

**立法會**  
**Legislative Council**

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LC Paper No. CB(2)984/15-16  
(These minutes have been seen  
by the Administration)

**Panel on Home Affairs**

**Minutes of meeting**  
**held on Tuesday, 22 December 2015, at 8:30 am**  
**in Conference Room 2A of the Legislative Council Complex**

- Members present** : Hon Starry LEE Wai-king, JP (Chairman)  
Hon YIU Si-wing, BBS (Deputy Chairman)  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Hon IP Kwok-him, GBS, JP  
Hon Claudia MO  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon WU Chi-wai, MH  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Dr Hon Kenneth CHAN Ka-lok  
Hon CHAN Yuen-han, SBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon IP Kin-yuen  
Hon Tony TSE Wai-chuen, BBS
- Members absent** : Hon Frankie YICK Chi-ming, JP  
Hon TANG Ka-piu, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Public Officers attending** : Item III  
Mr LAU Kong-wah, JP  
Secretary for Home Affairs

Mr Laurie LO Chi-hong, JP  
Deputy Secretary for Home Affairs (1)

Mr Vincent FUNG Hao-yin  
Principal Assistant Secretary for Home Affairs (Civic  
Affairs) 1

Po Leung Kuk

Mr James CHAN Yum-min  
Chief Executive Officer

Mrs Bridget YU CHAN Wai-ping  
Principal Social Services Secretary (Family, Child  
Care, Children and Youth)

Mr Eddie LEUNG Yu-cheung  
Head of Property and Works

Item IV

Mrs Betty FUNG CHING Suk-ye, JP  
Permanent Secretary for Home Affairs

Mr Patrick LI Pak-chuen, JP  
Deputy Director of Home Affairs (1)  
Home Affairs Department

Miss Charmaine WONG Hoi-wan, JP  
Assistant Director of Home Affairs (2)  
Home Affairs Department

Ms Maisie CHAN Kit-ling  
Deputy Director of Food and Environmental Hygiene  
(Environmental Hygiene)  
Food and Environmental Hygiene Department

Mr LAM Wing-hong  
Assistant Director (Operations) 2  
Food and Environmental Hygiene Department

Mr Jacob CHEUNG Tak-keung  
Assistant Commissioner of Police (Operations)  
Hong Kong Police Force

Mr Ken YEUNG Man-pun  
Superintendent (Operations Bureau)  
Hong Kong Police Force

Ms Doris CHOW Man-yee  
Assistant Director (Estate Management)  
Lands Department

Mr YU Tak-cheung  
Assistant Director/Existing Buildings 2  
Buildings Department

Item V

Mrs Betty FUNG CHING Suk-ye, JP  
Permanent Secretary for Home Affairs

Mr YEUNG Tak-keung, JP  
Deputy Secretary for Home Affairs (2)

Ms Linda LAW Lai-tan  
Principal Assistant Secretary for Home Affairs  
(Recreation & Sport) 2

**Clerk in attendance** : Ms Joanne MAK  
Chief Council Secretary (2) 3

**Staff in attendance** : Mr Richard WONG  
Council Secretary (2) 6

Mrs Fanny TSANG  
Legislative Assistant (2) 3

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

[LC Paper Nos. CB(2)295/15-16(01), CB(2)324/15-16(01), CB(2)355/15-16(01), CB(2)405/15-16(01) and CB(2)492/15-16(01)]

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

- (a) Information paper entitled "The design and maintenance of the artificial turf football pitches under the management of the

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Leisure and Cultural Services Department ("LCSD")" provided by the Administration";

- (b) Letter dated 18 November 2015 from Ms Claudia MO;
- (c) Administration's response to the concerns raised in the letter dated 9 November 2015 from Dr Kenneth CHAN regarding the maintenance of the turf pitches under the management of LCSD;
- (d) Administration's response to the concerns raised in the letter dated 26 October 2015 from Mr TANG Ka-piu regarding the provision of public library facilities; and
- (e) Administration's response to members' concern regarding the enhancement measures of the Enhancing Self-Reliance Through District Partnership Programme.

