

**立法會**  
**Legislative Council**

LC Paper No. CB(2)609/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/HA

**Panel on Home Affairs**

**Minutes of meeting**  
**held on Friday, 18 March 2011, at 8:30 am**  
**in the Conference Room A of the Legislative Council Building**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon KAM Nai-wai, MH (Deputy Chairman)  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon WONG Kwok-hing, MH  
Hon CHEUNG Hok-ming, GBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHEUNG Kwok-che  
Hon WONG Sing-chi  
Hon Paul TSE Wai-chun  
Hon Tanya CHAN

**Members absent** : Dr Hon Philip WONG Yu-hong, GBS  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Cyd HO Sau-lan  
Hon CHAN Hak-kan  
Hon WONG Yuk-man

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**Public Officers :  
attending**

Agenda item III

Home Affairs Bureau

Miss Salina YAN, JP  
Deputy Secretary for Home Affairs(3)

Mr Gilford LAW  
Principal Assistant Secretary (Culture)1

Hong Kong Arts Development Council

Mr CHOW Yung-ping  
Chief Executive

Agenda item IV

Home Affairs Bureau

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

Miss Salina YAN, JP  
Deputy Secretary for Home Affairs(3)

Ms Winsome CHOW  
Chief Manager (Special Tasks)

Agenda item V

Home Affairs Bureau

Mrs Pamela TAN, JP  
Director of Home Affairs

Ms Sharon HO  
Assistant Director of Home Affairs (4)

Mr YU Tak-cheung  
Chief Officer (Licensing Authority)

**Clerk in  
attendance**

: Mr Thomas WONG  
Chief Council Secretary (2)2

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**Staff in attendance** : Ms Alice LEUNG  
Senior Council Secretary (2)2

Ms Yvonne OA-YANG  
Council Secretary (2)2

Miss Monique TSEUNG  
Legislative Assistant (2)2 (Acting)

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**I. Information paper(s) issued since the last meeting**

Members noted the following papers issued since the last meeting -

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|---|---|
| LC Paper No.<br>CB(2)1075/10-11(01)             | -- Referral from the Complaints Division of the Legislative Council ("LegCo") Secretariat regarding the operation of the owners' corporation of Siu Hei Court in Tuen Mun and the regulation of property management companies |
| LC Paper No.<br>CB(2)1421/10-11(01)             | -- Submission from "官商勾結監察連線" regarding the Village Representatives ("VRs") elections   |
| LC Paper No.<br>CB(2)1209/10-11(01) and<br>(02) | -- Letter dated 28 May 2010 from the Hong Kong Shooters Confederation to the Administration on the Government's policy on the grant and renewal of Private Recreational Leases ("PRLs") and the Administration's reply        |
| LC Paper No.<br>CB(2)1271/10-11(01)             | -- The Administration's information paper on a proposal to upgrade the Tin Hau Temple Plaza in Tuen Mun   |

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2. The Chairman advised that as no members requested to discuss the Administration's proposal to upgrade the Tin Hau Temple Plaza in Tuen Mun [LC Paper No. CB(2)1271/10-11(01)] at a Panel meeting, it would be submitted to the Public Works Subcommittee for consideration.

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

[Appendices I and II to LC Paper No. CB(2)1253/10-11]

3. Members noted the following agenda items for the next Panel meeting on 8 April 2011 -

- (a) Monitoring of PRLs;
- (b) Matters relating to VRs elections; and
- (c) Construction of a District Open Space, Sports Centre and Library in Area 74, Tseung Kwan O.

Monitoring of PRLs

4. The Chairman informed members of the Administration's request for the deferment of the discussion on PRLs to the regular meeting in May 2011, as it had not completed the policy review on PRLs and would be unable to provide detailed information on the item in April. The Chairman considered that as Miss Tanya CHAN had raised concern about the item as early as in October 2010 and the discussion on it had been deferred from January to March 2011 and again to April 2011, no further deferment would be accepted unless with members' consent.

