

# **立法會**

## ***Legislative Council***

LC Paper No. CB(2)1717/13-14

(These minutes have been seen  
by the Administration)

Ref : CB2/PL/HA

### **Panel on Home Affairs**

#### **Minutes of meeting held on Monday, 17 February 2014, 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 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 Frankie YICK Chi-ming  
Hon WU Chi-wai, MH  
Hon YIU Si-wing  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon IP Kin-yuen  
Dr Hon CHIANG Lai-wan, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen

**Member attending** : Hon WONG Kwok-hing, BBS, MH

**Members absent** : Hon Alice MAK Mei-kuen, JP  
Dr Hon Helena WONG Pik-wan

**Public Officers : Item IV**  
**attending**

The Administration

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

Mr Raymond YOUNG, JP  
Permanent Secretary for Home Affairs

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

Item V

The Administration

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

Ms Gracie FOO, JP  
Deputy Secretary for Home Affairs (1)

Mrs Susanne WONG  
Principal Assistant Secretary for Home Affairs  
(Civic Affairs) 3

Mr Franco KWOK, JP  
Assistant Director of Home Affairs (4)

Item VI

The Administration

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

Ms Gracie FOO, JP  
Deputy Secretary for Home Affairs (1)

Mrs Susanne WONG  
Principal Assistant Secretary for Home Affairs  
(Civic Affairs) 3

The Board of Management of the Chinese Permanent Cemeteries

Ms Brenda LO  
Executive Director

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

**Staff in attendance** : Mr Bonny LOO  
Assistant Legal Adviser 3

Miss Josephine SO  
Senior Council Secretary (2) 6

Mr Richard WONG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Confirmation of minutes**  
(LC Paper No. CB(2)837/13-14)

The minutes of the meeting held on 13 December 2013 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)751/13-14(01), CB(2)866/13-14(01) and CB(2)868/13-14(01) and (02))

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

- (a) Referral memorandum from Legislative Council ("LegCo") Members' meeting with Northern District Council members on 27 June 2013 concerning the provision of community facilities and performing arts venues;
- (b) Administration's progress report on the outstanding leisure and cultural services projects of the former Municipal Councils; and

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- (c) Letters dated 11 and 12 February 2014 respectively from Dr Hon Kenneth CHAN and Hon CHAN Chi-chuen regarding the composition of the Hong Kong, China Delegation to the Sochi 22<sup>nd</sup> Olympic Winter Games ("OWG") and the support to the athlete participating in the Games.

3. Regarding the issues raised by the Deputy Chairman and Mr CHAN Chi-chuen in their letters as referred to in paragraph 2(c) above, the Chairman suggested that the Administration should first be requested to provide a written response, such that the Panel might consider at a later time whether and how the matter should be followed up. Members agreed.

4. The Deputy Chairman stressed that the matter concerned not only OWG held in Sochi but also the overall sports policy of Hong Kong. In his view, the Panel would need to examine, inter alia, issues relating to the institutional structure of and the mechanism for monitoring the operation of various National Sports Associations as well as the Sports Federation & Olympic Committee of Hong Kong, China. The Deputy Chairman further said that the Research Office of the LegCo Secretariat should be invited to conduct a study on the experience of overseas places in this regard.

5. Mr CHAN Chi-chuen said that pending the Administration's response, the Government might need to review its sports policy objectives to ascertain whether the existing broad policy objectives for sports development, which encompassed (a) promoting sport in the community, (b) supporting elite sport and (c) making Hong Kong a centre for major international sports events, should continue to prevail.

6. The Chairman said that should members consider it necessary to discuss the matter after receipt of the Administration's response, the subject might be subsumed under the discussion item "Sports policy" which had already been included in the Panel's list of outstanding items for discussion (i.e. item 16 of LC Paper No. CB(2)841/13-14(01)).

### **III. Date of next meeting and items for discussion** (LC Paper Nos. CB(2)841/13-14(01) and (02))

7. Members agreed to discuss the following two items at the next regular meeting scheduled for Friday, 21 March 2014, at 8:30 am -

- (a) Government's youth development policy; and
- (b) Shop front extension.

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(*Post-meeting note:* To avoid clashing with the anticipated continuation of the Council meeting commencing on 19 March 2014, with the concurrence of the Chairman, the meeting originally scheduled for 21 March 2014 was subsequently rescheduled to Monday, 24 March 2014, at 8:30 am.)

**IV. Further discussion on the planning of the Multi-purpose Sports Complex and related staffing proposal**

(LC Paper Nos. CB(2)841/13-14(03) & (04) and CB(2)606/13-14(03))

8. At the invitation of the Chairman, Secretary for Home Affairs ("SHA") briefed Members on issues related to the Administration's planning of the Kai Tak Multi-purpose Sports Complex ("MPSC") and sought Members' views on the proposed establishment of a dedicated unit in the Home Affairs Bureau ("HAB") to take forward the implementation of the MPSC project, details of which were set out in the Administration's paper.

