

**立法會**  
*Legislative Council*

LC Paper No. LS13/03-04

**Paper for the House Committee Meeting  
on 28 November 2003**

**Legal Service Division Report on  
Hong Kong Sports Development Board (Repeal) Bill 2003**

**I. SUMMARY**

- 1. Objects of the Bill**            The main objects of the Bill are to repeal the Hong Kong Sports Development Board Ordinance (Cap. 1149) ("the Ordinance"), to close the Hong Kong Sports Institute Trust Fund ("the Fund"), and to dissolve the Hong Kong Sports Development Board ("the Board") and the Hong Kong Sports Institute Trust Fund Committee of Trustees ("the Committee") established under the Ordinance.
- 2. Comments**                    The Bill proposes to change the existing administrative structure established under the Ordinance. The Bill also provides for the legal matters pursuant to dissolution of the Board.
- 3. Public Consultation**        The sports sector and the general public have been consulted.
- 4. Consultation with LegCo Panel**    The Panel on Home Affairs discussed the future administrative structure for sports development at its meetings on 14 July 2003 and 29 July 2003.
- 5. Conclusion**                  The Bill relates to important proposals to revise the policies on development of sport and physical recreation. Members are recommended to form a Bills Committee to consider the Bill in detail.

## **II. REPORT**

### **Objects of the Bill**

To provide for—

- (a) the repeal of the Hong Kong Sports Development Board Ordinance (Cap. 1149) ("the Ordinance");
- (b) the dissolution of the Hong Kong Sports Development Board ("the Board");
- (c) the dissolution of the Hong Kong Sports Institute Trust Fund Committee of Trustees ("the Committee");
- (d) the closure of the Hong Kong Sports Institute Trust Fund ("the Fund");
- (e) the vesting of the assets, liabilities, rights and obligations of the Board and the Committee and any balance of the Fund in the Government; and
- (f) consequential amendments.

### **LegCo Brief Reference**

- 2. SF(1) to HAB/CS/CR/6/8/102 issued by the Home Affairs Bureau in 4 November 2003.

### **Date of First Reading**

- 3. 26 November 2003.

### **Comments**

- 4. The Ordinance empowers the Board, among other things, to promote the development of sport and physical recreation in Hong Kong, and manage and develop the Hong Kong Sports Institute ("the Institute"). The Ordinance also establishes the Committee which applies the Fund in such manner and to such extent as the Board may advise for the object of meeting the expenses of the Institute.

- 5. The Bill proposes to—

- (a) repeal the Ordinance (clause 3);
- (b) dissolve the Board (clause 4);

- (c) dissolve the Committee (clause 5);
- (d) close the Fund (clause 6);
- (e) vest all assets, liabilities, rights and obligations of the Board or Committee in the Government (clause 7);
- (f) provide that the Government will stand in the position of the Board or Committee as regards any agreement or transaction concerning the Board or Committee in force or effective immediately before the commencement of the Hong Kong Sports Development Board (Repeal) Ordinance when enacted (clause 9);
- (g) provide that legal proceedings concerning the Board or Committee may be continued or enforced by or against the Government (clause 10);
- (h) provide that a reference to the Board or Committee in documents affecting assets, liabilities, rights or obligations vested in the Government under the Bill is to be taken as a reference to the Government (clause 11); and
- (i) provide for arrangement in respect of the final statements of accounts and reports relating to the Board and the Fund (clause 12).

### **Public Consultation**

6. According to paragraph 8 of the LegCo Brief, the decision to dissolve the Board was made on the basis of the results of an extensive two-month public consultation exercise on the Sports Policy Review Report. The Administration is of the view that the decision has paid heed to the majority views of the sports sector and the general public at large.

### **Consultation with LegCo Panel**

7. At its meeting on 14 July 2003, the Panel on Home Affairs was briefed on the new administrative structure for sports development as set out in the LegCo Brief issued by the Home Affairs Bureau on 9 July 2003. Members requested additional information to be provided on the number of staff to be laid off and the amount of savings generated from the restructuring exercise as well as the amount of Government resources to be allocated for sports development. Members also agreed that a special meeting should be held on 29 July to receive views from interested parties on the new administrative structure.

8. At the special meeting held on 29 July 2003, most deputations indicated support for the new administrative structure. The Administration was requested to provide—

- (a) detailed analysis of the 380 submissions received during the public consultation in 2002;
- (b) response to the points raised by members and deputations at the meeting on 29 July 2003;
- (c) the criteria for allocation of funds under the new structure; and
- (d) the work schedule of the restructuring exercise,

before the introduction of the bill.

9. The Administration had already provided the Panel with the additional information requested at the two meetings on 25 July and 23 October 2003 respectively.

10. Members may wish to refer to the minutes of the Panel meetings on 14 and 29 July 2003 and the Administration's papers in response to the Panel's requests for additional information at the two meetings (LC Paper No. CB(2)2911/02-03(08) issued on 28 July 2003 and LC Paper No. CB(2)178/03-04(01) issued on 24 October 2003) for further details.

## **Conclusion**

11. The Bill relates to important proposals to revise the policies on development of sport and physical recreation. Members and the public, especially the sports community have already expressed concern about the proposals. The LegCo Secretariat has also received a written representation dated 23 November 2003 from Amenities Officers Association and Assistant Leisure Services Manager II Association. While the Legal Service Division is still scrutinising the legal aspects, Members may wish to form a Bills Committee to consider the Bill in detail.

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