5. Miss Tanya CHAN expressed dissatisfaction with the Administration's repeated deferments of the discussion on PRLs. She recalled that in response to her oral question on PRLs at the Council meeting on 23 June 2010, the Home Affairs Bureau ("HAB") had undertaken to consider publishing on its website the information on the availability of sports and recreational facilities at organizations operated under PRLs for use by outside bodies. She called on the Administration to follow up the matter.

6. Prof Patrick LAU opined that the grant of lands to organizations operated under PRLs for recreational and sports purposes might date back to the British colonial era and had a long history of some 100 years. The

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Administration might need more time to retrieve the records and review the issue. As the Lands Department was the grantor of PRLs, the issue of PRLs might not be resolved by HAB alone.

7. Mr CHEUNG Kwok-che considered that as some PRLs would be due for renewal in the coming months and if the discussion on PRLs had to be further deferred, the Administration should consider extending those PRLs which were due for renewal, pending the Panel's discussion with the Administration on the issue. The Panel might consider inviting deputations to give views on it. Miss Tanya CHAN supported Mr CHEUNG's suggestion.

8. As the Secretary for Home Affairs ("SHA") would attend the meeting for agenda item IV, the Chairman suggested and members agreed that SHA be invited to explain the further deferment of the discussion on PRLs.

*(Upon SHA's arrival at the meeting, the Chairman invited him to respond to members' concerns about the deferment of the discussion on PRLs before proceeding to agenda item IV.)*

9. SHA advised that the first batch of PRLs would be due for renewal by the end of 2011 at the earliest. As some special conditions in PRLs had been laid down for a long time, they might have become out-dated. As the monitoring of PRLs involved several government departments and they needed time to discuss with the organizations concerned, the Administration had difficulties in providing the Panel with detailed information on its policy review on PRLs in April 2011. However, the Administration would respect the Panel's decision on the discussion schedule.

10. In view of SHA's explanation, Miss Tanya CHAN raised no objection to the deferment of the item to the May meeting, provided that the Administration would provide detailed information on its policy review. The Chairman concluded that the item be deferred to the May meeting. SHA agreed.

Matters relating to VRs elections

11. Miss Tanya CHAN suggested holding a Panel meeting to receive deputations on matters relating to VR Elections. Mr WONG Yung-kan and Dr LAM Tai-fai suggested and members agreed that the Panel should first receive the Administration's briefing on the subject at the April meeting.

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Joint Panel meeting

12. Noting that a study commissioned by HAB on public arts education would be completed in mid-2011, members acceded to the Administration's request for the deferment of the joint meeting of the Panel on Home Affairs and the Panel on Education on arts and sports education in schools, originally scheduled for April 2011 to May 2011.

*(Post-meeting note: The joint Panel meeting was re-scheduled to 16 May 2011 at 10:45 am.)*

**III. Matters relating to the work of the Hong Kong Arts Development Council and the nomination of representatives of Arts interests for the Council**

[LC Paper Nos. CB(2)1253/10-11(01) and (02)]

13. The Administration briefed members on the nomination of arts interests representatives for the Hong Kong Arts Development Council ("HKADC") in 2010 ("the nomination exercise").

Cross-voting system

14. Noting that the 2010 nomination exercise had been criticized by many media reports as casual, Mr CHEUNG Man-kwong raised grave concern about its arrangements. Under the current cross-voting system, a voter might cast a maximum of 10 votes, with one vote in each contested arts interest, for candidates standing for nomination. This might give rise to a situation that an arts organization which had been registered as a member of the nominating bodies of an arts interest might register their members as voters and mobilize them to cast their votes collectively for its preferred candidate in each of the 10 arts interests. Consequently, a single arts organization in an arts interest might dominate the results of the nomination exercises of all other arts interests.

15. DSHA(3) responded that HAB had endeavored to enhance publicity on the nomination exercise through various measures, such as placing advertisements on newspapers, and ensure it to be conducted in an open manner. The cross-voting system was introduced in 1999 upon recommendation by the Consultant's Report on Culture, Arts, Recreation and Sports Services issued in March 1999 and after detailed discussions in HKADC. It aimed at encouraging members of the arts sector to take a holistic view of the arts development in Hong Kong rather than the

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concerns of individual arts interests only.