9. As the item involved a funding proposal, the Chairman reminded Members that in accordance with Rule 83A of the Rules of Procedure, they should disclose the nature of any direct or indirect pecuniary interests before they spoke.

Project scope and facilities

10. Whilst welcoming and supporting the development of MPSC, Mr WONG Kwok-hing expressed concern as to whether the project scope and facilities presently proposed for MPSC could align with the Government's sports policy and objectives, particularly in respect of the provision of world-class facilities for hosting major international sports events.

11. Mr WU Chi-wai was concerned about whether and how the development of MPSC would meet the Government's policy objectives for sports development which encompassed (a) promoting sport in the community, (b) supporting elite sport and (c) making Hong Kong a centre for hosting major international sports events.

12. In response, SHA advised that the project scope was based on the design for venues for staging international sports events, with the provision of a 50 000-seat main stadium to be complemented by the construction of a secondary stadium for athletics training/warm up. By providing new venues suitable for hosting major local and international sports events and high-quality sports facilities that would help alleviate Hong Kong's shortage of public sports facilities, MPSC would directly and significantly contribute

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to the realization of the Government's policy objectives for sports development.

13. The Chairman said that the sports sector had high expectations on the proposed MPSC at Kai Tak. He enquired whether the current design of the project could be further fine-tuned to better address the needs of the sports sector and the public, and whether consideration would be given to providing therein venue support for more types of sports, such as ice sports, tenpin bowling, swimming and water sports.

14. Noting that the provision of MPSC sought to, among others, address the expected shortfall of public sports facilities in East Kowloon by 2021, Mr LEUNG Che-cheung and Ms Claudia MO expressed concern about the Administration's public consultation work on the proposed scope of MPSC, in particular that with the relevant district communities.

15. In response, Permanent Secretary for Home Affairs ("PSHA") made the following points -

- (a) in recent months, the Administration had consulted the relevant District Councils ("DCs"), including the Kowloon City, Kwun Tong and Wong Tai Sin DCs, as well as the Harbourfront Commission's Task Force on Kai Tak Harbourfront Development, various sports associations and representatives of the sports sector on the proposed scope of MPSC. They all supported the project and strongly requested its early implementation. The Administration also reported regularly to the Sports Commission on the progress, and the Commission had offered advice on the project;
- (b) while the provision of an indoor sports centre in MPSC was intended to address the expected shortfall of three sports centres in East Kowloon by 2021, it did not preclude the Administration from planning additional facilities to cater for future needs;
- (c) it was impracticable for the Administration to come up with a project design which covered facilities for practising/hosting all forms of sports activities/events. The Administration had carefully considered the provision of a swimming pool in MPSC. As there were already several swimming facilities in East Kowloon (including the newly renovated Kwun Tong Swimming Pool, swimming pool complexes at Kowloon Tsai and Morse Park, and indoor facilities at Hammer Hill Road and Lam Tin), the Administration did not see any justification for the additional expenditure that would be required to include a swimming pool in MPSC; and

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- (d) MPSC would be designed with a view to maximizing the use of the complex for a variety of sports. While the commercial space could be used to accommodate other sports activities such as tenpin bowling, the Administration would examine the feasibility of providing an ice rink of international standard in MPSC as the project was still at its planning stage. The Administration would invite bids for the design and construction of MPSC upon finalizing the scope of the project.

16. The Chairman held the view that to achieve greater community gain and to enhance the commercial viability of MPSC, the Administration should maximize the land use potential of the site. He hoped that the Administration would adopt a "sports come first" operational mode with a view to making MPSC a base for supporting the diversified and sustained development of sports. The facilities and venues in MPSC, including the proposed 31 500 square metres of commercial space, should be flexibly designed to ensure that they were technically viable for accommodating different forms of sports.

17. SHA assured Members that upon the commissioning of MPSC, priority would be given to hosting sports events. Regarding the scope and design, PSHA said that the Administration was still considering whether to procure the project through a design-build-operate ("DBO") contract or design-and-build plus separate operating contracts. As it was the aim of the Administration to ensure that the design of MPSC was in tune with the Government's policy objectives for sports development, the contractors engaged for the design and construction of MPSC would be required to maximize flexible use of the complex for a variety of sports.

