

立法會
Legislative Council

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LC Paper No. CB(2)1319/16-17

(These minutes have been seen
by the Administration)

Panel on Home Affairs

Minutes of meeting
held on Monday, 27 February 2017, at 8:30 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon MA Fung-kwok, SBS, JP (Chairman)
Hon Jimmy NG Wing-ka, JP (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon IP Kin-yuen
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, MH, JP
Hon KWONG Chun-yu
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

Members attending : Hon Michael TIEN Puk-sun, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP

Members absent : Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Dr Hon YIU Chung-yim

Public Officers attending Item IV

Mr LAU Kong Wah, JP
Secretary for Home Affairs

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

Mr YEUNG Tak-keung, JP
Commissioner for Sports

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

Item V

Ms Florence HUI Hiu-fai, SBS, JP
Under Secretary for Home Affairs

Ms Sandy CHEUNG Pui-shan
Principal Assistant Secretary (Culture) 2
Home Affairs Bureau

Mr CHAN Shing-wai
Assistant Director (Heritage & Museums)
Leisure and Cultural Services Department

Ms Cissy HO Wing-see
Head, Intangible Cultural Heritage Office
Leisure and Cultural Services Department

Professor CHENG Pei-kai, MH
Chairman, Intangible Cultural Heritage Advisory
Committee

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

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

Mrs Fonny TSANG
Legislative Assistant (2) 3

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I. Late application for membership
[LC Paper No. CB(2)855/16-17(01)]

The Chairman invited members to consider Dr YIU Chung-yim's late application for membership [LC Paper No. CB(2)855/16-17(01)]. As no members raised objection to Dr YIU's application, the Chairman said that the application was accepted.

II. Information papers issued since the last meeting
[LC Paper Nos. CB(2)819/16-17(01), CB(2)852/16-17(01) and CB(2)873/16-17(01)]

2. Members noted that the following papers had been issued after the last meeting:

- (a) submission from the Confucian Academy;
- (b) submission from the Hong Kong Theatres Association Ltd; and
- (c) letter dated 21 February 2017 from Hon KWONG Chun-yu.

3. The Chairman said that he had requested the Administration to provide a written response to the issues raised in Mr KWONG Chun-yu's letter [LC Paper No. CB(2)873/16-17(01)] for members' consideration.

4. At the suggestion of the Chairman, members agreed to follow up the licensing and operational issues of the cinema industry raised in the submission provided by the Hong Kong Theatres Association Ltd [LC Paper No. CB(2)852/16-17(01)], which included a request for review and update of the Places of Public Entertainment Ordinance (Cap. 172). The Chairman requested to include the subject on the Panel's list of outstanding items for

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Clerk discussion. Members further agreed to request the Administration to provide a written response to the submission of the Confucian Academy [LC Paper No. CB(2)819/16-17(01)].

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)855/16-17(02) and (03)]

5. The Panel agreed to discuss the following items proposed by the Administration at the next regular meeting on 27 March 2017 at 8:30 am:

- (a) review of the Building Management Ordinance; and
- (b) reprovisioning of Shanghai Street refuse collection point and street sleepers' services units to the site of Hau Cheung Street for the Phase II development of Yau Ma Tei Theatre project.

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6. Ms Tanya CHAN said that she and Mr CHU Hoi-dick were concerned that the Government had recently renewed the land lease with the Hong Kong Jockey Club for the Sha Tin Racecourse for a period of 50 years at a reportedly lower-than-expected rent. Ms CHAN considered that the proposed timing for discussion of the item "Monitoring of Private Recreational Leases" on the list of outstanding items for discussion should be advanced. The Chairman said that the Administration had initially proposed discussing the item in the second quarter of 2017.

IV. Kai Tak Sports Park

[LC Paper Nos. CB(2)855/16-17(04) and (05)]

7. At the invitation of the Chairman, the Secretary for Home Affairs ("SHA") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)855/16-17(04)].

Discussion

Estimated project cost

8. Noting that the estimated construction cost of the Kai Tak Sports Park ("the Sports Park") was about \$23.8 billion in September 2016 prices, or about \$31.9 billion in money-of-the-day prices, members enquired about the breakdown of the estimated project cost. SHA and the Permanent

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Secretary for Home Affairs ("PSHA") referred members to Annex 4 to the Administration's paper for the details and advised that provisions for contingencies (\$2,294.5 million) and price adjustment (\$8,050.7 million) had been included in the estimate. Mr LEUNG Yiu-chung considered that the estimated construction cost was too high. He said that he would follow up on this at a later stage. Mr LAU Kwok-fan enquired whether the Administration would need to apply for additional funding in case of cost overrun. SHA advised that the Administration would closely monitor the construction works to ensure that the construction of the Sports Park would be completed within budget and on time.