16. Mr CHEUNG Kwok-che opined that the voting system should allow one arts organization as an organizational member to have one vote only, instead of allowing each of its members to have one vote. Otherwise, an arts organization with many members might dominate the voting results of an arts interest. He added that in LegCo elections, an organization registered as a functional constituency elector was required to select an eligible individual to be its authorized representative for the purpose of casting its vote.

17. Many members, including Mr CHEUNG Man-kwong, Mr WONG Kwok-hing, Mr CHEUNG Kwok-che, Dr LAM Tai-fai, Miss Tanya CHAN, the Chairman and the Deputy Chairman, raised concern about the large number of blank votes in the 2010 nomination exercise. Mr CHEUNG Man-kwong pointed out that the numbers of blank votes for some arts interests had been even higher than those received by the elected candidates. Referring to Annex D to the Administration's paper, Mr WONG Kwok-hing pointed out that in many arts interests, the number of blank votes had been more than that of registered voters. For instance, in the arts interest (Arts Administration), there were only 168 registered voters but the number of blank votes was 971. In the arts interest (Arts Education), there were 647 registered voters but the number of blank votes was 947. This situation might indicate that under the cross-voting system, many voters in an arts interest did not know about the candidates in other arts interests, but to fulfill their duty to vote, they preferred to cast a blank vote. In his view, the voting system should only allow voters of an arts interest to vote in that arts interest, so that the views of that arts interest could be reflected more accurately. Dr LAM Tai-fai considered that the large number of blank votes might be attributed to the defects in the nomination system or voters' dissatisfaction with it. Miss Tanya CHAN called on the Administration to study the reasons for the large number of blank votes.

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18. DSHA(3) responded that the Administration would examine the reasons for the large number of blank votes and any improvement measures to be taken. While the definition of "blank vote" had been clearly stated, the Administration would provide supplementary information on it to address members' concerns. In addition, as evidenced by the 2010 nomination exercise in which one voter cast votes for five arts interests on average, the cross-voting system could encourage members of an arts interest to care about other arts interests and the holistic development of the arts. Under the system, voters were given a pack of ballots for all contested arts interests and could choose to vote in

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any combination of the arts interests and cast a blank vote for the rest. Voters were provided with information of all candidates of each contested art interest through the election pamphlets they received and a dedicated website for the nomination exercise. DSHA(3) reiterated that HKADC had discussed in detail the pros and cons of the cross-voting system before its introduction. There had been a view that if the number of registered voters was low in an arts interest and voters were allowed to vote only in the specific arts interest under which they registered, the representativeness of the elected candidate might be called into question. HKADC would revisit the subject and the Administration would work with HKADC in this regard. Chief Executive of HKADC also advised that HKADC members of the previous term had some observations about the nomination exercise and relayed their views to HKADC's current members. A working group in HKADC would be set up to review the nomination exercise.

Voter registration

19. Referring to the list of the nominating bodies gazetted on 11 June 2010 for the 2010 nomination exercise, Miss Tanya CHAN pointed out that the names of certain arts organizations registered as organizational members of the nominating bodies of a specified arts interest (i.e. Dance) were very similar, e.g. Healthy Eighteen Style Exercise - North Point Service Reservoir Playground, Hong Kong Healthy Eighteen Exercise Style, Hong Kong Healthy Eighteen Exercise Style (Quarry Bay Park), Tseung Kwan O Po Tsui Park Health Eighteen, 沙中健康十八式, 觀塘健康十八式同學會, and 長沙灣十八式同學會. She asked how to verify the eligibility of such organizations and their members, and whether and how members of an arts organization would be properly notified of their registration as voters through the arts organization concerned. She also requested the Administration to provide a breakdown of the number of registered voters stated in Annex D to the Administration's paper for each of the 10 specified arts interests, including the number of voters registered through arts organizations (which registered as organizational members of the nominating bodies of arts interests) and the number of voters who were individual arts workers (who registered as members of the nominating bodies of arts interests).