Planning and financing of MPSC

18. Mr Tony TSE and Mr LEUNG Che-cheung expressed support for the early development of MPSC and the proposed establishment of a dedicated unit in HAB to take forward the implementation of the project. Noting that the DBO approach was identified as the preferred procurement option for MPSC, Mr TSE said that his sector had grave reservation about the viability of the DBO approach for mega works projects of a scale as large as MPSC, having regard to the many problems associated with the approach, citing, for example, the difficulty in monitoring the project cost and the high risk of cost overruns. He called on the Administration to review its decision, and suggested that the MPSC project be split into smaller works projects for which separate tenders be invited. In doing so, the Administration would be able to exercise better cost control in taking forward the project.

19. Given the Administration's unsuccessful experience in monitoring private sector's management of world-class venues, specifically, the Hong Kong Stadium ("HKS"), Mr WONG Kwok-hing expressed reservation about

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the proposed involvement of the private sector in the long-term operation of MPSC. He cautioned the Administration against repeating past mistakes and hoped that it would spare no efforts in ensuring the effective management and operation of MPSC.

20. In response, SHA advised that -

- (a) in the light of the feedbacks from the non-binding expressions of interest exercise and the findings of the consultancy study on the potential procurement and financing options for MPSC, the Administration had concluded that construction of MPSC should be funded through the Public Works Programme and the private sector be involved in the long-term operation of the complex. This approach would allow the Administration to harness the expertise and creativity of the private sector, whilst also offering the greatest certainty in terms of ensuring the project outcome and its consistency with the Government's policy objectives for sports development;
- (b) when engaging a private sector operator to run the complex, the Administration would enter into a contractual arrangement that allowed the Administration to exercise appropriate controls on the monitoring of service quality. The arrangement should create incentives for the operator to run MPSC as a lively and attractive venue which would allow easy public access to sports and other facilities therein provided, whilst also catering for a programme of regular world-class sports and entertainment events; and
- (c) the dedicated unit to be established in HAB would be responsible for the detailed planning and development of the MPSC project, including the implementation of a procurement plan. The Government would be very cautious to avoid "over-building" or "under-building" the complex.

21. Mr YIU Si-wing and Mr Frankie YICK expressed concern about the usage rate of MPSC after commissioning. Noting from paragraph 18 of the Administration's paper that major stadia elsewhere in the world typically hosted 20 to 30 major event days per year, with average attendances ranging from 50% to over 70%, Mr YIU asked whether the Administration had estimated the future usage rate and average attendance of the key facilities and venues in MPSC, including the 50 000-seat main stadium, the 5 000-seat public sports ground and the 4 000-seat indoor sports centre. In his view, it was incumbent upon the Administration to make accurate projections on the financial performance of MPSC in order to justify its development. Referring to Annex IV to the Administration's paper which showed the number and



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profile of events held in HKS in the 2012-2013 sports season, Mr CHAN Chi-chuen raised a similar question on the estimated usage and attendance of the proposed facilities and venues to be provided in MPSC.

22. The Chairman, Mr CHAN Chi-chuen and Mr WU Chi-wai considered it important for the Administration to maximize the use of the MPSC facilities to ensure that the complex facilities offered value for money. The Chairman expressed concern about the public access to MPSC. Mr WU also enquired about the estimated number of world-class sports or large-scale entertainment events that would in future be channelled to the 50 000-seat main stadium from other existing venues, such as HKS or the Hong Kong Coliseum. Ms Claudia MO was worried that the project might turn out to be a "white elephant" if the Government failed to maximize the use of facilities provided therein.

23. SHA responded that to help ensure the long-term viability of MPSC, the proposed new dedicated team in HAB would carry out detailed studies and draw reference from the experience of other countries which had undertaken projects of a similar scale, before finalizing the detailed financial model for the procurement and financing of MPSC. During the process, the team would make projections for the usage rates and attendances of facilities and venues to be provided in MPSC. A more accurate estimate for the project could only be obtained after the Government had issued the tender for the project and received fee proposals from the market.

24. SHA and PSHA further advised that the Government's intention was that the public should have easy access to MPSC and that the public sports facilities therein be available for use at charges comparable to those for facilities run by the Leisure and Cultural Services Department. The Administration expected that these public sports facilities would be well-utilized, in view of the high usage rates of sports facilities in East Kowloon and Hong Kong as a whole. It was also the aim of the Government that the design of the 50 000-seat stadium would, as compared with HKS, allow for a greater range of events to be held, given the new Stadium's relative edge in areas such as spectator capacity and services; back-up services for media, sponsorship and corporate entertainment; and flexibility in the Stadium's facilities. While priority would be given to hosting sports events, there was scope for large-scale entertainment events (such as stadium pop concerts) and exhibitions to be held at the venue.

