

# 立法會 *Legislative Council*

LC Paper No. CB(2)1789/12-13  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/HA

## **Panel on Home Affairs**

**Minutes of meeting**  
**held on Friday, 14 June 2013, at 8:30 am**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon MA Fung-kwok, SBS, JP (Chairman)  
Dr Hon Kenneth CHAN Ka-lok (Deputy Chairman)  
Hon WONG Kwok-hing, MH  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Hon CHEUNG Kwok-che  
Hon IP Kwok-him, GBS, JP  
Hon Claudia MO  
Hon Steven HO Chun-yin  
Hon WU Chi-wai, MH  
Hon YIU Si-wing  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Dr Hon CHIANG Lai-wan, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen

**Members attending** : Hon LEE Cheuk-yan  
Hon James TO Kun-sun  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Alice MAK Mei-kuen, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon TANG Ka-piu

**Member absent** : Hon Frankie YICK Chi-ming

**Public Officers : Item III**  
**attending**

The Administration

Mr TSANG Tak-sing, GBS, JP  
Secretary for Home Affairs

Mr Jonathan McKINLEY, JP  
Deputy Secretary for Home Affairs (2)

Miss Petty LAI  
Principal Assistant Secretary for Home Affairs  
(Recreation and Sport)

Mr Jim LAM  
Chief Estate Surveyor (Headquarters) (Acting)  
Lands Department

Item IV

The Administration

Mr TSANG Tak-sing, GBS, JP  
Secretary for Home Affairs

Miss WONG Yuet-wah  
Principal Assistant Secretary for Home Affairs (Culture) 2

Mrs Betty FUNG CHING Suk-yee, JP  
Director of Leisure and Cultural Services

Dr Louis NG Chi-wa  
Assistant Director of Leisure and Cultural Services  
(Heritage and Museums)

South China Research Center of the Hong Kong  
University of Science and Technology

Prof LIU Tik-sang

Item V

The Administration

Mr TSANG Tak-sing, GBS, JP  
Secretary for Home Affairs

Mrs Pamela TAN, JP  
Director of Home Affairs

Mr Edward MAK, JP  
District Officer (Yuen Long)  
Home Affairs Department

Tung Wah Group of Hospitals

Mr Ivan YIU  
Community Services Secretary

**Attendance : Item V**  
**by invitation**

Tin Shui Wai Bazaar Concern Group

Mr YIU Kwok-wai  
Convenor

Wanchai Street Market Concern Group

Mr TAM Han-yuen  
Member

United Hawkers Development Platform

Miss FAN Pui-ying  
Member

Development of Tin Sau Market Concern Group

Ms MAN Wing-ping  
Member

Tin Sau Market Stall Keepers' Union

Ms KAM She-ping  
Member

Tin Sau Concern Group

Ms FUNG Yuk-ling  
Member

Tin Shui Wai Community Development Alliance

Miss WONG Wing-chi  
Social Worker

Tin Shui Wai Hawkers Concern Group

Ms CHAN Lai-na  
Member

Concerning CSSA and Low Income Alliance

Mr KAN Cheuk-hang  
Registered Social Worker

Tung Chung Community Development Alliance

Miss CHIU Sin-ting  
Social Worker

Tin Shui Wai Inflation Rate Monitor

Miss WONG Man-chi  
Member

"How to Manage Tin Shui Wai Market" Concern Group

Mr KONG Kin-shing  
Social Worker

Sham Shui Po Mid-Night Market and Dawn Market  
Concern Group

Ms NG Lai-ching  
Representative

Support! Grassroot Market Alliance

Mr LEE Tai-shing  
Representative

Hong Kong Polytechnic University, School of Design

Mr Sunny MAK  
Representative

**Clerk in attendance** : Ms Alice LEUNG  
Chief Council Secretary (2) 2

**Staff in attendance** : Miss Josephine SO  
Senior Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Information papers issued since the last meeting**

(LC Paper Nos. CB(2)1274/12-13(01), CB(2)1277/12-13(01), CB(2)1347/12-13(01) and CB(2)1348/12-13(01))

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

- (a) Letter dated 30 May 2013 from Hon WONG Kwok-hing suggesting discussion of issues relating to the review of the air quality in public libraries under the management of the Leisure and Cultural Services Department ("LCSD");
- (b) Letter dated 31 May 2013 from Hon Christopher CHUNG on the provision of funding for acquisition of artworks by LCSD;
- (c) Administration's response to Hon WONG Kwok-hing's letter dated 30 May 2013 concerning the air quality in public libraries under the management of LCSD; and
- (d) Submission from No Gamble 21 Alliance ("the Alliance") dated 7 June 2013.

2. Regarding the submission as referred to in paragraph 1(d) above, members noted that the Alliance had earlier written to the Panel expressing views on youth gambling problem and making a similar request for the Panel's discussion of related issues, including, among others, the raising of the age limit for legal betting from 18 to 21, at a meeting. The Administration had, at the Panel's request, provided a response to issues raised in the previous letter of the Alliance. The Alliance's previous letter dated 25 February 2013 and the Administration's response were circulated to members vide LC Paper Nos. CB(2)716/12-13(01) and CB(2)801/12-13(01) on 28 February and 14 March 2013 respectively.

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**II. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)1299/12-13(01) and (02))

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting to be held on Friday, 12 July 2013, at 8:30 am -

- (a) Support and assistance for ethnic minority groups; and
- (b) Matters relating to rural elections.

*(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the title of the agenda item as referred to in item (a) above had been rephrased as "Support Services for ethnic minorities provided by the Home Affairs Department".)*

**III. Monitoring of Private Recreational Leases**

(LC Paper Nos. CB(2)1299/12-13(03)&(04) and CB(2)1355/12-13(01))

4. At the invitation of the Chairman, Secretary for Home Affairs ("SHA") gave an update on the Administration's progress in renewing the Private Recreational Leases ("PRLs") and measures to be taken for the monitoring of facilities that operated under such leases, details of which were set out in the Administration's paper.