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20. DSHA(3) undertook to provide the requested information and advised that an arts organization or an individual arts worker might apply to be an organizational member and a member of the nominating body of an arts interest respectively. An eligible arts organization should be a bona fide arts organization that aimed at promoting arts development and

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a statutory arts organization, or had registered under the relevant legislation. The organization concerned should also be formed and operated under a constitution or memorandum and articles of association, and had been set up for at least one year before the date of commencement of the nomination exercise. For those who were members/employees of an arts organization which had been registered as an organizational member of the nominating bodies of an arts interest, they could apply for registration as voters through the organization. They had to join the organization, or had been directly involved in arts creation, direction or performance in the organization, for not less than one year prior to the start date of the nomination exercise. The nomination agent had verified the eligibility of the registered voters in accordance with the guidelines for voter registration. DSHA(3) also advised that the arts organizations cited by Miss Tanya CHAN in paragraph 19 belonged to the arts interest (Dance). However, a multi-disciplinary organization might apply in more than one arts interest depending on its objectives and constitution.

21. Mr CHEUNG Kwok-che sought information on ways to determine the eligibility of an arts organization. In his view, an organization promoting Healthy Eighteen Exercise Style should be a sports rather than arts organization. He was worried that a loose definition of "arts organization" might result in professional arts organizations being overshadowed by non-professional ones in an arts interest and the development of professional arts. Noting that under the existing voting system, to be an eligible voter, a member of an arts organization had to join the organization for not less than one year, Mr CHEUNG and the Deputy Chairman expressed concern about the verification of the membership status of such voters.

22. Principal Assistant Secretary (Culture)1 of HAB ("PAS / HAB(Culture)1") responded that in addition to requiring arts organizations to certify their members' voter registration forms, the nomination agent had further required voters who registered through arts organizations to produce documentary proof of their membership of those organizations. There were cases in which voters had failed to produce the requested document or prove that they had joined the arts organizations for not less than one year and therefore were not allowed to vote.

23. Prof Patrick LAU was disappointed that while architecture had been recognized by the Government as an arts form, it was not amongst the 10 specified arts interests. He also pointed out that many members of arts organizations had not been aware of their eligibility for registration as voters through the organizations.

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24. DSHA(3) advised that individual arts workers who were awardees of HKADC / Leisure and Cultural Services Department ("LCSD") or had collaborated with HKADC / LCSD were eligible for registration as voters. Some arts workers with architecture background had also registered as voters. She reiterated that arts development might not be confined to a particular arts interest. The cross-voting system could facilitate cross-sector arts workers to participate in the nomination exercise.

25. PAS/HAB(Culture)1 added that in LegCo's scrutiny of the bill on the establishment of HKADC in 1995, many individual arts workers had expressed their wish to directly participate in the nomination exercise. During the deliberations, it was considered that in view of the lack of an occupational registration system for arts workers, arts organizations might register as organizational members of the nominating bodies of an arts interest, and then might register their members who had joined the organizations, or employees who had been directly involved in arts creation or performance in the organizations, for not less than one year as voters.

Composition of HKADC

26. Mr CHEUNG Man-kwong and Mr CHEUNG Kwok-che opined that HKADC's composition was undemocratic because of its 27 members, only up to 10 might be nominated by the 10 specified arts interests. Dr LAM Tai-fai asked whether the Administration had any worry about arts professionals being led by laymen in HKADC, and whether the 10 specified art interests had sufficiently covered various fields in the arts sector and whether there was room for adding more arts interests.

27. DSHA(3) advised that apart from the three official members representing the Government, some of the 14 members not nominated by arts interests also had arts or other backgrounds. Having regard to HKADC's wide scope of work, including resource allocation and vetting applications for funds, members with other expertise could contribute to HKADC in discharging its functions.