25. Mr Frankie YICK surmised that the consultant commissioned by the Administration had conducted detailed financial analyses of the cost of developing and running MPSC, in assessing various forms of procurement and financing options for the project. He hoped that the Administration would share with Members the consultant's analyses on the projected operating revenue, operating cost, operating profit and operating margins of

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MPSC upon its commissioning. PSHA advised that according to the consultant's preliminary assessment, the MPSC project should be able to yield a positive investment return. He undertook to provide the relevant information after the meeting.

26. In response to Ms Claudia MO's enquiry about the implementation timetable, Deputy Secretary for Home Affairs (2) ("DSHA(2)") said that the Administration planned to seek funding approval respectively from the Public Works Subcommittee ("PWSC") and the Establishment Subcommittee ("ESC") (as appropriate) as well as the Finance Committee for commencing the pre-construction works for MPSC and the creation of the proposed supernumerary Administrative Officer Staff Grade C ("AOSGC") post in HAB. Subject to funding approval, the Administration would commence the pre-construction works in 2014 for completion in 2016 and, at the same time, proceed with the detailed planning and design of the MPSC project. The Administration's intention was to invite bids for the design and construction of MPSC in 2015, take a decision on the procurement and financing plan within the next two years and kick-start the full construction of MPSC in 2016. Given the scale of the project, the construction time required was about 42 months and the Administration expected that the project would be substantially completed by 2019-2020.

27. In response to the Chairman, PSHA said that the Administration would set up a task force, with representatives of HAB and the sports sector as members, to conduct the tender evaluation for the MPSC project.

Proposed creation of a supernumerary AOSGC post

28. Mr WU Chi-wai asked whether the other seven AOSGCs responsible for different policy areas in HAB could absorb the responsibilities of the proposed AOSGC post, designated as Principal Assistant Secretary (Recreation and Sport) 2 ("PAS(RS)2").

29. PSHA explained that the existing seven AOSGCs in HAB were currently working on a wide range of policy issues. It was operationally not feasible for them to take up the tasks of the proposed PAS(RS)2 post without adversely affecting the performance of their duties. This apart, a dedicated AOSGC officer was needed to provide focused policy steer and work in collaboration with different parties for the timely planning and implementation of the MPSC project as well as the comprehensive review of the policy on Private Recreational Leases.

30. In reply to Mr WU Chi-wai's further enquiry on whether PAS(RS)2 would be assigned the duty to carry out a sports policy review, SHA and PSHA replied that matters relating to sports policy would continue to be the responsibilities of DSHA(2), the incumbent PAS(RS) as well as other serving

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officers in HAB's Recreation & Sport Branch. PSHA further said that the Administration would review from time to time its policy for sports development, with a view to keeping up with the times.

Other issues discussed

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31. Stressing the importance of effective crowd control, Mr Frankie YICK sought information on mass transportation systems under planning or construction to facilitate crowd dispersal after the holding of major sports events or large-scale entertainment events in MPSC's 50 000-seat main stadium, and the estimated time required for the crowd dispersal. PSHA advised that as MPSC would be connected to two stations of the Shatin to Central Link under construction, the Administration did not see any particular problem with the expeditious dispersal of crowd after the holding of large-scale events in the main stadium. Mr YICK requested the Administration to provide, in writing, more detailed information in this respect.

32. Mr WU Chi-wai asked whether the Administration would consider using the proposed development of MPSC as a catalyst to push forward a reform of the sports sector, in areas including the formulation of sports policy, the provision of sports services and the governance of various national sports associations. SHA responded that the development of MPSC at Kai Tak was identified as a key development component in the Kai Tak Planning Review. MPSC would be a key asset for the Government to achieve its three-fold policy objectives for sports development.

Conclusion

33. Mr WU Chi-wai said that he generally supported the proposals but hoped that the Administration could provide a detailed account of how it would take forward its work in respect of sports policy review in its funding submission to LegCo.

34. The Chairman said that a motion to be moved by him on "Evaluating the effectiveness of the policy on 'promoting sports in the community, supporting elite sports and developing Hong Kong into a prime destination for hosting major international sports events' and formulating a long-term sports policy" had been scheduled for the Council meeting of 19 February 2014. This apart, the item "Sports policy", which was already on the Panel's list of outstanding items for discussion, would be discussed at a future meeting of the Panel.

35. There being no other questions from Members, the Chairman concluded that members had no objection to the Administration's submission of the funding proposals to PWSC and ESC for consideration.

**V. Licensing control of Internet cafés**

(LC Paper Nos. CB(2)841/13-14(05) & (06) and CB(2)883/13-14(01))

36. At the invitation of the Chairman, SHA briefed Members on the Administration's proposed regulatory arrangements for Internet Computer Services Centres ("ICSCs") (commonly known as "cyber cafés") and other places of entertainment within the ambit of the Amusement Game Centres Ordinance ("AGCO") (Cap. 435) for the purpose of ensuring public safety, details of which were set out in the Administration's paper.