Length of term of lease renewal

5. Mr WONG Kwok-hing, Mr WU Chi-wai, Mr CHEUNG Kwok-che and the Deputy Chairman considered it highly undesirable for the Administration to continue to renew PRLs for 15 years, as the lease term was unduly long which would leave little room for the Administration to review and implement necessary changes to the existing policy on PRLs. Mr WONG was concerned that the Government might have difficulty in resuming the lands before the expiry of the renewed leases. These members held the view that consideration should be given to shortening the terms of renewed leases to, say, three to five years having regard to the circumstances of individual cases.

6. Ms Cyd HO took the view that the Administration should not adopt an "across-the-board" approach in dealing with the renewal of PRLs, as it was necessary to make a distinction between private sports clubs which had a small membership size and charged exorbitant membership fees and those non-profit-making organizations with a mission of promoting sports in the

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community. Sharing a similar view, Dr Helena WONG said that Members belonging to the Democratic Party also objected to the Administration's decision to renew all PRLs across-the-board for a 15-year term pending the review results.

7. Dr Fernando CHEUNG pointed out that the lands granted to private sports clubs under PRLs at no cost or a nominal premium were public resources. Expressing strong dissatisfaction at the Administration's decision to renew those PRLs that had expired in 2011 and 2012 for another 15 years before the commencement of review of PRLs, he queried why the Administration could not conduct the review on the policy of PRLs before renewing the leases. He considered that there was a dereliction of duty on the part of the Administration.

8. SHA responded that the Administration's policy on PRLs recognized the contribution that private sports clubs and non-profit-making organizations operating facilities on land granted under PRLs had made to the promotion of sport and the provision of recreational opportunities in Hong Kong. While renewing existing leases for a 15-year term was in line with the long established policy, it was also considered as appropriate and reasonable, allowing lessees time to respond to possible policy changes by the Administration. During the recent renewal exercise, the Home Affairs Bureau ("HAB") had advised all PRL lessees explicitly that the Administration would conduct a comprehensive review of the PRL policy and that there should be no expectation that their leases would be further renewed when they next expired, or that even if the leases were further renewed, they might not be renewed at nominal premium or on the same terms and conditions as before. The Administration's intention was to ensure that the 15-year renewal term would not prejudice the outcome of the review on the PRL policy. SHA further advised that under the existing lease terms, the Administration had the power to resume specific sites occupied under PRLs for a public purpose, provided that a 12-month notification period was given to the lessee concerned. Therefore, the length of the renewal term should not in principle have a bearing on the Administration's long-term planning.

9. Mr CHAN Chi-chuen asked whether the Administration had ever exercised its power to resume sites occupied under PRLs. SHA, to the best of his knowledge, replied in the negative.

10. Mr LEUNG Che-cheung declared that he was a director of the Yuen Long District Sports Association Limited. He was supportive of the Administration's decision to renew PRLs for another 15 years, as most of the private sports clubs and non-profit-making organizations operating facilities

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on land granted under PRLs 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.

11. In response to the Chairman's enquiry, Principal Assistant Secretary for Home Affairs (Recreation and Sport) ("PAS(RS)") advised that among the 73 PRLs that had expired or would expire in three batches (i.e. 2011, 2012, and 2013 or after), two leases expired in 2012 had not been renewed for a 15-year term but changed to temporary leases due to development plans for the subject sites; and another two leases in the same batch were not renewed since the facilities at the sites had ceased operation. As a result, the current total number of PRLs was 69. With regard to the future land use of the four resumed sites, PAS(RS) said that it was outside the ambit of HAB.

Requirements for lessees to open up their facilities

12. Mr WONG Kwok-hing considered the requirements for PRL lessees to open up their sports facilities for use by outside bodies for a minimum of 50 hours per month far from adequate. In his view, the Administration should require lessees to further open up their facilities having regard to their capacity and availability.

13. The Deputy Chairman noted from the Administration's paper that upon renewal of existing PRLs, lessees were required to operate junior membership schemes to allow talented young athletes to join their organizations at greatly reduced levels of entry and subscription. He asked about the rationale for setting an age limit under the junior membership schemes. Mr Tony TSE expressed concern about the effectiveness of such schemes in achieving a higher degree of access to lessees' facilities by the public.

14. PAS(RS) responded that in addition to the requirement to open up sports facilities to outside bodies for a minimum of 50 hours per month, PRL lessees were also required to submit a scheme for opening up their sports facilities more extensively for use by outside bodies. Following negotiations with individual lessees, the Administration had secured their agreement in most cases to open up their facilities far beyond the minimum of 50 hours per month. Referring to Annex II to the Administration's paper, she explained how the total numbers of hours made available by lessees for use by outside bodies were calculated. In gist, lessees operating a variety of facilities would be more ready to open up their sports facilities for wider use by the community.



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15. The Chairman expressed concern about the difficulties faced by National Sports Associations ("NSAs") in arranging venues for training and competition. In his view, the Administration should make use of the opportunity afforded by the renewal of PRLs to require lessees to further open up their sports facilities for use by NSAs. SHA responded that the Administration had imposed more stringent requirements in the renewed leases, which included requiring lessees to allow NSAs to use their facilities for training or competition for a minimum of 10 hours per month and where appropriate, to allow NSAs to use lessees' facilities for hosting international events.

Monitoring of PRLs

16. Mr WU Chi-wai and Mr LEUNG Che-cheung were concerned about HAB's role in the monitoring of lessees' compliance with the terms and conditions of PRLs and the penalties for breaching the lease conditions, such as renting out premises under PRLs for a private function (e.g. wedding banquet) as well as failure to meet the minimum "opening up" requirements. Mr LEUNG suggested that the Administration should consider carrying out decoy operations for the purpose of monitoring lessees' compliance with the "opening up" requirements.