Clerk

2. Referring to his letter in (c) above, Dr Kenneth CHAN suggested that the Panel should conduct a site visit to artificial turf and natural turf football pitches under the management of LCSD to understand the maintenance of the turf pitches. The Chairman requested the Clerk to follow up Dr CHAN's suggestion.

**II. Items for discussion at the next meeting**

[LC Paper Nos. CB(2)490/15-16(01) and (02)]

3. Members agreed to reschedule the next regular meeting from 8 January 2016 to 14 January 2016 at 4:30 pm to avoid clashing with the Council meeting of 6 January 2016 which was expected to resume on 8 January 2016.

*(Post-meeting note: with the concurrence of the Chairman, the next regular meeting was further rescheduled to Monday, 18 January 2016, at 8:30 am.)*

4. The Panel agreed to discuss the following items proposed by the Administration at the next regular meeting -

- (a) nomination of arts interests representatives for appointment to the Hong Kong Arts Development Council in 2016; and

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- (b) signature projects of Kowloon City District Council ("DC"), Eastern DC and Tai Po DC.

**III. Youth Hostel Scheme ("YHS") - Pre-construction works by Po Leung Kuk ("PLK") for the youth hostel project in Ma Tin Pok, Yuen Long**

[LC Paper Nos. CB(2)426/15-16(01) and CB(2)490/15-16(03)]

5. The Secretary for Home Affairs ("SHA") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)426/15-16(01)]. With the aid of Powerpoint, the Chief Executive Officer of PLK ("CEO of PLK") and the Principal Social Services Secretary (Family, Child Care, Children and Youth) of PLK ("PSSS of PLK") briefed members on the PLK programme on life planning and related guidance services designed for the tenants of the proposed youth hostel [Presentation materials were issued vide LC Paper No. CB(2)513/15-16(01)].

6. As the item involved a funding proposal, the Chairman drew members' attention to Rule 83A of the Rules of Procedure.

7. Mr WONG Ting-kwong declared that he was nominated by the Legislative Council ("LegCo") to serve on the PLK Advisory Board as an ex-officio member.

Discussion

*Eligibility criteria*

8. Members in general expressed support for the proposed pre-construction works for the youth hostel development by PLK in Yuen Long under the Government's YHS proposal. In reply to members' enquiries about the eligibility criteria for the youth hostel unit applications, the Deputy Secretary for Home Affairs (1) ("DSHA1") said that the target tenants of YHS were working youths (including self-employed) who were Hong Kong permanent residents aged between 18 and 30. The tenants would be subject to the income and asset limit test at the time of application, but not upon renewal of tenancy. The income level of a one-person household applicant should not exceed the 75th percentile of the monthly earnings of employed persons aged between 18 and 30 (i.e. \$17,000 in 2014), and the household income level of a two-person household applicant should not exceed twice the level of a one-person household. The total net asset of

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a one-person household and a two-person household should not exceed \$300,000 and \$600,000 respectively. The aggregate tenancy period should not exceed five years, with the first tenancy term for two years, the second one for two years, and the last one for one year. A tenant aged above 30 upon completion of his/her current tenancy would not be allowed to renew his/her tenancy. However, PLK had the discretion to make exceptional arrangements taking into consideration the circumstances of individual tenants and 5% of the youth hostel units would be reserved for such purpose.

9. Dr LAM Tai-fai expressed a strong view that to ensure fair allocation of public resources, youth hostel tenants should be subject to the income and asset limit test again when applying for renewal of tenancy. DSHA1 explained that as many young tenants should be developing their career, their income would likely increase during the tenancy period. Given there was an upper limit to the tenancy period, and that the Administration considered that young people should be allowed to fully utilize their increased income during their tenancies to accumulate savings to prepare for their future developments, it was not proposed that tenants should be subject to the income and asset limit test again when applying for renewal of tenancy.

10. Dr Fernando CHEUNG stressed that he was against the arrangement that youth hostel tenants would be required to withdraw their applications from the public rental housing upon acceptance of tenancy offered by youth hostels. Dr Kenneth CHAN also considered that such an arrangement might give rise to serious concern among low-income youths. SHA explained that as housing was a precious resource in Hong Kong, it was necessary to avoid double benefits and create unfairness to those who were not youth hostel tenants.