Proposed regulatory control over ICSCs

37. Pointing out that there were repeated calls for a regulatory regime for ICSCs since 2002, Mr WONG Kwok-hing criticized the Administration for having adopted administrative regulation by way of a "Code of Practice for Internet Computer Services Centers Operators" ("the Code") for some 10 years and for having procrastinated in formulating a regulatory framework for ICSCs. Noting that the Administration proposed exempting establishments equipped with five or less computers from the licensing regime and allowing a transitional period of 18 months before the proposed licensing conditions came into effect, Mr WONG queried the propriety of such arrangements which, in his view, might affect or lessen the protection afforded to the people of Hong Kong, in particular youth and children. He said that youth and children might have easy access to pornographic materials through patronizing ICSCs or other establishments with Internet services which were exempted from applying for an ICSC licence. Sharing a similar concern, Mr WU Chi-wai considered it necessary for the Administration to require business establishments offering free internet services to install in their computers filtering device against pornography.

38. In response, SHA advised that -

- (a) after the introduction of the Code in 2003 for voluntary compliance by ICSC operators, the Administration had gauged the views of the stakeholders on whether regulation of ICSCs should be enhanced and if so, in what aspects, to what extent and by what means;
- (b) while respondents generally agreed that an ICSC *per se* was not a business which should be discouraged, there was broad support for the Government to enhance regulation of ICSCs for public safety. Some respondents from the trade, however, did not see the need for any enhanced regulatory measures as they might entail compliance costs, thereby driving small-scale ICSC operators out of business;

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- (c) noting the diverse mode of operation of ICSCs and the fast developing information technologies, there was general consensus that regardless of the details of the enhanced regulatory regime, certain establishments such as food premises, business centres of hotels, computer centres of public libraries and community cyber centres run by non-profit-making bodies (especially youth organizations) should not be regarded and regulated as ICSCs just because they offered access to Internet through computer devices or other wireless means. In many cases, such access was normally ancillary to their main businesses/operations. These premises were subject to other forms of regulation applicable to them;
- (d) strictly on the basis of the incidents of crime and other major safety infringements recorded so far, the problems associated with ICSCs had not been particularly serious. Besides, there was a downward trend in the number of ICSC establishments, recording a decrease from about 300 premises in 2002 to about 100 in late 2013; and
- (e) taking the above into account, the Administration considered that regulation of ICSCs for building and fire safety were still necessary and the regulatory requirements should give due consideration to the operational needs of ICSCs. As AGCO was the relevant licensing regime to protect public safety for this type of premises, the Administration proposed the regulation of ICSCs under the existing regime.

39. Ms Cyd HO held the view that the Administration should restrict access to pornographic materials on the Internet, regardless of whether the establishment concerned was subject to the proposed licensing regime. SHA responded that he noted that the suggestions of Members were about the content of materials on the Internet. This went beyond the regulatory control over places of entertainment that fell under HAB's purview.

40. The Chairman and Mr LEUNG Che-cheung both pointed out that the proposed exemption which limited the installation of computers in any establishments to five or less computers might affect the business operation of lounges within the airport or large-scale licensed food premises such as pubs/bars and restaurants, as these premises might have been equipped with computers in excess of the prescribed limit. The Chairman enquired how the Administration would strike a balance between the regulation of ICSCs whose primary service was to provide computers and related facilities for access to Internet and the need to avoid affecting adversely those business operations whose major businesses were not the provision of Internet services.

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41. Deputy Secretary for Home Affairs (1) ("DSHA(1)") responded that as Internet facilities had become more and more popular, some food premises, lounges provided by airline companies within the airport and clubhouses in private residential estates also provided a few sets of computers or wireless Internet connection services to enable their clients to gain access to the Internet. Since the scale of problems, real or perceived, associated with these establishments was relatively small and their safety was already subject to regulation under other ordinances, it was not the Administration's intention to subject these establishments to the proposed regulatory regime for ICSCs. It was therefore suggested that exemption be provided for establishments that were equipped with five or less computers, or premises whose major businesses were not the provision of Internet services.

42. Mr CHEUNG Kwok-che wondered whether it was due to the availability of on-line games having pornographic, violent or gambling content that enticed the public to patronize ICSCs. Pointing out that the popularity of ICSCs among young people might subject them to the risk of possible triad activities at ICSCs, he and Mr WU Chi-wai expressed concern over the Administration's decision of excluding the most stringent requirements that applied to conventional Amusement Game Centres ("AGCs") for ICSCs, including requiring an AGC to operate either as an adult AGC (where only people aged 16 or above were allowed to enter) or a children AGC (where only people under the age of 16 were allowed to enter) only. Mr WU was worried that it would create a loophole in regulating ICSCs. He, however, saw the merits of bringing ICSCs under regulatory control, as it could help reduce the number of ICSC establishments in residential buildings and thereby the nuisance caused to the neighbourhood.