17. Mr CHAN Chi-chuen said that the "opening up" requirements would be meaningless and ineffective if lessees were not willing to make public full information about their "opening up" schemes and members of the public could not book and use the facilities with ease. He enquired about the penalties for breaching the lease conditions, in particular the requirement on lessees to open their sports facilities to outside bodies for a minimum of 50 hours per month.

18. SHA and Chief Estate Surveyor (Headquarters) (Acting) responded that the Administration would conduct random checks on lessees and act on complaints. If lease enforcement action was considered justified, it would follow up with the relevant enforcement authority. If any lessees were found to have breached the terms and conditions, they would normally be requested to rectify the breaches immediately. In case of serious breach of lease conditions, the Government could resume the land granted under the PRL concerned.

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19. Mr WU Chi-wai requested the Administration to provide more detailed information on (i) the number of complaints received/cases handled in the past in respect of breaches of lease conditions of PRLs; (ii) what course of action the Administration had taken; and (iii) where breaches of lease conditions were substantiated, details of the lease enforcement actions taken

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by the Administration, such as the issue of warning letter(s) or resumption of land granted under the PRLs concerned.

20. The Deputy Chairman considered that the Administration should make public the terms and conditions of all PRLs and information on lessees' "opening up" schemes to facilitate the public's monitoring of lessees' compliance with the lease conditions. He asked whether the Administration would make public the above information for access by members of the public.

21. SHA said that given the fact that PRL was a form of contract between the Government and the lessee, he would need to seek legal advice on whether the terms and conditions of PRLs could be made public. It should be noted that the Administration was stepping up publicity on various fronts including requiring lessees to provide full information on their "opening up" schemes on their websites. All PRL lessees were also required to submit quarterly reports on the utilization of their sports facilities.

22. Mr Tony TSE declared that he was members of several organizations holding PRLs as listed out in Annex I to the Administration's paper. While considering it acceptable for the Administration to renew PRLs for another term of 15 years, Mr TSE and Mr IP Kwok-him expressed similar view that the Administration should require the lessees to further open up their sports facilities for public use and monitor closely the compliance of lessees with the relevant lease conditions, including the "opening up" requirements, to safeguard public interests. Mr TSE suggested that the Administration should consider setting up a task group to handle complaints about non-compliance with lease conditions and to mete out penalties. SHA responded that the Administration recognized the need to carry out effective monitoring of PRLs and would take note of members' views in this regard.

23. Dr CHIANG Lai-wan considered that the Administration should consult the views of District Councils ("DCs") on the renewal of PRLs. She was also concerned about the monitoring of compliance with lease conditions by the lessees of PRLs and whether there was a vetting mechanism for the renewal of PRLs.

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24. Expressing similar concern about the Administration's monitoring of the existing 69 PRLs, Dr CHIANG Lai-wan and Ms Cyd HO sought information on (i) the respective area and size of the lot granted for each lessee; (ii) the proportion of the total area of land granted under these PRLs to the total usable land in Hong Kong; (iii) the annual Government rent payable by each lessee; and (iv) the membership size of the private sports clubs and other organizations operating under PRLs.

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Comprehensive review of the PRL policy

25. Mr CHAN Chi-chuen, Dr Fernando CHEUNG and Mr CHEUNG Kwok-che sought details of the policy review to be conducted on PRLs, including the scope of and timetable for the review. Mr CHAN also asked whether the review would involve the relevant bureaux and departments responsible for land use planning, such as the Development Bureau and the Planning Department.

26. SHA said that upon the completion of the current PRL renewal exercise at the end of 2013, HAB would work with the relevant policy bureaux and departments to conduct a comprehensive review of the policy on PRLs. The Administration would take into account factors such as sports development needs, land use considerations, the overall utilization of the sites, the interests of PRL lessees and their members and the wider public interest when formulating the way forward for the policy. It would endeavour to complete the review within the current term of the Government.

27. Given the current serious shortage of lands for housing development, Dr LAM Tai-fai asked whether the Administration had any plan to resume suitable sites occupied under PRLs for building more public housing flats.

28. In response, SHA reiterated that sports clubs operating under PRLs had the promotion of sport and recreation as one of their objects, which was in line with the Government's policy objectives for sports development. Besides, PRL lessees had contributed to meeting the sporting needs of the community by allowing outside bodies access to their facilities.

Motions

Motion 1

29. Mr WU Chi-wai moved the following motion, seconded by Dr Helena WONG -

"本委員會反對政府批准私人遊樂場地契約續租15年，並要求政府立即撤回部份佔地面積廣闊、享用人數少的私人會所的續租決定。"

(Translation)

"That this Panel objects to the Government's approval for renewal of PRLs for 15 years and calls on the Government to immediately

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withdraw its decision to renew PRLs of some private clubs which occupy a vast area of land but are used by few people."

The Chairman put Mr WU's motion to vote. Mr IP Kin-yuen claimed a division.

(a) the following members voted for the motion -

Mr WONG Kwok-hing, Ms Cyd HO, Mr CHEUNG Kwok-che,  
Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr Helena WONG and  
Mr IP Kin-yuen  
(7 members)

(b) the following members voted against the motion -

Dr LAM Tai-fai, Mr IP Kwok-him, Mr Steven HO, Mr YIU  
Si-wing, Mr LEUNG Che-cheung, Dr CHIANG Lai-wan,  
Mr Christopher CHUNG and Mr Tony TSE  
(8 members)

(c) the following member abstained from voting -

Dr Kenneth CHAN and Ms Claudia MO  
(2 members)

The Chairman declared that seven members voted for and eight members voted against the motion and two members abstained from voting. The motion was negated.

Motion 2

30. Dr CHIANG Lai-wan moved the following motion, seconded by Mr Christopher CHUNG -

"本委員會要求政府就審批及續租私人遊樂場用地設立監管及審核機制，並進一步擴大開放予公眾使用，以維護公眾利益。"

(Translation)

"That this Panel calls on the Government to establish a monitoring and vetting mechanism for the approval and renewal of lands leased under PRLs, and further open up such lands for use by the public, so as to safeguard public interests."