Nomination agent

28. Mr CHEUNG Man-kwong considered that the Administration should not be content with the turnout rate of 27% in the 2010 nomination exercise, as the rates in the past nomination exercises had been too low. As such, he queried why the same consulting firm had been commissioned by the Administration as the nomination agent. The

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Deputy Chairman asked whether the Administration would commission a new nomination agent to assist HAB in conducting the nomination exercise in future. DSHA(3) responded that the current nomination agent had been appointed through open bidding and under objective selection criteria and had the requested expertise.

29. Mr Paul TSE sought information on whether HKADC had any monitoring function and whether other statutory bodies had any nomination exercise similar to that for HKADC. He opined that the nomination exercise for HKADC could increase the democratic elements in the composition of HKADC members but had been conducted in a causal manner. He shared the view that it had to be reviewed. DSHA(3) advised that the nomination exercise for HKADC was unique in that it had enabled the representatives of the arts sector to directly participate in the work of the statutory body, and this indicated that HKADC had attached importance to the views of the arts sector.

Meeting to receive deputations

30. Miss Tanya CHAN suggested that the Panel should consider inviting deputations to give views on the nomination exercise to facilitate HKADC and the Administration to conduct the review. Mr CHEUNG Kwok-che supported Miss Tanya CHAN's suggestion and further suggested that the nomination agent be invited to give views to the Panel. Members agreed.

**IV. Issues relating to the setting up of the Advisory Committee on Arts Development**

[LC Paper Nos. CB(2)1253/10-11(03) and (04)]

31. SHA highlighted the salient points of the Administration's paper on the work of the Advisory Committee on Arts Development ("ACAD") and the new \$30 million Arts Capacity Development Funding Scheme ("ACDFS") to be set up under the advice of ACAD [LC Paper No. CB(2)1253/10-11(03)].

Composition of ACAD

32. Mr CHEUNG Man-kwong expressed dissatisfaction with the lack of background information in the Administration's paper on ACAD members. He pointed out that of the 12 non-official ACAD members appointed by the Administration, only two were from the arts sector and others were mainly from the business sector. This would inevitably

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create a perception that there was collusion between the Government and the business sector. While individuals with various backgrounds might be appointed to ACAD, the arts sector was under-represented. As the current composition of ACAD had been badly received by the arts sector and ACAD was tasked to advise on matters relating to, among others, the allocation of resources to the arts sector, Mr CHEUNG urged the Administration to enhance the representation of the arts sector on ACAD.

33. Miss Tanya CHAN called on the Administration to consider appointing more members from arts groups to ACAD, given its importance to the development direction of the arts and culture in Hong Kong; experts in arts administration to ACAD, in view of its lack of such professionals; and the representative of the West Kowloon Cultural District ("WKCD") Authority to ACAD, as WKCD was important to the sustainable development of the arts and culture in Hong Kong. In addition, since expert advisers would be engaged to assist the Subcommittee on ACDFS under ACAD in assessing applications for ACDFS, she asked why the Subcommittee had not included them as members.

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34. SHA disagreed with the view that the arts sector was under-represented on ACAD and there was collusion between the Government and the business sector. He undertook to provide information on the background of ACAD members and consider appointing more representatives from the arts sector to ACAD. He stressed that ACAD included not only arts professionals but also representatives with profound experiences in the management of arts groups. Its composition had reflected a wide spectrum of views on the arts development in Hong Kong. A pool of expert advisers would also be engaged to provide inputs in the assessment of applications for ACDFS. Additional expert advisers might be identified on an ad-hoc basis for specific applications that required expertise outside the pool of expert advisers. While ACAD did not have a representative from WKCD, both would closely communicate with each other, and the issue as to how to strengthen their co-ordination could be further explored.

35. SHA also undertook to consider Mr CHEUNG Kwok-che's suggestion to open up the meetings of ACAD to facilitate the monitoring of the performance of ACAD members by the public. However, he advised that if the ACAD meetings were to consider applications for ACDFS, which might involve sensitive information, it might not be desirable to make such information public.

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Ambit of ACAD

36. Miss Tanya CHAN expressed concern about the wide ambit of ACAD, which included advising SHA on the use of the arts portion of the Arts and Sports Development Fund ("ASDF") and the disbursement of grants under ACDFS. She asked whether it was the Administration's policy to put all funding schemes for arts and culture under the ambit of ACAD.