43. DSHA(1) responded that the Administration proposed that the licensing conditions should be developed on the basis of the existing voluntary-based Code which provided for regulatory requirements on building and fire safety. It also included requirements about the restriction of access by people under the age of 16 at specified hours, using only properly licensed software and installation of filtering device against pornography, etc. Such requirements should be able to address the public concern over the possible negative impact of ICSCs on young people. SHA said that the Administration proposed to exempt ICSCs from the application of the stringent requirements of AGCO that applied to conventional AGCs, having regard to the difference in the nature of business and the mode of operation between ICSCs and AGCs.

44. In response to Mr IP Kin-yuen's enquiry on whether the Administration had conducted any study on ICSCs' mode of operation to ascertain the needs that they were to serve, SHA said that while there was at present no specific statutory licensing scheme for ICSCs, they were generally referred to premises providing computers and related facilities for customers' access to

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the Internet. The mode of operation and the types of services provided by these establishments were very diverse. Some provided communication facilities, some provided online games and some allowed browsing of news on the Internet. The Administration acknowledged the strong demand for ICSCs as places for social gathering or entertainment, especially for employees on shift work who would patronize ICSCs beyond normal office hours.

45. Mr LEUNG Che-cheung doubted whether there was urgency in bringing ICSCs under regulatory control, given the declining trend in the number of ICSCs over the last decade. In view of the gambling opportunities available in Electronic Darting Centres ("EDCs"), he questioned whether the Administration might consider regulating EDCs under the Gambling Ordinance (Cap. 148).

46. SHA noted that places of entertainment should be subject to existing regulatory control. DSHA(1) supplemented that other places of entertainment, depending on their nature, were covered by their respective ordinances including AGCO and the Gambling Ordinance. She quoted the family amusement centres ("FACs"), which targetted at families, as an example. There were about 80 of them in Hong Kong. As these centres gave out prizes, they were regulated through an Amusement with Prizes Licence ("AWPL") under the Gambling Ordinance to facilitate enforcement against illegal gambling.

47. Mr Tony TSE envisaged that for "mechanical" game machines installed in FACs, they would be phased out over time and substituted by "electronic" ones in the end. He was concerned whether the Administration's regulation on "amusement game centres", including conventional AGCs, ICSCs, EDCs as well as FACs, was able to cope with such developments.

48. SHA advised that currently, only "mechanical" game machines were allowed to be installed in FACs, meaning that those commonly known as "electronic amusement game machines" were not allowed. As a result, FACs were now differentiated from conventional AGCs. Since a Places of Public Entertainment Licence was a pre-requisite for the granting of AWPL, FACs had to comply with the relevant fire and other safety requirements. The Administration thus considered that FACs should continue to be regulated under AWPL and all premises with valid AWPL (almost all were FACs) be exempted from AGCO. SHA further said that with the advancement of electronic entertainment technologies, the Administration appreciated that only allowing mechanical games in FACs would significantly affect the competitiveness of the trade. It therefore proposed a slight relaxation for allowing FACs to install a small number (the upper limit was 10% of the total number of game devices installed therein) of non-mechanical non-prize-giving games approved by the Office of the Licensing Authority

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for persons under 16.

Law enforcement work against ICSCs

49. Expressing concern about possible crimes associated with ICSCs, Mr CHEUNG Kwok-che sought information on law enforcement actions taken against criminal activities in ICSCs over the past three years, including the numbers of inspections conducted and criminal activities identified. Sharing a similar concern about the possibility of ICSCs becoming hotbeds of vice activities and breeding grounds of youth problems, Mr IP Kin-yuen asked about the law enforcement effort being contemplated by the relevant authorities, e.g. the Police, to ensure ICSCs' compliance with the future licensing requirements.

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50. DSHA(1) responded that for the purposes of ensuring public order and crime prevention, the Police conducted general inspections on ICSC premises. While she did not have the information requested by Mr CHEUNG Kwok-che at hand, it should be noted that the overall crime situation in ICSCs was not serious (mostly related to miscellaneous theft). DSHA(1) undertook to revert to the Panel if more detailed information was available from the Police.

51. DSHA(1) added that the proposed regulation of ICSCs under AGCO would give the necessary legal basis for enforcement to ensure compliance with safety requirements. Details of the law enforcement work upon the implementation of the licensing scheme for ICSCs would be drawn up in consultation with the relevant departments.