9. Mr Nathan LAW and Mr LUK Chung-hung expressed concern about the high estimated cost of the construction works for the Main Stadium (\$8,876.5 million). Mr LUK expressed doubt whether the fees of the Main Stadium for sporting use would be at an affordable level and whether it would inevitably be higher than that currently charged for the Hong Kong Stadium. Commissioner for Sports ("C for S") explained that as the Government would bear all the construction cost, the estimated cost of the facility would not necessarily lead to a high level of fees to be charged.

Procurement approach and contractual arrangements

10. Noting that the "Design-Build-Operate" ("DBO") approach would be adopted for procurement and the Sports Park would operate on a self-financing basis and share parts of its gross income with the Government, Mr KWONG Chun-yu and Mr Nathan LAW expressed worry whether the operation of the Sports Park was financially viable. PSHA referred members to Annex 3 to the Administration's paper on the financial projection conducted by the Operations Consultant, according to which the financial performance of the Sports Park would enter a steady state after about three years of operation. Under a stable market condition, the operation of the Sports Park should generate a surplus before revenue sharing with the Government. The successful consortium to be awarded the DBO contract, regardless of downside market situation or any other reasons leading to a loss in the operation of the Sports Park, would bear all commercial risks and operation costs without any subsidies from the Government.

11. PSHA further said that taking into account the risks borne by the successful consortium and the expectation of the market to have sufficient operation time to average out the risks, the current proposal was that the Government and the successful consortium should enter into a contract that

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was long enough (e.g. 25 years covering the design, building and operation phases) to allow the future operator of the Sports Park to formulate a business plan with long-term targets and have adequate time to create new flagship events, build audience and strive to host major international events. Mr Nathan LAW queried that the financial projection seemed to be over optimistic and requested the Administration to provide the full report of the detailed analysis conducted by the Operations Consultant. Mr CHU Hoi-dick also considered it necessary for the Administration to provide more information on the financial viability of the Sports Park. In response, PSHA agreed to provide Members with more information on the financial projection of the Sports Park under different scenarios.

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12. The Chairman considered that the future operation of the Sports Park was the major issue of concern, including the risks to be borne by the future operator and the incentives to be provided so that the operator would strive to meet the long-term targets. PSHA replied that as the operator would be required to generate sufficient revenue to sustain its operations and to make a profit, it would strive to provide the best services and deliver a vibrant precinct so as to attract more visitors and hence generate more income.

13. Mr Michael TIEN expressed worry that a bidder might, in order to win the contract, propose an unrealistically low-cost design and a high-percentage share of the gross income for the Government in its price proposal, but turn out generating a low income or even a loss due to the poor venue design and poor operation of the Sports Park. He stressed that the procurement contract should require the bidder to specify a minimum amount of annual fee to be paid to the Government, or otherwise the bidder would lack incentive to make the best efforts in the operation. He added that unless the Administration agreed to include such terms in the procurement contract, he would not support the funding proposal.

14. The Chairman and Mr LAU Kwok-fan expressed concern whether there would be adequate bidders to make the tendering exercise competitive and whether there was such an organization capable of operating a large-scale sports venue like the Sports Park. Mr Paul TSE expressed concern that it might be difficult for a bidder to have all-round expertise in designing, building and operating the Sports Park. He suggested that the Administration should consider adopting, instead of the DBO approach, a mixed approach by which the operator would not be responsible for the design and construction of the Sports Park. PSHA responded that the DBO approach would allow a single consortium to design and construct the Sports

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Park according to its operation strategy, and ensure that professional staff who were experienced in the operation of sports and commercial facilities could participate in the design, construction and business/programme planning of the project at an early stage, which was crucial to the successful and sustainable operation of the Sports Park. PSHA said that the Administration would conduct a pre-qualification exercise shortly to ascertain market interest and capability, and that based on the recent market sounding out exercise conducted by the Operations Consultant, there was a good deal of interest locally and overseas in the project.