37. Noting that a consultant study on the funding for the nine major performing arts groups in Hong Kong was scheduled for completion in 2011, Miss Tanya CHAN asked about the reasons for not conducting a comprehensive review on the funding support for local arts groups until after the issuance of the consultant report. SHA responded that HAB had provided the nine major performing arts groups with regular recurrent funding amounting to around \$264 million in 2010-2011. There was no need to launch the new ACDFS until after the publication of the consultancy report.

Assessment criteria

38. Mr CHEUNG Hok-ming expressed support for ACDFS, as it would help promote arts and culture. He sought information on the weighting of each of the six assessment criteria in paragraph 16 of the Administration's paper. Noting the engagement of expert advisers to assist the Subcommittee on ACDFS in assessing applications for ACDFS, he asked which party, the Subcommittee on ACDFS or the expert advisers, would have the final say on whether to accept an application.

39. Chief Manager (Special Tasks) of HAB ("CM(ST)/HAB") responded that the Subcommittee on ACDFS, which formulated the six assessment criteria, would work out their weightings within the next one to two months. Based on the experiences of various sponsorship schemes under LCSD and HKADC, the Administration was confident in formulating a detailed assessment method. CM(ST)/HAB also advised that the expert advisors to be engaged by the Sub-committee on ACDFS would evaluate applications from a professional point of view, such as the artistic merit, impact on the art forms or arts circle, creativity and originality of the proposed programmes, as well as the track record and execution ability of the applicants. The Sub-committee on ACDFS would consider the applications from a broader perspective, including the technical feasibility and financial viability of the applications and the development plan of the applicants.

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40. Mr CHEUNG Kwok-che was concerned about the absence of audience building and arts education in the assessment criteria for applications for ACDFS. He was worried that the Subcommittee on ACDFS might attach too much importance to the professional arts aspects of applications and neglect the promotion of arts to the public through ACDFS. He sought information on the weightings on audience building and arts education in the assessment of applications for ACDFS.

41. SHA responded that there were four Subcommittees under ACAD and one of them was on arts education, which was conducive to audience building and capacity building of arts groups. ACAD aimed at, among others, cultivating a supporting culture for the arts and encouraging the community and private enterprises to sponsor arts development. The key objective of ACDFS was to enhance the arts capacity of arts groups. The promotion of arts education did not solely rely on ACDFS. There were also other initiatives under LCSD to promote audience building and arts education in schools and the community. DSHA(3) added that ACDFS would cover audience building and arts education but the actual proportion of ACDFS to be spent on them would depend on the number and merits of the relevant applications received.

42. Summing up, the Chairman advised that members might further discuss with the Administration the promotion of arts education at a joint meeting to be held by the Panel and the Panel on Education in May 2011.

**V. Monitoring of unlicensed hotels and guesthouses**  
[LC Paper Nos. CB(2)1253/10-11(05) and (06)]

43. The Chairman suggested and members agreed that the meeting be extended for 15 minutes beyond 10:30 a.m. in accordance with House Rule 24A(a) to allow members to have more time to discuss the next agenda item on the monitoring of unlicensed hotels and guesthouses.

Effectiveness of law enforcement

44. Mr Paul TSE expressed concern about the low rate of prosecutions against unlicensed hotels and guesthouses, as only about 10% of the number of complaints received in 2009 and 2010 had resulted in prosecutions. He considered that it should not be difficult to identify whether a hotel or guesthouse had a licence, as it operated in fixed premises. He asked whether the Administration had any difficulties in taking enforcement actions. Noting the problem of shadow guesthouses, i.e. licence-holders making use of their licensed premises for unlicensed

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guesthouse operation in another premises, he asked whether legislation had to be amended to combat them more effectively.