**VI. Amendments to the Chinese Permanent Cemeteries Ordinance and Chinese Permanent Cemeteries Rules**

(LC Paper Nos. CB(2)841/13-14(07) and (08))

52. At the invitation of the Chairman, SHA briefed Members on the proposed amendments to the relevant provisions of the Chinese Permanent Cemeteries Ordinance (Cap. 1112) ("the Ordinance") and the Chinese Permanent Cemeteries Rules (Cap. 1112 sub. leg. A) ("the Rules") for the purpose of relaxing the restrictions in relation to the use of grave spaces and family niches in the Chinese Permanent Cemeteries ("CPC"), as set out in the Administration's paper.

Proposed amendments to Cap. 1112 and Cap. 1112 sub. leg. A

53. Mr WU Chi-wai said that while he in principle supported the proposed amendments, he noted that Rule 21A(4) of the Rules provided that each family niche might be used for the deposit of up to four sets of cremated



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human ashes. He opined that to better utilize the land of CPC and to allow more flexibility for family users, consideration should be given to relaxing the above restriction. Echoing his view, Ms Cyd HO said that it was a green measure worth exploring and encouraging.

54. Mr CHEUNG Kwok-che said that while he did not object to relaxing the restriction, it was necessary to specify a limit on the sets of cremated human ashes that could be deposited in a family niche given that the niches might not be spacious enough to accommodate too many urns.

55. In response, SHA and DSHA(1) advised that the "maximum of four" limit was made taking into account the size of urns normally used for containing cremated ashes. The Administration noted the views of Members on relaxing the restriction and would take this into consideration. DSHA(1) further said that to tie in with the Government's efforts to encourage environmentally friendly interment, a Garden of Remembrance ("GoR") had indeed been established in 2011 at Junk Bay Cemetery for the scattering of cremated human ashes.

56. The Chairman, Mr WONG Kwok-hing, Mr LEUNG Che-cheung and Mr CHEUNG Kwok-che all welcomed and supported the proposed amendments as set out in the Administration's paper since they could provide more flexibility in using the existing grave spaces and family niches, thus contributing to the overall objective of better utilization of the valuable land resources of CPC. In Mr WONG's view, the new arrangement of allowing cremation of unclaimed human remains by the Board of Management of the Chinese Permanent Cemeteries ("the Board") needed to be supported by an accurate and thorough computer record, to facilitate future tracking of cases involving cremation of unclaimed human remains upon receipt of public enquiries.

57. In response, Executive Director of the Board advised that the Board had earlier engaged a computer service contractor to design and develop a computer programme called "All Round Cemeteries Operations Management Solution ("ARCOMS")" for the purpose. ARCOMS had recently been put to live run, and the system had proven itself highly reliable allowing centralized access to all the standalone functions of the Board that were now integrated and streamlined as well as enabling the Board's management of all activities and retrieval of such data with a great degree of accuracy.

58. Mr LEUNG Che-cheung asked about the supply of niches under the cemeteries of CPC. He was concerned whether the proposed amendments, in particular the one related to expanding the definition of "close relative", would result in diverting the public demand for cemetery/columbarium facilities from public columbaria managed by the Food and Environmental Hygiene Department ("FEHD") to the four CPC under the Board's

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management.

59. In response, Principal Assistant Secretary for Home Affairs (Civic Affairs) 3 ("PAS(CA)3") advised that the Board now managed four cemeteries with columbaria providing about 230 000 niches, all of which had been allocated apart from a few to be re-used. To cater for the increasing public demand for cemetery/columbarium facilities, FEHD had relaxed the limit in respect of the maximum sets of cremated human ashes that could be deposited in a FEHD's family type niche in early 2014.

60. Ms Cyd HO was concerned that if the relatives of the buried had migrated, they might not have the chance to see the notice published in the gazette and newspapers by the Board of its intention to cremate the disinterred and unclaimed human remains. She asked what further actions would be taken before the Board's cremation of unclaimed human remains.

61. Executive Director of the Board advised that CPC would contact the relatives of the buried who were living abroad based on the correspondence address kept in the Board's record. CPC would contact the permittee (i.e. the person to whom the Board had allocated a grave space, urn space, or niche and including the subscriber, the successor in title to the original permittee and the legal heir of the person whose remains were buried in a space) in the first place. If necessary, CPC would contact the relatives living abroad via the permittee.

62. Responding to Ms Cyd HO's further enquiry, Executive Director of the Board said that based on past data, the number of disinterred remains left unclaimed by relatives were about some 10 sets a year. If the Board was allowed to cremate the disinterred human remains six years after the expiry of the service term provided that the procedures set out in the Administration's paper had been followed, it would be left with greater flexibility and better utilization of land.

63. Noting that the proposed new arrangement to allow the Board's cremation of disinterred and unclaimed human remains would only apply to future users, Mr IP Kwok-him and Mr CHEUNG Kwok-che asked about the considerations behind the recommendation.

