

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Panel on Home Affairs

Minutes of meeting
held on Monday, 17 July 2017, at 4:30 pm
in Conference Room 1 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 Tommy CHEUNG Yu-yan, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon KWONG Chun-yu
- Members attending** : Hon Charles Peter MOK, JP
Hon KWOK Wai-keung

Members absent : Hon LEUNG Che-cheung, SBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon YUNG Hoi-yan
Hon Tanya CHAN
Hon HUI Chi-fung

Public Officers attending : Item III

Mr LAU Kong-wah, JP
Secretary for Home Affairs

Mr Patrick LI Pak-chuen, JP
Deputy Secretary for Home Affairs (1)

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

Item IV

Mr LAU Kong-wah, JP
Secretary for Home Affairs

Mr Jack CHAN, JP
Director of Home Affairs (Acting)

Miss Vega WONG, JP
Assistant Director (4)
Home Affairs Department

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

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

Mr William LEE
Legislative Assistant (2) 9

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I. Information papers issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

II. Proposal to set up a joint subcommittee under this Panel and the Panel on Development to follow up on issues relating to the redevelopment, maintenance and management of aged buildings [LC Paper No. CB(2)1889/16-17(01)]

2. The Chairman sought members' views on Mr LAU Kwok-fan's proposal for setting up a joint subcommittee under this Panel and the Panel on Development to follow up on issues relating to the redevelopment, maintenance and management of aged buildings as set out in Mr LAU's letter dated 11 July 2017 [LC Paper No. CB(2)1889/16-17(01)]. Details of the terms of reference, work plan and time frame of the proposed Joint Subcommittee were also set out in the letter. As Mr LAU Kwok-fan was not present at this juncture, Mr Tommy CHEUNG, Chairman of the Panel on Development, informed members that the above proposal had already been endorsed by the Panel on Development.

3. No members raised objection to Mr LAU Kwok-fan's proposal. The Chairman said that the Joint Subcommittee would be placed on the waiting list of subcommittees on policy issues in accordance with the established procedures.

III. Latest Progress of Youth Development Work [LC Paper Nos. CB(2)1877/16-17(01) and (02)]

4. 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)1877/16-17(01)].

Discussion

5. Noting that the Home Affairs Bureau ("HAB") and the Commission on Youth ("CoY") had launched the Public Engagement on Youth Development Policy covering seven areas, namely education, health, multi-faceted development, global perspectives, volunteerism, work, and youth engagement and community participation, the Deputy Chairman

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enquired whether other concerns of young people, such as housing and constitutional affairs, should also be covered. He expressed support for setting up the Youth Development Commission, to be chaired by the Chief Secretary for Administration, and suggested that more young people should be appointed to it. The Chairman asked how the new Commission would be different from CoY in terms of mission and objectives, and whether the new Commission would adopt the same policy objective of youth development as the current one.

6. SHA explained that youth development straddled several policy areas. It was therefore necessary to set up the Youth Development Commission to steer youth development work and coordinate the relevant bureaux and departments to take forward youth development initiatives. CoY would also be incorporated into the Youth Development Commission. SHA added that CoY would analyse the public opinions collected through the aforesaid public engagement exercise, and then submit a draft report to the Government. On this basis, the Youth Development Commission would contemplate the future direction of youth development work, and HAB would collaborate with the new Commission to formulate policies and initiatives and continue to closely liaise with community organisations and various non-governmental organizations ("NGOs") to take forward youth development initiatives.

7. The Deputy Chairman enquired whether a certain percentage of members of the new Commission would have to be from a certain age group, say, aged below 35 or 45. Mr SHIU Ka-chun suggested that apart from setting up the Youth Development Commission, the Administration should also consider re-establishing youth councils in various districts so as to encourage young people to actively participate in public affairs.

8. SHA advised that consideration would be given to increasing the percentage of youth members in various advisory bodies as appropriate. He added that the Administration had been proactively engaging young people through the development of the youth network in the 18 districts. Subject to the views of the new Commission, HAB would explore further ways to encourage young people to actively participate into public affairs in various districts.