Operating requirements

15. Mr LEUNG Yiu-chung and Dr LAU Siu-lai expressed concern about how the public and the Legislative Council could monitor the performance of the future operator and the operation of the Sports Park. They also questioned how the Administration would monitor the fee levels and booking arrangements of the facilities of the Sports Park and prevent unfair arrangements in venue hiring (e.g. rejecting certain applicants without giving any reasons). Dr LAU enquired about the benchmarks for evaluation of the operation of the Sports Park such as the fee level, service quality, usage rates of facilities and customers' satisfaction level. She also enquired that if the operator underperformed, how the Administration could make the operator improve and whether the Administration could terminate the contract. She also queried whether it was appropriate to stipulate such a long duration for the contract. Mr Nathan LAW suggested that the Leisure and Cultural Services Department ("LCSD") should be tasked to manage and operate facilities including the Public Sports Ground and the Indoor Sports Centre which would be mainly used for sports, so as to ensure that public use of such facilities would not be affected in any situations. Mr IP Kin-yuen and Mr KWONG Chun-yu stressed that the future operator should strike an appropriate balance between promoting sports development and hosting commercial entertainment events. Mr IP considered that the existing arrangements made by LCSD to facilitate use of sports venues by schools and the sports sector for holding school athletics meets, athletics training, etc. should continue to be made by the future operator of the Sports Park. Ms Tanya CHAN also stressed that a balance should be struck in the use of the Indoor Sports Centre, which could be used for community indoor sports activities and hosting entertainment events.

16. SHA advised that the Government's policy for developing sports in Hong Kong had three board objectives: to promote sports in the community, to support elite sports and to make Hong Kong a centre for major

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international sports events. Being the most important sports infrastructure, the Sports Park aimed to help achieve these objectives. SHA and PSHA further advised that "operating requirements" would be an important part in the DBO contract for regulating the future operation of the Sports Park in terms of daily management, venue hiring, facilities maintenance, etc. One essential element of the "operating requirements" was to ensure that facilities of the Sports Park were available to the community and the sports sector at reasonable hours and affordable prices. Furthermore, to ensure that the operation of the Sports Park complied with the "operating requirements", the Home Affairs Bureau ("HAB") would set up a dedicated monitoring team to oversee the operation of the Sports Park, including examining regular reports submitted by the operator and conducting physical inspections on operation and asset maintenance. If the operator's performance was unsatisfactory, HAB would take follow-up actions and require the operator to review and improve performance. Besides, a list of key performance indicators would also be included in the contract. In response to Dr LAU Siu-lai's concern, PSHA said that the Administration would provide information on the key performance indicators and the composition of the dedicated monitoring team to Members.

17. The Chairman and Mr HO Kai-ming expressed concern whether the future operator would make active efforts to promote sports development. Concerning the Sports Park, the Chairman specifically asked whether sports events and activities would be given priority in venue hiring and whether the current policy of supporting sports development through concessionary venue hiring fees/free venue hiring would continue in the future. The Chairman also enquired whether the Sports Park would provide adequate office space for use by national sports associations ("NSAs") and storage space for their sports equipment. C for S advised that storage space would be provided, and HAB would further discuss with NSAs to ascertain their need for office space in the Sports Park.

18. PSHA reiterated that facilities of the Sports Park would be available to the community and the sports sector at reasonable hours and affordable fee level. The key principles would be modelled on the venue hiring policy of LCSD as detailed in paragraph 12 of the Administration's paper. She said that the Public Sports Ground would be exclusively used for sports such as school athletic meets, athletes training, etc. As for the Indoor Sports Centre, it would be used mainly for sports, with at least two-thirds of the available slots for sports use. Besides, the Public Open Space would be open 24 hours free throughout the year for community use, while part of the space

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would also be available for hire by temporary events. Furthermore, the Government would have the right to use each of the venues for a total of seven days per year free-of-charge for holding large-scale events.

19. Pointing out that a local football match usually had an audience of about only 2 000 to 3 000 persons, Mr LUK Chung-hung and Mr LEUNG Kwok-hung expressed concern whether the 50 000-seat Main Stadium was too large for these matches. C for S advised that the Main Stadium would host at least 10 football matches annually, and various kinds of other large-scale events (such as rugby matches, extreme sports performances, concerts, etc.) could also be held in the remaining slots to make the best use of the Main Stadium and meet the needs of various sectors. These 10 football matches might include matches between local and overseas teams, and international matches hosted by the Hong Kong Representative Team (such as the World Cup qualifier matches), which were expected to attract a large number of audience.

20. Mr LUK Chung-hung queried whether the Public Sports Ground would be suitable for holding local football matches, as there would be a long distance created by the athletic track between the spectator stand and the football pitch. C for S advised that the proposed design of the Public Sports Ground sought to cater for both school athletic meets and football matches, and the design might be refined at a later stage.