11. In reply to Mr CHAN Chi-chuen's enquiry, SHA said that double units of the youth hostel would be open to application by two-person households (e.g. married couples, relatives and friends). Mr WU Chi-wai, however, suggested that YHS should target at singletons for the sake of simplicity of operation and ease of management. DSHA1 explained that YHS was launched with a view to meeting the aspirations of working youths in having their own living spaces, and any young person who met the eligible criteria could apply irrespective of their marital status.

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*Rental level and disposal of surplus from hostel operation*

12. Members in general stressed that the rental level of youth hostel units should be affordable to low-income youths. CEO of PLK said that YHS required that the rental level should not exceed 60% of the market rent of flats of similar sizes in nearby areas, but for the youth hostel under discussion, to provide further help to working youths, PLK would set the rental at a level not exceeding 50% of the relevant market rent after taking reference from the rental of flats of similar sizes in the district. It was estimated that the monthly rent of a single unit would be approximately \$1,700 based on the current rental level of flats of similar sizes in Yuen Long, which should be attractive to working youths in general.

13. Mr Steven HO expressed concern as to whether the rental of youth hostel units would be driven up by increases in the management cost. CEO of PLK said that tenants would only be required to pay the rental of the youth hostel units without additional management fees. It was expected that the project would be financially sustainable.

14. Mr WONG Ting-kwong and Mr MA Fung-kwok were concerned about the disposal of the surplus from the hostel operation. DSHA1 said that PLK would be required to establish a "mandatory reserve" at a level sufficient to cover the cost of maintenance for the hostel during the lease term. With prior approval from SHA, PLK might transfer the operating surplus arising from the "mandatory reserve" to their other non-profitable uses to benefit the wider community.

*Operation and management of the youth hostel*

15. Mr IP Kwok-him and Mr Steven HO considered that the provision of career and financial planning programme would be beneficial to the personal growth of youth hostel tenants. In reply to Mr IP, CEO of PLK confirmed that there would be communal facilities in the youth hostel.

16. Mr WU Chi-wai and Mr CHAN Chi-chuen, however, expressed reservations about the need to provide the aforementioned programme in the youth hostel as it might unnecessarily add to the operating cost and given that tenants were all working adults. Dr Kenneth CHAN asked whether the participation in such programme would be on a voluntary basis and whether PLK would engage tenants' participation in the management of the youth hostel.

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17. DSHA1 advised that under the framework of YHS, participating non-governmental organizations ("NGOs") might, according to their vision and mission, freely decide whether to provide extra youth development services and if so, the content of the relevant services. PSSS of PLK added that tenants' participation in such services would be on a voluntary basis.

18. Dr LAM Tai-fai asked how the Administration would monitor the performance of PLK in the management and operation of the youth hostel. DSHA1 advised that the Administration and PLK would enter into an agreement setting out their rights and obligations. In the unlikely event that PLK seriously violated the agreement, the Administration might terminate the agreement and request PLK to repay the construction cost to the Government.

19. In reply to the Deputy Chairman's enquiry about the transport arrangement of the youth hostel, CEO of PLK said that consideration would be given to providing shuttle services for tenants during peak hours in the morning and in the evening. Head of Property and Works of PLK added that parking spaces for bicycles would be provided for tenants, while car parking spaces would be mainly reserved for visitors and staff of the hostel.

*Progress of YHS projects*

20. The Chairman said that she looked forward to the early implementation of the existing YHS projects and expansion of scale of YHS in the future. She asked why after the announcement of YHS in the 2011-2012 Policy Address, the Administration had taken more than four years to submit the first YHS works proposal to the Panel for consideration, and whether the Administration had learnt any lessons on how to expedite the progress in the future if new projects were proposed. Mr CHAN Chi-chuen expressed similar concerns and requested the Administration to provide further information in writing on the progress of the other four YHS projects.