64. PAS(CA)3 explained that grave spaces of CPC were divided into two types, i.e. non-exhumable lots and exhumable lots. Non-exhumable lots were of a permanent nature whereas exhumable lots had a limited term until its expiry. As there were no provisions in the terms of service signed between the Board and existing users permitting the Board's cremation of disinterred human remains, it would be more prudent to apply the proposed new arrangement to future users only. The Board would sign terms of service with future users to give that effect.

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65. Responding to Mr IP Kwok-him's further enquiry, PAS(CA)3 said that at present, the Board might, upon the expiry of the term of use of the grave space, disinter the human remains after a period of six months from the date of publication of such intention. However, under the existing Ordinance, the Board was only empowered to disinter and remove skeletal human remains. Even if the Board failed to reach the relatives of the deceased for years, it could only place the disinterred remains in the free ossuary niches pending reclaim by the relatives. It was estimated that due to the accumulation over the last century, the Board would have no more ossuary niches available for such use in 10 years' time. In this connection, the Administration proposed to draw reference from the practice of FEHD for its communal graves under the Public Health and Municipal Services Ordinance (Cap. 132) to allow the Board to cremate the disinterred human remains six years after the expiry of the service term.

66. Mr WU Chi-wai asked whether a Hong Kong permanent resident was allowed to arrange the burial in CPC of the cremated ashes of a close relative who lived and died in the Mainland and if yes, the steps and procedures required. Executive Director of the Board replied that there were precedents whereby relatives' cremated ashes were returned from the Mainland and deposited in grave spaces/niches of CPC. On receipt of an application of such nature, the Board would process it if the applicant was a permittee to whom the Board had allocated a grave space, urn space or niche and could provide proof of cremation and eligibility of the deceased.

Demand and provision of cemetery/columbarium facilities

67. Mr YIU Si-wing enquired about the number of unallocated grave spaces and niches under the management of the Board, and the estimated demand and supply for such facilities in the next few years. Given the increasing public demand for columbarium facilities, he asked whether measures would be taken to encourage public acceptance of more environmentally friendly and sustainable means of handling cremains.

68. In response, Executive Director of the Board advised that -

- (a) according to Rule 11(2) of the Rules, where subscriber lots were voluntarily surrendered, the Board should reallocate the grave spaces available as ordinary lots. It was also stipulated respectively under Rules 18 and 21 that an ordinary lot or a subscriber lot/a niche in an ossuary or a columbarium or an ordinary niche which remained vacant for a period of three months after exhumation/allocation or removal of skeletal or cremated remains should revert to the Board for any further allocation which the Board might make;

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- (b) on the provision of new niches, the Board anticipated that there would be about 30 000 newly-built niches for allocation in the coming two years;
- (c) while allocation of new niches was done by balloting after the closure of open invitation, applications for re-allocated niches might be submitted at any time and would be placed on a waiting list; and
- (d) generally speaking, the public demand for columbarium facilities was great, as it often exceeded the supply by folds.

69. SHA reiterated that to address the increasing public demand for columbarium facilities, the Government, including FEHD, would continue to adopt all feasible measures to increase the supply of columbarium facilities. It would also encourage the public to use alternative means of handling cremains, such as scattering cremains in GoRs or in designated Hong Kong waters.

70. The Chairman hoped that FEHD could work in collaboration with the Board in augmenting the supply of columbarium facilities, given the increasing public demand for such facilities. In response, DSHA(1) assured Members that it had all along been the Administration's intent to make every effort to maintain close rapport with the relevant bureaux/departments in meeting the community needs for burial facilities.

Other issues raised

71. Mr WONG Kwok-hing said that in the past two years, he had been handling complaints about the traffic congestion problem along Cape Collinson Road, Chai Wan, during the Ching Ming and Chung Yeung festivals as a Duty Roster Member. As the problem remained unresolved, he took the opportunity to solicit information from the Administration on the latest developments of the issue, including whether the proposal of opening the private road in the Roman Catholic Cemetery for public use was viable and considered worth pursuing.

72. SHA and Executive Director of the Board responded that CPC was in the process of discussing the "opening-up" proposal with the Roman Catholic Cemetery. There were a number of technical issues which had to be resolved before consideration could be given to opening up the aforesaid private road for the use of the public. It was the target of both parties to come to a decision before the forthcoming Chung Yeung festival.

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73. Mr WONG Kwok-hing said that he was glad to note that the "opening-up" proposal had been favourably considered. He requested the Administration to provide in writing updated information concerning the proposal to open the private road in the Roman Catholic Cemetery near Cape Collinson Road.

74. There being no other business, the meeting ended at 11:14 am.

Council Business Division 2  
Legislative Council Secretariat  
12 June 2014