21. Noting that the estimated number of event days for the Main Stadium was 30 per year, Mr Paul TSE considered the projection too conservative and requested the Administration to explore increasing the number of event days for the venue.

22. In response to Ms Tanya CHAN's enquiry, PSHA said that the proposed office building to the west of the Sports Park would be developed together with the proposed hotel through land tender separately. Mr LAU Kwok-fan enquired whether the Administration would take into consideration local residents' views and provide a swimming pool in the Sports Park. SHA replied that another site in closer proximity to the residential area in the district had been reserved for the provision of an indoor sports centre where a heated swimming pool could be provided.

23. Mr YIU Si-wing requested the Administration to explore the feasibility of commissioning the Sports Park in phases with a view to opening the Public Sports Ground for use as early as possible.

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Motions

24. After discussion, Mr Nathan LAW moved the following motion:

(Translation)

"The Government should ensure that the Kai Tak Sports Park will adopt public-oriented measures, and make sure that there are measures in place to enable the public and schools to hire venues (including the Public Sports Ground and the Indoor Sports Centre) at affordable prices, so as to achieve the objective of sports development on 'promoting sports in the community'."

25. The Chairman put the motion to vote. The result was that 14 members voted for the motion, and no members voted against the motion or abstained from voting. The Chairman declared that the motion was passed.

26. Dr LAU Siu-lai then moved the following motion:

(Translation)

"To ensure that the Kai Tak Sports Park will enhance the sports development of Hong Kong, this Panel suggests that:

the operation contract should be changed from a duration of 25 years to 10 years; and upon expiration of the contract, an evaluation report be submitted to the Panel on Home Affairs of the Legislative Council for the examination by members of the Panel on Home Affairs before contract renewal is to be considered."

27. The Chairman put the motion to vote. The result was that nine members voted for the motion, nine members voted against it and two members abstained from voting. The Chairman declared that as the motion did not receive the support of majority of the members voting, the motion was negated.

28. Summing up, the Chairman said he noted that no members opposed submission of the funding proposal to PWSC for consideration.

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V. Proposed Intangible Cultural Heritage Representative List for Hong Kong

[LC Paper Nos. CB(2)842/16-17(01) and CB(2)855/16-17(06)]

29. At the invitation of the Chairman, the Under Secretary for Home Affairs ("USHA") and the Chairman of the Intangible Cultural Heritage Advisory Committee ("C of ICHAC") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)855/16-17(04)].

Discussion

The proposed Representative List of the Intangible Cultural Heritage of Hong Kong ("the Representative List")

30. Regarding the proposed items for the Representative List, Ms Tanya CHAN expressed particular concern about *Nanyin* (Southern Tunes) and the Sewing Techniques of Hong Kong-style *Cheongsam* and *Kwan Kwa* Wedding Costume ("the Sewing of *Cheongsam* and *Kwan Kwa*"), and whether there were adequate tailors available to ensure the preservation and transmission of these two items. Ms YUNG Hoi-yan expressed support for the inclusion of the Paper Crafting Technique and the Bamboo Shed Theatre Building Technique in the Representative List. She was also concerned about the availability of sufficient craftsmen/tradesmen in these trades to ensure their preservation and transmission. She expressed concern that the younger generation in general were not interested in joining the trades and enquired whether the Administration would provide resources (e.g. cash subsidies and/or venues for practices) in this regard. Ms YUNG also suggested that the Administration should step up the promotion of the Bamboo Shed Theatre Building Technique in tertiary institutions, particularly for students studying relevant subjects such as architecture and engineering.

31. USHA advised that due to dwindling market demand, there were difficulties for the transmission of these ICH items. The Administration would closely liaise and collaborate with organizations and bearers concerned to step up efforts on the education, promotion, transmission and safeguarding of the ICH items on the Representative List through exhibitions, talks, seminars, bearer demonstrations, workshops, in-depth research and publications to enhance the public awareness and understanding of these ICH items. For examples, the Administration had been collaborating with organizations concerned to promote *Cheongsam* as

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everyday clothes, while the Paper Crafting Technique and the Bamboo Shed Theatre Building Technique had been demonstrated in its culture festivals.

32. Mr Kenneth LAU declared that he was an indigenous inhabitant of the New Territories and welcomed the release of the Representative List. Noting that the Spring and Autumn Ancestral Worship of Clans was included in the proposed Representative List, Mr LAU enquired whether the Intangible Cultural Heritage Office ("ICHO") and/or ICHAC had conducted field studies on the seven sub-items under the Spring Ancestral Worship of Clans and the 11 sub-items under the Autumn Ancestral Worship of Clans, and sought details of the methodology used in these studies. C of ICHAC advised that in general, the research on the ICH items was conducted in collaboration with local tertiary institutions and experts in local history and anthropology. He concurred with Mr LAU's view that it was important to conduct research and recording on ICH items in the New Territories.