9. Mr YIU Si-wing said that as employers were often reluctant to hire young people without working experience, one of the major difficulties facing post-secondary graduates was to find jobs which matched their

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education and training background. He considered that the Administration should draw on the experience from the Youth Employment and Training Programme, and encourage/subsidize employers to provide more opportunities for post-secondary graduates to have workplace attachment training and on-the-job training.

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10. SHA acknowledged that pre-employment and on-the-job training was useful for young people. He said that under the Funding Scheme for Youth Life Planning Activities, NGOs were sponsored to jointly organize life planning activities with secondary schools, with a view to enhancing the understanding of students, parents and teachers of life planning and multiple pathways. Furthermore, exchange and internship opportunities in the Mainland were available for Hong Kong youth under the Funding Scheme for Youth Exchange in the Mainland and the Funding Scheme for Youth Internship in the Mainland. At the request of Mr YIU, SHA agreed to provide supplementary information on programmes implemented by the Labour and Welfare Bureau to support youth employment.

11. Mr SHIU Ka-chun considered that although the annual quota for the Multi-faceted Excellence Scholarship ("the Scholarship") would be doubled from 20 to 40 starting from the university academic year 2018-2019, the quota was still too small. He questioned whether it would only be those who excelled in academic achievements be awarded the Scholarship. He considered that if that was the case, the Scholarship could not meet the objective of encouraging young people to develop their multi-faceted talents.

12. SHA said that to promote a culture of multi-faceted excellence and convey a message to society that academic results were not the sole criterion for measuring success of young people, the Scholarship was launched to provide full sponsorship for local universities and tertiary institutions to admit students who excelled in areas such as sports, arts, community services. He added that the Scholarship was well received by the public and provided a new pathway for local students to be admitted to universities through non-academic achievements.

13. Dr Fernando CHEUNG said that the "Asian Urban-Wellbeing Indicators: Hong Kong Report" published by the Civic Exchange in October 2016 had pointed out that the room for the development of young people in Hong Kong had been diminishing. He considered that young people were frustrated due to stagnation in the political, economic and cultural development as well as poor governance and decline in the freedom of expression.

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14. SHA stressed that the Administration attached great importance to youth development work and had implemented a variety of measures to foster youth development as detailed in the Administration's paper for this meeting and the booklet entitled "Youth Development Work of the Current-term Government 2012-2017" published earlier. The Chairman considered that the paper under discussion failed to provide information on the uniformed groups and the Hong Kong Federation of Youth Groups, which also played an important role in organizing youth development activities. SHA explained that such information had been covered in the Administration's replies to the written questions raised by Finance Committee members in examining the Estimates of Expenditure 2017-2018, whereas the current paper sought to set out the latest progress of HAB's work on youth development.

15. Mr CHAN Chi-chuen considered that in order to ensure that projects funded under the Funding Scheme for Exchange in Belt and Road Countries ("the BnR Scheme") met the objective of the Scheme, the Administration should consider stipulating more detailed requirements for such projects. Noting that the number of young people benefitted from the International Youth Exchange Programme was rather small, Mr CHAN suggested that NGOs should also be invited to apply for funding under this programme for organizing exchange tours so as to benefit more young people.

16. SHA explained that the BnR Scheme aimed to promote in-depth exchange between young people of Hong Kong and their counterparts in the BnR countries, fostering the "people-to-people bond". In this connection, a community organization applying for the funding was required to provide detailed information such as the receiving unit in the destination as well as the itinerary. Information on all the funded projects under the BnR Scheme was available on the website of the Committee on the Promotion of Civic Education.

17. Mr KWONG Chun-yu considered that Hong Kong lagged behind Taiwan and the Republic of Korea in the development of cultural and creative industries. He urged the Administration to take measures to support the youth in their cultural development and to facilitate the use of industrial building units by young people for cultural and arts purposes. SHA advised that the Administration had been actively creating an environment conducive to the diversified development of culture and the arts. For example, much work had been done in schools to nurture talents and the

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appreciation of arts and culture. Furthermore, the construction of a number of cultural hardware was underway, including the West Kowloon Cultural District and the East Kowloon Cultural Centre. SHA said he noted that the relevant bureau was following up on issues relating to the use of industrial building units for cultural and arts purposes.