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The Chairman put Dr CHIANG's motion to vote. Dr CHIANG claimed a division.

(a) the following members voted for the motion -

Dr Kenneth CHAN, Mr WONG Kwok-hing, Ms Cyd HO, Dr LAM Tai-fai, Mr CHEUNG Kwok-che, Mr IP Kwok-him, Ms Claudia MO, Mr Steven HO, Mr WU Chi-wai, Mr YIU Si-wing, Mr CHAN Chi-chuen, Mr LEUNG Che-cheung, Dr Helena WONG, Mr IP Kin-yuen, Dr CHIANG Lai-wan, Mr Christopher CHUNG and Mr Tony TSE  
(17 members)

(b) no member voted against the motion or abstained from voting.

The Chairman declared that 17 members voted for and no member voted against the motion, and no member abstained from voting. The motion was carried.

**IV. First territory-wide survey on Intangible Cultural Heritage**  
(LC Paper Nos. CB(2)1299/12-13(05) and (06))

31. SHA briefed Members on the outcome of the first territory-wide survey of intangible cultural heritage ("ICH") in Hong Kong and the Administration's way forward in respect of the promotion, preservation and transmission of ICH items, as detailed in the Administration's paper.

Criteria for inscription of items as ICH

32. Ms Claudia MO noted that according to the Convention for the Safeguarding of the Intangible Cultural Heritage ("the Convention") adopted by the United Nations Educational, Scientific and Cultural Organization ("UNESCO"), ICH referred to the practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artifacts and cultural spaces associated therewith - that communities, groups (or individuals) of the territory recognized as part of their cultural heritage. She asked whether the candlelight vigil in commemoration of the 4 June incident held annually since 1989 in the Victoria Park met the criteria to be manifested as an ICH and would be considered for inclusion into the ICH inventory of Hong Kong.

33. SHA responded that the Administration had no plan to include the event as an ICH item. Prof LIU Tik-sang of the South China Research Center of the Hong Kong University of Science and Technology

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("SCRC/HKUST") explained that according to the Convention, to qualify as an ICH, an item must be transmitted from generation to generation and was constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and should provide the community with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. ICH items were classified under the five domains of the Convention. They were (a) oral traditions and expressions; (b) performing arts; (c) social practices, rituals and festive events; (d) knowledge and practices concerning nature and the universe; and (e) traditional craftsmanship. From a historical perspective, "generation to generation" meant a considerably long period of time. The Intangible Cultural Heritage Advisory Committee ("ICHAC") recommended that an ICH item should have passed down through two to three generations. This might mean around 70 to 80 years.

34. In response to the concern raised by Mr CHAN Chi-chuen over the shortlisting criteria for inclusion of surveyed items in the draft inventory, Director of Leisure and Cultural Services ("DLCS") and Prof LIU Tik-sang explained that taking into consideration the views and suggestions made by ICHAC, the SCRC/HKUST team completed in early 2013 the final draft survey report providing detailed research data on nearly 800 survey cases and a draft inventory of over 200 major items. While ICHAC had thoroughly discussed and endorsed the final survey report and the draft inventory of ICH items, it considered that some of the survey cases required further research and/or deliberation before a recommendation could be made on whether they should be included in the draft inventory. In view of the complications encountered by the survey team in conducting field work for certain items (e.g. no bearers could be found to conduct interviews, the bearers refused to provide information due to commercial secrets, and the scope of the item was too wide and involved complex definitions), ICHAC agreed that these items should be re-examined when more information could be gathered. DLCS assured members that the Administration would actively follow up the "List of items for further consideration" annexed to the Administration's paper.

35. Referring to Annex B to the Administration's paper, Mr IP Kin-yuen noted that there were five factors of consideration for inclusion of items in the proposed inventory of the territory-wide survey of ICH in Hong Kong, namely the number of practitioners, status of transmission, uniqueness as Hong Kong's ICH, historical depth and association with community. He asked whether these factors carried equal weighting.

36. Assistant Director of Leisure and Cultural Services (Heritage and Museums) ("AD/LCS(HM)") responded that ICHAC had deliberated in detail the criteria for shortlisting surveyed items for inclusion in the draft inventory.

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Noting that the purpose of the territory-wide survey was to consider whether a surveyed item could pass the threshold of meeting the Convention's definition (i.e. it was transmitted from generation to generation and provided the community and group with a sense of identity and continuity), ICHAC agreed that an item falling within the five domains under the Convention as mentioned in paragraph 33 above and meeting this threshold should be included in the draft ICH inventory for public consultation. On the other hand, in-depth assessment of the relative heritage value and importance of individual items would be conducted with a view to selecting the representative items of ICH for Hong Kong. It was noteworthy that the threshold for inscription of an item onto the representative list was higher than that of the inventory, which might include considerations such as uniqueness of the item, its historical, literary, artistic and scientific values, etc.

37. Mr WONG Kwok-hing asked whether ICHAC would consider the inclusion of labour and social movements with profound impact on Hong Kong's history and development, such as the Canton-Hong Kong Strike and the seamen's strike in the last century, into the inventory list of ICH. AD/LCS(HM) responded that ICH was manifested in the five domains of the Convention as referred to in paragraph 33 above. While the events mentioned by Mr WONG were important parts of the history of Hong Kong, preservation of these historical events would be carried out by the history museums where appropriate.