33. Mr SHIU Ka-chun expressed concern that the proposed Representative List did not include Cantonese. USHA advised that whilst recognizing the cultural value of Cantonese, the Administration considered that unlike the proposed items for the Representative List, Cantonese was still widely used in Hong Kong, and there was not an urgent need for preserving it as an ICH item. Mr SHIU did not subscribe to the Administration's view and he considered that under the political environment of promoting Putonghua and eliminating Cantonese, Cantonese should be included in the Representative List. Mr Kenneth LAU considered that as bearers of the Fishermen's Ballads and the Fishing Method (particularly Gill-netting) were rapidly decreasing in number, these items should also be included in the Representative List.

Promotion of the Intangible Cultural Heritage of Hong Kong

34. Noting that the Mainland, Taiwan and Macau had all enacted legislation for the safeguarding of ICH, Ms Tanya CHAN enquired whether the Administration would follow suit and whether it would consider upgrading ICHAC to a statutory body so as to further enhance its work. USHA advised that the Administration had no plan to enact legislation for ICH at the present stage, and it noted that overseas countries including Australia, Canada, Singapore and the United Kingdom also did not have such legislation. The Administration would closely liaise and collaborate with the respective organizations and bearers to step up efforts on the education, promotion, transmission and safeguarding of items on the Representative List.

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35. The Deputy Chairman enquired whether the Administration would consider setting up a dedicated fund, other than the Cantonese Opera Development Fund, for the preservation and promotion of the other ICH items of Hong Kong. Mr Kenneth LAU also considered that the Administration should increase financial support for enhancing public awareness and understanding of ICH items. USHA said that the Administration had been financing the preservation and promotion of ICH items of Hong Kong through the recurrent funding for ICHO, and the Lord Wilson Heritage Trust and the Chinese Temples Fund also provided support for the work relating to traditional culture including ICH. Furthermore, the Administration had made use of community resources, as in the examples of the Hong Kong Culture Festival and the Yu Lan Cultural Festival of the Hong Kong Chiu Chow community.

36. The Chairman considered that the transmission of the ICH items was most important. Taking the Paper Crafting Technique and Bamboo Shed Theatre Building Technique as examples, the Chairman urged the Administration to support the trades and help them find market space for survival. He suggested that the Administration should make use of government projects/events to provide opportunities for demonstrations and promotion of those techniques. He also suggested that the Administration might collaborate with the Tourism Board in establishing a "cultural estate" to showcase the ICH items on a long-term basis. He hoped that the relevant trades could achieve sustainability without having to rely on the relevant funds. Mr CHAN Chi-chuen also considered that items such as the Sewing of *Cheongsam* and *Kwan Kwa* and Paper Crafting Technique should not be preserved only in museums. He suggested that other policy bureaux such as the Commerce and Economic Development Bureau should be involved in providing policy support for the promotion and sustainability of these trades. He also suggested that HAB might consider collaborating with social enterprises in the education and promotion of these items.

37. USHA said that the Administration also aimed to step up efforts on the promotion and safeguarding of the ICH items. For examples, it had been promoting the Mid-Autumn Festival – The Tai Hang Fire Dragon Dance in collaboration with the Tourism Board and displaying handcrafted lanterns made by local masters in various carnivals such as the Lunar New Year and Mid-Autumn Lantern Carnivals.

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Motion

38. After discussion, Mr SHIU Ka-chun moved the following motion:

(Translation)

"Under the gloomy prospect of promoting Putonghua and eliminating Cantonese, this Panel suggests that:

as there is no doubt that Cantonese exerts significant influence on the community, reinforces community ties and provides the community or groups with a sense of identity and continuity, it should be included in the 'Proposed Intangible Cultural Heritage Representative List for Hong Kong'."

39. The Chairman put the motion to vote. The voting result was as follows: 10 members voted for the motion, no members voted against the motion and no members abstained from voting. The Chairman declared that the motion was passed.

(Post-meeting note: The Administration's response to the motion was circulated to members vide LC Paper No. CB(2)1058/16-17(01) on 23 March 2017.)

VI. Any other business

40. There being no other business, the meeting ended at 10:36 am.

Council Business Division 2
Legislative Council Secretariat
2 May 2017