21. SHA explained that while the Administration had endeavored to strive for early implementation of YHS, it was necessary for the Administration and participating NGOs to complete the necessary planning and technical work, as well as public consultation with the local district before submitting the proposals to LegCo. The implementation timeframe of the PLK project would also depend on when the proposal could obtain



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funding approval by LegCo. Should the PLK project, upon completion, was popular among working youths, it was likely that YHS could attract more NGOs to participate and expand in scale.

Admin 22. Summing up, the Chairman said that members raised no objection to the Administration submitting the proposal to the Public Works Subcommittee. The Chairman requested the Administration to provide the additional information requested by members as soon as possible.

*(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(2)745/15-16(01) on 26 January 2016).*

**IV. Shop front extensions ("SFE")**

[LC Paper Nos. CB(2)415/15-16(01) and CB(2)490/15-16(04)]

23. The Permanent Secretary for Home Affairs ("PSHA") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)415/15-16(01)].

Discussion

24. In reply to Mr WU Chi-wai's enquiry, PSHA said that to implement the proposed fixed penalty system, legislative amendments would be made to the title and scope of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) to include the offence under section 4A of the Summary Offences Ordinance (Cap. 228) on "obstruction of public places" as a scheduled offence for the purpose of issuing fixed penalty notice ("FPN"). As for SFE cases involving "illegal hawking" offences, the Food and Environmental Hygiene Department ("FEHD") would continue to take enforcement actions such as arrest and seizure under sections 83B, 84 and 86 of the Public Health and Municipal Services Ordinance (Cap. 132) in addition to summons action against illegal hawking.

25. Mr WU Chi-wai further asked about the consideration criteria for determining whether FPN should be served. PSHA explained that as FPN was proposed to be issued to offenders of section 4A of Cap. 228, the SFE offence that triggered the issue of FPN should meet the threshold of "obstruction of public places" as set out in section 4A of Cap. 228, i.e. setting out or leaving, or causing to be set out or left, any matter or thing

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which obstructs, inconveniences or endangers, or may obstruct, inconvenience or endanger, any person or vehicle in a public place. In this regard, enforcement officers would consider the circumstances on the ground before issuing FPN, including the width of the pavement, pedestrian flow at the time, and whether the shop operators can adduce lawful authority or excuse, etc.

26. Mr CHAN Chi-chuen enquired about the extent of community involvement in drawing up SFE "black spots" for priority enforcement actions and SFE "tolerated areas". PSHA said that as at June 2015, there were 50 SFE "black spots", which had been identified based on the number of complaints received and the outcome of regular inspections conducted by relevant departments. The list was also drawn up after consultation with DCs and/or the District Management Committees. As regards "tolerated areas", PSHA said that these were areas which constituted distinct characteristics and contributed to the vibrancy of the district. The list of "tolerated areas" was also regularly reviewed in consultation with DCs. As at September 2015, eight areas in five districts were designated as "tolerated areas" in consultation with DCs.

27. Mr IP Kwok-him expressed support for the proposed fixed penalty system. He enquired on whom the FPN would be served and how to deal with repeated offenders. Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) ("DDFEH(EH)") replied that FPN would be served on the person-in-charge of the shop who was found present at the scene. Where applicable, the person-in-charge might be the owner, licensee or manager of the shop, or anyone who had or admitted to have managerial control over the shop. She said that where the case was more serious and/or complicated (e.g. involving repeated offenders), consideration would be given to issuing summons and/or taking arrest action under section 4A of Cap. 228. With the penalty level of FPN set at \$1,500, the Department of Justice and the relevant enforcement departments would, where appropriate, consider applying to the court for handing down heavier penalties under the summons system for more serious offences. In reply to Mr IP, DDFEH(EH) said that multiple issue of FPN would not be ruled out in the case of repeated offenders. The department would consider the use of different legal tools based on the circumstances of each case.