38. Mr Christopher CHUNG and Mr CHAN Chi-chuen noted that social practices, rituals and festive events having a long history of existence and development in Hong Kong, such as "驚蟄祭白虎、打小人", "盂蘭勝會" ("Yu Lan Ghost Festival") and "破地獄", were included in the draft ICH inventory for public consultation. Mr CHAN held the view that "打小人" should be presented as a separate item in the inventory, since this unique activity could take place any time and did not necessarily have to be confined to within the day of "Waking of Insects" (the third solar term). Mr CHUNG considered that the aforesaid items were heritage worthy of preservation. He further suggested that "問米" and "神打" should also be included into the list of ICH inventory.

39. In reply to Mr LEUNG Che-cheung's enquiry, Prof LIU Tik-sang said that "圍頭歌" was one of the survey cases which required further research and/or deliberation by ICHAC before a recommendation could be made on whether it should be included in the draft ICH inventory. Due to the difficulties encountered by the survey team in conducting field work for the item, i.e. no bearers could be found to conduct interview, LCSD would endeavour to obtain more information for further study. As regards why soup noodle ("粉仔") consumed by the Hakka community during festive occasions

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was not included in the list, Prof LIU said that the draft inventory drawn up from the first territory-wide survey was not meant to be all inclusive and exhaustive.

40. Mr CHAN Chi-chuen enquired whether there would be a limit on the number of items for inclusion into the ICH inventory. AD(HM) replied in the negative, adding that the content of the inventory would be enriched with information of individual items to be updated and new items to be added in periodically.

41. Responding to Mr IP Kwok-him's enquiry, DLCS advised that in consultation with ICHAC, the Government would devise a mechanism for updating the information of individual items and adding new items to the ICH inventory where appropriate. Consideration would be given to selecting items of high heritage value from the inventory for drawing up a representative list of ICH of Hong Kong. ICHAC would in future select and nominate suitable items on the representative list of ICH for Hong Kong for application for inscription onto the National List of ICH or UNESCO's Representative List of the Intangible Cultural Heritage of Humanity. At present, four local items had been inscribed on the National List of ICH including the Cheung Chau Jiao Festival, the Tai O Dragon Boat Water Parade, the Yu Lan Ghost Festival of the Hong Kong Chiu Chow Community and the Tai Hang Fire Dragon Dance.

Mechanism for updating the ICH inventory and way forward

42. In response to the enquiry raised by the Chairman and the Deputy Chairman, SHA and DLCS advised that due to resource and time constraints, the draft inventory drawn up from the first territory-wide survey was not meant to be all inclusive and exhaustive. In consultation with ICHAC, the Government would devise a mechanism for updating the information of individual items and adding new items to the inventory where appropriate. It would continue to involve the community in the process. The co-ordination and continuous monitoring of SCRC/HKUST's survey would be taken up by a dedicated team of the Hong Kong Heritage Museum under LCSD.

43. The Chairman was concerned about how the Administration would follow up on the recommendations made by the Working Group of SCRC/HKUST, as set out in the Executive Summary of the Working Group's final survey report at Annex B to the Administration's paper. He enquired about the resources to be allocated for safeguarding and transmission of ICH items.



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44. Stressing the importance of protecting and preserving endangered ICH items, Dr LAM Tai-fai asked whether consideration would be given to prioritizing the ICH items so that more resources would be given to protect and promote those items of high heritage value. He also enquired about the Administration's timetable for finalizing and publishing the first ICH inventory list.

45. In response, DLCS advised that -

- (a) the Government would launch a four-month public consultation, commencing from July 2013, to gauge public views on the draft inventory list recommended by ICHAC. Taking into account the public views received, the Administration would consult ICHAC again before publishing the first ICH inventory list for Hong Kong in early 2014;
- (b) on the basis of the territory-wide survey and the first inventory of ICH in Hong Kong, the Government would draw up measures to enhance the promotion, preservation and transmission of the ICH in consultation with ICHAC;
- (c) having regard to the differences among various ICH items in terms of their importance, nature and urgency for immediate protection actions, the Government would, in consultation with ICHAC, devise and implement a host of safeguarding measures which covered identification, documentation, in-depth research, preservation, promotion and transmission of the heritage. The Government would continue to engage the local communities and relevant organizations to actively participate in and support the safeguarding work of ICH;
- (d) consideration would be given to selecting items of high heritage value from the ICH inventory for drawing up a representative list of ICH for Hong Kong, which would provide the Government with a basis for prioritizing resources and safeguarding measures, particularly for highly important and endangered ICH items. For this purpose, in-depth assessment of the relative heritage value and importance of individual items would be conducted; and
- (e) the Lord Wilson Heritage Trust under HAB had funded the building of dragon boats and deity boats used in the dragon boat water parade of Tai O to support the continuation of this unique religious activity. The Trust also provided funding support to

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projects aimed at preserving and recording ICH items in Hong Kong. Where necessary, the Administration would allocate additional resources for the preservation, protection, promotion, enhancement and transmission of ICH in Hong Kong.

**V. The operation of the Tin Sau Bazaar in Tin Shui Wai**

(LC Paper Nos. CB(2)1299/12-13(07)&(08), CB(2)957/12-13(01) and CB(2)1060/12-13(01))

Briefing by the Administration

46. At the invitation of the Chairman, SHA and Community Services Secretary of Tung Wah Group of Hospitals ("CSS/TWGHs") briefed Members on the operation of TWGHs Tin Sau Bazaar ("Tin Sau Bazaar") and the enhancement measures introduced by the Administration and TWGHs, as set out in the Administration's paper.

Deputations' views and the Administration's response

47. The Chairman reminded the deputations attending the meeting that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, 15 deputations presented their views on the subject.

*Tin Shui Wai Bazaar Concern Group*

48. Mr YIU Kwok-wai said that to improve the sun-shading in Tin Sau Bazaar, consideration should be given to the construction of a canopy or a roof cover. To attract patrons and business, more access points should be provided for the nearby residents and visitors from other districts to go to the Bazaar.