45. DHA responded that it was not unusual to find the number of complaints far higher than that of prosecutions in many law enforcement exercises, and many complaints might involve the same subject premises. The Office of the Licensing Authority ("OLA") would collect evidence upon receipt of any complaint about suspected unlicensed guesthouse operation. If there was prima facie evidence indicating unlicensed guesthouse operation, OLA would seek legal advice from the Department of Justice ("DoJ") and would act on DoJ's advice. She added that the ratio of convictions to prosecutions was high. In 2009, there were 39 prosecutions and 36 convictions. In 2010, there were 38 prosecutions and 44 convictions (including cases carried forward from the previous year).

46. Mr CHEUNG Man-kwong shared Mr Paul TSE's view that it should not be difficult to identify and prosecute shadow guesthouses, as they had been open for business. He expressed disappointment at the low prosecution rate, which indicated that the Administration had not fulfilled its duty to take enforcement actions and had condoned the presence of such guesthouses. According to DC members in the district of Yau Ma Tei, Tsim Sha Tsui and Mongkok, there were about 200 licensed guesthouses and shadow ones respectively in the district. He was concerned that there might be more shadow guesthouses in districts such as Wan Chai and Causeway Bay, and sought information on the total number of such guesthouses in Hong Kong and the frequency of OLA's inspections on them.

47. In response to Mr CHEUNG Man-kwong's concern about the higher number of inspections conducted on hotels and guesthouses in the run-up to the Chinese New Year in 2011, DHA clarified that in addition to regular inspections throughout the year, OLA had conducted large-scale enforcement action, including inter-departmental joint operation with the Police, against unlicensed hotels and guesthouses before long holidays when more visitors travelled to Hong Kong, including those from the Mainland under the Individual Visit Scheme. Upon receipt of any complaint about a suspected unlicensed guesthouse, OLA had always collected evidence through operations like "snaking". The Administration considered its enforcement actions effective, as the success rate for prosecutions had been high. DHA stressed that the Administration had not condoned shadow guesthouses, as they might pose safety hazards to patrons and other occupants of the building. It had adopted a two-pronged approach to combat them by strengthening law enforcement actions and stepping up publicity.

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48. Mr WONG Kwok-hing noted from the Administration that at present, there were only some 20 staff to conduct day-to-day inspections on suspected unlicensed guesthouses, and they were also responsible for the enforcement of some other ordinances. He requested the Administration to deploy sufficient and dedicated manpower to crack down on such guesthouses.

49. Mr WONG Kwok-hing also noted from the Administration that the highest penalty in 2010 for an unlicensed guesthouse operator was imprisonment for two months. He asked whether the premises for unlicensed guesthouse operation had to be reinstated after the operator concerned had been convicted, or whether the premises concerned could be used by another operator. DHA responded that if an operator had been convicted of operating unlicensed guesthouse, not only the license for the premises associated with the unlicensed guesthouse operation but also the licences for other guesthouses run by the convicted operator might be revoked. Mr WONG urged the Administration to consider enhancing the penalty for unlicensed guesthouse operation by requiring the premises concerned to be reinstated, so that it could not be reused for unlicensed guesthouse operation. The Administration should compile a blacklist of premises associated with unlicensed guesthouse operation and publish it on the Internet for public inspection. HAD should also build up a network in the 18 districts to facilitate timely collection of intelligence on such premises and enforcement action.

Effectiveness of publicity

50. Mr Paul TSE doubted the effectiveness of the Licensed Guesthouse Logo Scheme ("LGLS") launched by OLA to help tourists to identify licensed hotels and guesthouses, as they might not be familiar with the circumstances in Hong Kong or access local television and radio broadcasts. He asked whether the Administration would carry out more effective publicity measures.

51. DHA considered the LGLS effective. Before the launch of the LGLS, licensed guesthouses might not have a clear sign at their entrance and consequently tourists had occasionally misidentified residential units as guesthouses and incurred complaints from residents. Since the launch of the LGLS, such complaints had decreased, as all licensed guesthouses had to display the requested logo at their entrance.

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**VI. Any other business**

52. There being no other business, the meeting ended at 10:45 am.

Council Business Division 2  
Legislative Council Secretariat  
15 December 2011