28. Mr Christopher CHEUNG expressed support for the proposed fixed penalty system. He asked why the penalty level was set at \$1,500 and whether a grace period would be provided. PSHA replied that the penalty

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level was set taking into consideration the outcome of the public consultation exercise and the penalty level of comparable offences under Cap. 570. She added that it was intended that the relevant Bill would commence six months following its passage by the Legislative Council (the day on which the Amendment Ordinance was published in the gazette) to allow sufficient time for the trade and stakeholders to make necessary preparations and for extensive publicity to be made.

29. Mr LAM Tai-fai said that he had no strong views against the proposed fixed penalty system. He requested the Administration to note that the implementation of the fixed penalty system should not adversely affect the business environment of small- and medium-sized enterprises or give rise to disputes between the public and the Government. He considered it most important that the enforcement guidelines should be clear and objective so that the proposed fixed penalty system could be enforced in a fair and impartial manner without causing disputes. The Deputy Chairman shared Mr LAM's concern and suggested that the Administration might consider drawing up enforcement priorities by engaging the community during the six-month grace period, so as to avoid accusations like enforcement of the system was based on the subjective judgement of enforcement officers.

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30. Dr Kenneth CHAN considered that the effective implementation of the proposed system would depend on the availability of clear enforcement guidelines and sufficiency of manpower. Expecting that a bills committee might be formed to scrutinize the Bill, he requested the Administration to provide the enforcement guidelines to the bills committee concerned. Ms Claudia MO considered that frontline enforcement officers should be allowed to exercise discretion and consider the circumstances on the ground in each case. She suggested that FEHD should devise effective enforcement strategy to avoid unnecessary disputes during enforcement.

31. PSHA said that to prepare for the introduction of the fixed penalty system, the Administration had allocated additional resources for setting up three special task force teams under FEHD in the past year. The teams had been deployed to conduct more frequent inspections in districts where SFE was a more pressing problem. The arrangement had proven to be effective in curbing the SFE problem. PSHA further said that the Administration would consider allocating additional resources in the coming financial year for setting up more special task force teams under FEHD. Furthermore, FEHD would provide training and enforcement guidelines for their frontline staff to assist them in their enforcement work. The Hong Kong Police

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Force ("HKPF") would also ensure their frontline officers be aware of the enhanced measures in order to provide the necessary assistance to other departments during inter-departmental operations.

32. DDFEH(EH) said that in anticipation of the passage of the Bill, the existing enforcement guidelines would be enhanced by incorporating the major principles currently set out in paragraph 10 of the Administration's paper under discussion. She added that the views and comments of frontline enforcement staff would also be taken into consideration in reviewing the enforcement guidelines.

33. Miss CHAN Yuen-han considered that the Administration should provide additional manpower for implementation of the fixed penalty system. She also considered that various relevant departments should cooperate more closely in order to tackle SFE effectively. In reply to Mr CHAN Han-pan's enquiry, Assistant Commissioner of Police (Operations) said that HKPF would take part in joint operations to offer assistance to other departments and issue FPN, if necessary, in pre-planned inter-departmental operations. In general, HKPF would only take actions on street management issues when there was (a) an occurrence of crime or breach of the peace; (b) an imminent danger posed to the public; and (c) serious disruption to traffic and/or other road-users. Mr CHAN Han-pan expressed concern that, if HKPF only played the role of rendering assistance to other departments in joint operations instead of taking the initiative to take actions, the effectiveness of the fixed penalty system in tackling SFE might be undermined. He also urged that coordination of inter-departmental enforcement actions against SFE cases be enhanced to avoid overloading FEHD frontline enforcement staff.

34. The Chairman expressed support for the introduction of the proposed fixed penalty system as she considered that the existing enforcement tools for tackling SFE were ineffective, which had led to prevalent SFE problems especially in old districts. She shared Mr CHAN Han-pan's concern that effectiveness of the proposed fixed penalty system hinged on sufficiency of enforcement manpower and she hoped that HKPF would take the initiative to issue FPNs in circumstances of SFE offences. She considered that significant improvements could not be made to street management if it only relied on the conduct of inter-departmental enforcement operations and the enforcement actions by FEHD frontline staff.