*United Hawkers Development Platform*

49. Miss FAN Pui-ying considered that TWGHs lacked flexibility in the operation of Tin Sau Bazaar, thus failed to facilitate stall operators in carrying out their business. In her view, TWGHs should enlist the participation of stall operators in the proposed Advisory Committee on the Management of Tin Sau Bazaar or the regular liaison meetings, so as to gather their views on measures to improve the operating environment of the Bazaar. While a comprehensive policy on hawking and bazaar economic activities was not in place, she urged the relevant bureaux and departments,

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including the Food and Health Bureau, the Food and Environmental Hygiene Department ("FEHD") and the Home Affairs Department ("HAD"), to make concerted efforts to formulate a policy in this regard.

*Development of Tin Sau Market Concern Group  
(LC Paper No. CB(2)1400/12-13(01))*

50. Ms MAN Wing-ping suggested that a roof cover should be erected in Tin Sau Bazaar for shelter and shade purposes during rainy days and hot summer and more access points should be provided to attract more patrons. She also considered that a comprehensive policy on hawking and bazaar economic activities would be conducive to the development of the hawking trade. Details of the views of the Development of Tin Sau Market Concern Group were set out in its written submission provided to the Panel after the meeting.

*Tin Sau Market Stall Keepers' Union  
(LC Paper Nos. CB(2)1244/12-13(01) and CB(2)1400/12-13(02))*

51. Ms KAM She-ping presented the views of Tin Sau Market Stall Keepers' Union, as set out in its two submissions.

*Tin Sau Concern Group  
(LC Paper No. CB(2)1400/12-13(03))*

52. Ms FUNG Yuk-ling and Ms KAM She-ping pointed out that the problems they encountered in doing business in Tin Sau Bazaar. These problems included lack of sufficient patronage, absence of a canopy to provide shading for customers, inflexibility of operation hours and poor accessibility to the Bazaar. Details of the views of Tin Sau Concern Group were set out in its written submission provided to the Panel after the meeting.

*Tin Shui Wai Community Development Alliance  
(LC Paper No. CB(2)1400/12-13(04))*

53. Miss WONG Wing-chi considered that the Administration should formulate a policy to facilitate the long-term development of bazaars and co-ordinate with relevant bureaux and departments to provide necessary assistance to help TWGHs to solve the problems of Tin Sau Bazaar. To attract more patronage in the district and visitors from other districts, the Administration and TWGHs should make reference to operations management strategies for large shopping centres. Details of the views of Tin Shui Wai Community Development Alliance were set out in its written submission provided to the Panel after the meeting.

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*Tin Shui Wai Hawkers Concern Group  
(LC Paper No. CB(2)1400/12-13(05))*

54. Ms CHAN Lai-na said that she was a hawker at the Morning Bazaar along the TSW Nullah. She queried whether it was because of the need to protect the business of the stall operators in Tin Sau Bazaar that FEHD had taken vigorous enforcement actions and initiated more frequent inspections against the hawkers at the Morning Bazaar along the TSW Nullah since the opening of the Bazaar in February 2013. Details of the views of Tin Shui Wai Hawkers Concern Group were set out in its written submission provided to the Panel after the meeting.

*Concerning CSSA and Low Income Alliance*

55. Mr KAN Cheuk-hang expressed dissatisfaction that although Tin Sau Bazaar had come into operation for four months, many of its basic facilities were not yet available and improvement works were still on-going. For the purpose of reviewing and identifying improvements to the management of the Bazaar, he considered it necessary for TWGHs to engage representatives of stall operators in the proposed Advisory Committee on the Management of Tin Sau Bazaar. He also concurred that the Administration should formulate a comprehensive policy on hawking and bazaar economic activities.

*Tung Chung Community Development Alliance*

56. While hoping that open bazaars could be set up in other districts, Miss CHIU Sin-ting considered it necessary for the Administration to come up with a comprehensive and long-term policy on the development of local community economy bazaars, before extending the project in Tin Shui Wai ("TSW") to other districts. She hoped that HAD would take up a co-ordinating role to monitor the operation and ensure the continual enhancement of Tin Sau Bazaar.

*Tin Shui Wai Inflation Rate Monitor  
(LC Paper No. CB(2)1400/12-13(06))*

57. Miss WONG Man-chi said that the Administration should consider setting up more bazaars in TSW to provide goods at low prices for local residents. She also expressed concern about the enforcement actions taken by FEHD against hawking activities at the Morning Bazaar along the TSW Nullah as the livelihood of hawkers had been severely affected. Details of the views of Tin Shui Wai Inflation Rate Monitor were set out in its written submission provided to the Panel after the meeting.

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*"How to Manage Tin Shui Wai Market" Concern Group  
(LC Paper No. CB(2)1400/12-13(07))*

58. Mr KONG Kin-shing said that as the installation works for improving the capacity of rainwater disposal in the Bazaar would affect the business of the stall operators in Tin Sau Bazaar, the Government should waive rental payments across the board for one to two months. He urged for the early establishment of the proposed Advisory Committee on the Management of Tin Sau Bazaar so that the management and long-term development of the Bazaar could be enhanced. Details of the views of "How to Manage Tin Shui Wai Market" Concern Group were set out in its written submission provided to the Panel after the meeting.

*Sham Shui Po Mid-Night Market and Dawn Market Concern Group  
(LC Paper No. CB(2)1373/12-13(01))*

59. Ms NG Lai-ching presented the views of Sham Shui Po Mid-Night Market and Dawn Market Concern Group, as set out in its submission tabled at the meeting.

*Support! Grassroot Market Alliance*

60. Mr LEE Tai-shing stressed the social value of local community economy bazaars and urged the Administration to formulate a comprehensive and long-term policy on the development of such bazaars for their extension to other districts. Where necessary, DCs, HAD and LCSD should work in collaboration, with a view to complementing the establishment of local community bazaars in various districts.

*Hong Kong Polytechnic University, School of Design  
(LC Paper No. CB(2)1373/12-13(02))*

61. Mr Sunny MAK presented the views of Hong Kong Polytechnic University, School of Design, as set out in its submission tabled at the meeting.

