Jockey Club	STTL 13, Sha Tin
31	Hong Kong Model Engineering Club Limited	Lot 2416 in DD 118, Tai Tong, Yuen Long
32	Hong Kong Playground Association	Lot 667 DD 2, Mui Wo
33	Hong Kong Red Cross	Lot 142 in DD 319, Shek Pik, Lantau Island
34	Hong Kong Sea Cadet Corps (Area Committee)	NKIL 6001, Diamond Hill
35	Hong Kong Sea Cadet Corps (Lau Wah Sum & Samuel Derek Oates as Trustees for the Area Committee)	Lot 611 DD 256, Sai Kung
36	Hong Kong Softball Association	KIL 11088, Tin Kwong Road
37	Hong Kong Young Women's Christian Association	Lot 727 DD 332, San Shek Wan, Lantau
38	Hong Kong Youth Hostels Association	Lot 188 DD 337, Lantau
39	Hong Kong Youth Hostels Association	Lot 235 in DD Ngong Ping
40	Hong Kong Youth Hostels Association	TPTL 133, Tai Mei Tuk
41	Hong Kong, China Rowing Association (formerly known as Hong Kong Amateur Rowing Association Limited)	STTL 220, Yuen Wo Road, Sha Tin
42	India Club, Kowloon	KIL 11095, No. 24 Gascoigne Road
43	Indian Recreation Club	IL 8900, No. 63 Caroline Hill Road, So Kon Po
44	Jardine's Lookout Residents' Association	IL 8895, No. 2 Creasy Road, Jardine's Lookout
45	Kowloon Bowling Green Club	KIL 11065, No. 123 Austin Road
46	Kowloon Cricket Club	KIL 11052, No. 10 Cox's Road
47	Kowloon Tong Club	NKIL 5989, Waterloo Road, Kowloon Tong
48	Kowloon Tsai Home Owners Association	NKIL 5961, No. 10A Cambridge Road, Kowloon Tong

Serial No.	Name of Holder	Location and Lot No.
49	Mong Kok District Cultural, Recreational & Sports Association Limited	KIL 11165, J/O Ivy Street & Beech Street
50	Municipal Services Staff Recreation Club Limited	KIL 11097, No. 4 Wylie Path
51	Outward Bound Trust of Hong Kong Limited	Lot 590 DD 256, Tai Mong Tsai
52	Pakistan Association of Hong Kong Limited	KIL 11094, No. 150 Princess Margaret Road
53	Po Leung Kuk	Lot 613 DD 257, Pak Tam Chung
54	Po Leung Kuk	Lot 2411 DD 118 and Extension, Tai Tong
55	Reach Networks Hong Kong Limited (formerly known as The Post Office and Cable & Wireless Recreation Club Limited)	IL 8597 RP, No. 108 Caroline Hill Road, So Kon Po
56	Royal Hong Kong Yacht Club	ML 709, Kellett Island
57	Royal Hong Kong Yacht Club	RBL 1181, Middle Island
58	Royal Hong Kong Yacht Club	Lot 341 and Extension DD 212, Che Keng Tuk
59	Scout Association of Hong Kong	IL 8961, Mansion Street, North Point
60	Scout Association of Hong Kong	NKIL 5956, Rutland Quadrant, Kowloon Tong
61	Scout Association of Hong Kong	Lot 1131 DD 217, Pak Sha Wan
62	Scout Association of Hong Kong	Lot 154 DD 195, Sha Tin
63	Scout Association of Hong Kong	Lot 131 in DD 60, Au Tau, Yuen Long
64	Scout Association of Hong Kong	TPTL 190, Tung Tsz, Tai Po
65	Scout Association of Hong Kong and The Hong Kong Girl Guides Association	KCTL 391, Wo Yip Hop Road, Kwai Chung
66	Scout Association of Hong Kong and The Hong Kong Girl Guides Association	STTL 272, Shui Chuen Au Street, Sha Tin
67	South China Athletic Association	IL 8850, No. 88 Caroline Hill Road, So Kon Po
68	South China Athletic Association	KIL 11071, No. 6 Wylie Path
69	Tai Po Sports Association Limited	TPTL 6 and Extension, Area 4, Tai Po
70	Tung Wah Group of Hospitals	Lot 2321 DD 96, Ma Tso Lung
71	Victoria Recreation Club	Lot 316 DD 252, Sai Kung

Serial No.	Name of Holder	Location and Lot No.
72	Yau Yat Chuen Garden City Club Limited	NKIL 6042, 7 Cassia Road, Yau Yat Chuen
73	Yuen Long District Sports Association Limited	YLTL 520 (formerly known as YLTL 160), Yuen Long

Relevant papers on Private Recreational Leases

Committee	Date of Meeting	Papers
Council meeting	13.11.2002	Written Question
	23.6.2010	Oral Question
Panel on Home Affairs	13.5.2011 (Item IV)	Agenda

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