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**V. Proposed extension of a supernumerary directorate post relating to the Kai Tak Multi-purpose Sports Complex ("MPSC") Project [LC Paper Nos. CB(2)415/15-16(02) and CB(2)490/15-16(05)]**

35. PSHA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)415/15-16(02)].

Discussion

36. Mr IP Kwok-him expressed support for the proposed extension of an existing supernumerary directorate (D2) post relating to the MPSC project from 6 June 2016 to 31 August 2021 ("the proposal"). He asked about the justifications of proposing to fill the post by an Administrative Officer Staff Grade C ("AOSGC") from 6 June 2016 to 31 December 2017 and then by a Government Architect ("GA") for the rest of the tenure from 1 January 2018 onwards, and why submitting altogether two proposals but not separately. He also asked whether there was any precedent of similar arrangements.

37. PSHA said that in light of the progress of the MPSC project, the Administration's plan was to complete the studies on the operational and technical requirements of the project in late 2016 and tender preparation work in 2017 before moving to the next stage of implementation. An AOSGC officer, whose expertise was in policy formulation and management, would be necessary to steer the work of the consultants, coordinate inputs from bureaux and departments and liaise with all stakeholders concerned during the pre-construction stage. According to the current programme and subject to funding approval, the target was to commence the main works of MPSC in 2018. The Administration considered that a sufficiently senior professional officer with extensive experience in works projects and construction contract supervision would be essential at the implementation stage, and hence proposed to fill the supernumerary D2 post with a GA from 1 January 2018 onwards. PSHA added that the proposal had been vetted by the Civil Service Bureau and the Financial Services and the Treasury Bureau before submission to the Panel.

38. Mr NG Leung-sing said that he supported the proposal and looked forward to the early implementation of the MPSC project. He asked about the adverse impact on the progress of the MPSC project if there was delay in obtaining approval from the Finance Committee ("FC"). PSHA said that if the approval of FC for the extension of the supernumerary post could not be obtained by early June 2016, the planning and preparatory work of the

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MPSC project would be adversely affected, thus causing delay to the construction programme. She added that it would be operationally not viable for other AOSGCs in the Home Affairs Bureau to absorb the substantial duties being undertaken by the supernumerary AOSGC.

Admin 39. The Deputy Chairman said that while he supported in principle the proposal, he was concerned about the transport links in the vicinity and how to ensure a high utilization rate of the sports venues of the MPSC project. PSHA said that MPSC would be conveniently accessible as it was located near to the future Kai Tak and To Kwa Wan MTR stations of the Shatin-Central Link. PSHA further said that the Administration had engaged an operations consultant in July 2015 to map out, among other things, the user requirements and the business plan of MPSC by engaging stakeholders (including the sports sector and other potential users) to ensure that users' views on the design and operation of MPSC were thoroughly considered at the planning stage. PSHA said that the Administration could provide the stakeholders' views in the paper to be submitted to the Establishment Subcommittee ("ESC").

Admin 40. Dr Kenneth CHAN and the Chairman also expressed support for the proposal and early implementation of the MPSC project. In view of the complexity of the project, Dr CHAN and the Chairman asked whether the project team comprised enough staff members with the required expertise and experience to oversee the planning and implementation. Referring to paragraphs 5 to 8 of the Administration's paper, Dr CHAN requested the Administration to provide in its paper for submission to ESC information on any difficulties that had been found by the various consultants engaged for the MPSC project.

41. PSHA said that the MPSC team currently comprised 15 civil servants from various professional grades. In addition, a time-limited Senior Landscape Architect post would also be created in around April 2016 who would be responsible for landscape, architectural, greening and tree matters, handling turf related issues, and coordinating all interfacing landscaping matters with the adjoining open spaces. Besides, the Administration had engaged consultants experienced in various fields (e.g. planning, operations, quantity surveying and technical issues) to help with the tasks. The Administration considered that the consultants' past experience in overseas works projects of similar scale would be useful to the MPSC team.

42. Summing up, the Chairman said she noted that no members raised objection to submission of the proposal to ESC for consideration.

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**V. Any other business**

43. There being no other business, the meeting ended at 10:38 am.

Council Business Division 2  
Legislative Council Secretariat  
29 February 2016