*Wanchai Street Market Concern Group*

62. Mr TAM Han-yuen said that "self-management and organization" was crucial to the success of Tin Sau Bazaar and suggested that the Administration should provide as much support as possible to the stall operators in the Bazaar.

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63. Director of Home Affairs ("DHA") responded with the following points -

- (a) the site for Tin Sau Bazaar was considered suitable for setting up an open bazaar as it was adjacent to the Tin Sau Road Park and surrounded by residential developments. Located in proximity to the Light Rail stations, access to the Bazaar by members of the public from within and outside the TSW district was easy and convenient. Since the announcement of the proposal and in the process of identification of site for the setting up of Tin Sau Bazaar, the Yuen Long District Office ("YLDO") and TWGHs had been actively communicating with various stakeholders, including Yuen Long District Council ("YLDC") members, Area Committee members, representatives of Morning Bazaar hawkers, non-governmental organizations and residents' groups. The TSW North Area Committee and YLDC both supported the establishment of an open bazaar at the identified site on Tin Sau Road;
- (b) to ensure timely operation of Tin Sau Bazaar in early February 2013 before the Chinese New Year, the Government had compressed the lead time required for the provision of infrastructure and basic facilities. TWGHs would continue to gather proposals on the enhancement of the ancillary facilities in the Bazaar through various channels and consider their implementation. The Government would also continue to provide appropriate assistance in this regard;
- (c) at present, the patronage of Tin Sau Bazaar and its attractiveness to customers in TSW and other districts had room for improvement. YLDO had been working closely with TWGHs and various government departments on the implementation of enhancement measures and the provision of assistance to stall operators. For example, in response to requests for selling chilled/frozen meat in the Bazaar, TWGHs had applied to FEHD for a Fresh Provision Shop Licence with a view to introducing chilled/frozen meat stalls. The application was now being processed. TWGHs had also worked with the power company to enhance the power supply for about 60 stalls by re-allocating electricity, and planned to enhance the power supply for the remaining stalls. TWGHs would closely monitor the change in power consumption on site and apply to the power company for additional power supply if necessary. Apart from the above, YLDO had been actively liaising with the relevant departments

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to explore the feasibility of providing more access points, e.g. an access point for the public to go between Tin Yat Estate and the Bazaar via Tin Sau Road Park;

- (d) as regards publicity, TWGHs had put up publicity banners near Tin Sau Bazaar and on various streets in TSW. It had also applied to LCSD for putting up such banners in Tin Sau Road Park. TWGHs had secured the consent of the MTR Corporation Limited ("MTRC") to display directional signs for the Bazaar in the nearby railway stations. The location of the Bazaar had been shown on the maps in TSW Station of the West Rail, as well as in Tin Sau and Tin Yat Stations of the Light Rail. MTRC had also displayed directional signs for the Bazaar at the entrances and exits of Tin Sau Station and would do the same at the entrances and exits of Tin Yat Station in due course;
- (e) since late April 2013, TWGHs had started posting promotional posters at some of the housing estates in the district. It was considering extending the promotion to other housing estates in TSW. The poster contained the latest shopping discounts and offers as well as public transport information of the Bazaar. TWGHs would advertise the Bazaar on buses and through promotional videos to be broadcast inside the buses in July and August, and would consider renting advertising lightboxes at locations with high pedestrian flow. Upon completion of the drainage improvement works, TWGHs would launch low-price promotions for selected products and invite the media to report on the specialty stalls, products and activities of the Bazaar;
- (f) over the years, there had been complaints from residents about the noise and environmental hygiene problems caused by the hawking activities in the Morning Bazaar along the TSW Nullah. The establishment of Tin Sau Bazaar served to, among others, provide an alternative and proper location for the operators and shoppers; and
- (g) as the project proponent, TWGHs was responsible for the operation and day-to-day management of Tin Sau Bazaar. Nevertheless, YLDO would provide TWGHs with appropriate assistance, particularly in its liaison with other government departments, for the improvement of the operating environment of the Bazaar.

*(Members agreed to extend the meeting by 30 minutes.)*

## Discussion

### *Objective and positioning of Tin Sau Bazaar*

64. Mr CHEUNG Kwok-che and Mr LEE Cheuk-yan considered that the crux of the problem lay in the question of whether Tin Sau Bazaar had a clear objective and positioning. Should the Government aim at addressing the needs of local residents for more shopping choices and keeping down the prices of daily necessities, it was of utmost importance for TWGHs to introduce fish stalls and meat stalls in the Bazaar to attract TSW residents to visit the Bazaar. To attract patronage from other districts, the Government should step up publicity efforts and promote the Bazaar as a local tourist spot.

65. Mr LEUNG Che-cheung said that Tin Sau Bazaar was a pilot scheme and in considering the need for setting up bazaars in other districts, the unique circumstances of individual districts should be taken into account. Tin Sau Bazaar should not be taken as a substitute for the Morning Bazaar along the TSW Nullah. As the Chairman of YLDC, he said that YLDC had agreed to allocate funding for the launching of a publicity campaign on Tin Sau Bazaar, so as to support its long-term development.

66. Mr Michael TIEN was of the view that the success of Tin Sau Bazaar hinged on the question of whether a reasonable balance and a good tenant mix was achieved to meet the diverse consumer demand. In his view, while it should comprise dry goods and services/gifts stalls as well as special stalls, Tin Sau Bazaar should position itself towards an open-air market, with adequate number of stalls selling fish, fresh meat, vegetables and daily necessities at low prices, in order to attract more customers.

67. In response, SHA and DHA made the following points -

- (a) Tin Sau Bazaar was not meant to replace the Morning Bazaar along the TSW Nullah. FEHD conducted inspections and took law enforcement actions there against hawkers who contravened the relevant regulations, if and where required;
- (b) the objective of Tin Sau Bazaar was to provide more shopping choices for local residents, develop the local economy and create local employment. To this end, the Bazaar was divided into several zones, each of which comprising stalls selling specific types of goods, including the dry goods zone, wet goods zone, services/gifts zone and special stalls zone;
- (c) given its importance to providing more shopping choices for



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local residents and developing local economy, the Government and TWGHs would put in every effort to make the Bazaar a success; and

- (d) as explained earlier, the Government had provided assistance to TWGHs on various fronts in order to improve the venue facilities and operating environment of the Bazaar.

68. The Chairman said that he had visited Tin Sau Bazaar earlier and considered that there was room for improvement in the patronage of the Bazaar and its attractiveness to customers living in TSW and other districts. He was concerned that TWGHs might not have much experience in the operation and management of a bazaar, which might in turn affect the effectiveness of its enhancement measures.

*Support and assistance for stall operators*

69. Noting that over 60% of the stall operators were underprivileged individuals with low income or on Comprehensive Social Security Assistance, Mr CHEUNG Kwok-che considered it necessary for the Government and TWGHs to render more support to the stall operators, for example, by gathering information on suppliers who might provide discounts, accept small orders and offer delivery service in order to lower the operating costs of the stall operators.

70. SHA responded that TWGHs and the Government had been closely monitoring the operation of Tin Sau Bazaar, and had been listening to the requests and views of stall operators, DC members and other stakeholders. While views were collected through regular liaison meetings with the stall operators, TWGHs' staff, including social worker stationed at the Bazaar, would listen to opinions and provide the stall operators with assistance.

71. Dr Fernando CHEUNG said that given the many problems associated with the site selection and venue facilities of Tin Sau Bazaar, the project was doomed to fail. He asked whether representatives of stall operators would be enlisted in the proposed Advisory Committee on the Management of Tin Sau Bazaar.

72. CSS/TWGHs advised that TWGHs would set up the Advisory Committee on the Management of Tin Sau Bazaar, comprising the representatives of stall operators and other stakeholders, including Government and YLDC representatives. The committee would serve as a platform for thorough discussions on the management and long-term development of the Bazaar as well as its continuous improvement.

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73. Members, including Dr Fernando CHEUNG, Mr LEE Cheuk-yan and Miss Alice MAK, enquired whether consideration would be given to the construction of a canopy or a roof cover, to provide the stalls with sun-shading. DHA explained that the design concept of Tin Sau Bazaar was to allow outdoor market stalls to operate under a short-term tenancy of not more than five years. The Bazaar, which adopted an open layout with standalone stalls of different sizes, was equipped with basic facilities. The construction of a canopy or a roof cover might not be compatible with the above design concept. DHA further advised that for sun-shading purpose, the Architectural Services Department had provided an awning for each stall. To comply with fire safety requirements, the awning was installed independently at each stall and could not be connected with one another. To improve the shading in the Bazaar, TWGHs had installed 13 large sun umbrellas near the benches on site since early April 2013 and provided 30 smaller and movable ones in early June. TWGHs was considering erecting fixed sun umbrellas at locations with intense sun exposure and further improving the awnings at the stalls in order to enlarge the shaded areas. Furthermore, TWGHs would procure large outdoor fans in late June to improve the comfort of shoppers in summer.

74. Mr Tony TSE hoped that the Administration and TWGHs would take note of the views expressed by Members and deputations and follow up the requests of stall operators for the continuous improvement of Tin Sau Bazaar. He strongly recommended the Administration and TWGHs to adopt a flexible and open-minded approach in pursuing the project.

75. Mr CHAN Chi-chuen concurred with deputations that HAD should take up an active role in monitoring the operation and ensuring the continual enhancement of Tin Sau Bazaar. He asked whether the Administration would follow up the suggestions made by some deputations, particularly in respect of publicity to promote the Bazaar.

76. In response, DHA emphasized that it was the Government's objective to get Tin Sau Bazaar established, and operate it successfully. With the completion of improvement works and implementation of measures to enhance the operating environment of the Bazaar, it was believed that more visitors would be attracted to the Bazaar.

*Policy on hawking and bazaar economic activities*

77. The Deputy Chairman was of the view that the success or otherwise of Tin Sau Bazaar hinged on the monitoring and co-ordination works of HAD. Given that the Bazaar was a pilot scheme, he hoped that the Administration would consolidate the experience gained from the operation of Tin Sau

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Bazaar and formulate a long-term policy on the development of local community economy bazaars, before considering the need for extending the current project in TSW to other districts, such as Wan Chai, Tung Chung and Sham Shui Po. Dr Fernando CHEUNG and Mr TANG Ka-piu were concerned whether the Administration would set up open bazaars in other districts. They urged the Administration to come up with a comprehensive policy on hawking and bazaar economic activities.

78. DHA responded that the initiative to set up a district open bazaar in TSW was a specific measure aiming at addressing the specific needs of residents in TSW. The Administration would consider the need for setting up bazaars in other districts on a case-by-case basis having regard to the availability of general consensus within the community concerned, the experience gained in operating Tin Sau Bazaar in TSW and the unique circumstances of individual districts. It would be necessary to look into a host of factors including the local demand, whether a suitable site was available, and the assessment of the impact on the surrounding environment and traffic as well as environmental hygiene and management issues.

79. Mr LEUNG Che-cheung considered that the Government should consult and solicit the support of the relevant DCs on the proposed establishment of open bazaars, if it came up with any plan for the extension of open bazaars to other districts. Expressing similar views, Miss Alice MAK emphasized the importance of consulting DCs on the site selection and operation mode of open bazaars. She said that she could not agree with the Administration that the project site of Tin Sau Bazaar was suitable for setting up an open bazaar.

Admin

80. In concluding the discussion, the Chairman requested the Administration to provide a consolidated written response to the views expressed by Members and deputations at the meeting.

81. There being no other business, the meeting ended at 12:02 pm.