IV. Review of Hotel and Guesthouse Accommodation Ordinance

[LC Paper Nos. CB(2)1874/16-17(01) and CB(2)1877/16-17(03)]

18. At the invitation of the Chairman, SHA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)1874/16-17(01)].

Discussion

Further proposed legislative proposals to the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) ("HAGAO") and administrative enhancement measures

19. With reference to paragraph 8(b) of the Administration's paper, the Chairman enquired about the mechanism for handling the views collected through an administrative consultation. He asked how the views collected would be considered. Mr KWOK Wai-keung and Mr LAU Kwok-fan expressed support for the Administration's further proposed amendments as set out in paragraphs 7 to 10 of the Administration's paper. They considered that in processing an application for a guesthouse licence, the Licensing Authority ("the Authority") should duly consider the land use restrictions and the views of the affected persons.

20. SHA responded that an independent panel would be set up to consider local views and make recommendations for reference by the Authority. Reference would be made to the existing guidelines and practice for conducting local consultation under other licensing regimes e.g. the Amusement Game Centres Ordinance (Cap. 435). SHA added that administrative guidelines for conducting local consultation would be promulgated by the Authority after the enactment of the proposed legislative amendments.

21. With reference to paragraph 12(c) of the Administration's paper, Mr LAU Kwok-fan requested further information on when the Authority

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would accept alternative proposals in respect of the requirement to set up a 24-hour manned counter. The Acting Director of Home Affairs ("Ag DHA") said that the "Supplementary Guideline on the Provision of 24-hour Manned Counter" issued on 3 January 2017 set out clear criteria to facilitate preparation of alternative proposals if there were insurmountable constraints to set up a 24-hour manned counter. Applicants should, within areas proved to be under their management, offer means of 24-hour manned direct communication and proposals to effectively monitor the situation in the guesthouse. Applicants should also pledge that help would be provided at the guesthouse within around 20 minutes from the time of a patron's call. Mr LAU asked whether the Authority would exempt guesthouse licensees from or assist them in the application for other necessary licences if other services (e.g. meals) were provided therein. SHA said that the issue of a licence under HAGAO did not act as a waiver of any requirements under other licensing regimes and the relevant licensing requirements would still have to be met.

22. Mr SHIU Ka-fai acknowledged that the Administration's work in liaising with the trade had facilitated the smooth implementation of the administrative enhancement measures and transitional arrangements over the past two years. He suggested that the Panel might consider receiving views from the trade and the public on the Administration's further legislative proposals in future.

Unlicensed guesthouses soliciting lodgers via online platforms

23. Mr YIU Si-wing expressed concerns that while the operation of unlicensed guesthouses had been on the rise, there was insufficient manpower for combating and raiding such operation as he noted that the estimated staffing establishment of Office of the Licensing Authority ("OLA") would remain to be 132 from 2016-2017 to 2017-2018. He urged the Administration to strengthen enforcement against unlicensed hotels and guesthouses.

24. Ag DHA advised that OLA had strengthened its intelligence collection by forming a dedicated team to browse online or mobile platforms providing information on premises for lease, in a bid to search information on suspected unlicensed guesthouses and take necessary enforcement actions. He explained that the prosecution figure for unlicensed hotels and guesthouses held out through online platforms was not satisfactory because under HAGAO, very stringent requirements had to be met (e.g. operators

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had to be caught red-handed) in order to institute prosecution against the operators. With their web-based mode of operation (e.g. transactions were done online between the online platform/operator and the lodger), it was difficult for OLA to produce admissible evidence and institute prosecution. That being the case, the Administration proposed to amend HAGAO so as to empower OLA to, among others, instigate prosecution against the owner, tenant, or occupier concerned based on circumstantial evidence.

25. Mr YIU Si-wing and Mr KWOK Wai-keung urged the Administration to step up inspections before the relevant amendments to HAGAO were put in place. Ag DHA said that OLA would continue its work in carrying out proactive inspections, web browsing and instituting prosecutions, including collecting evidence by posing as clients (commonly known as "snaking") when necessary. It would also mount inter-departmental joint operations with other relevant departments as appropriate to combat unlicensed hotels and guesthouses effectively.

26. In response to Mr YIU Si-wing's enquiry about the regulation of caravans, Ag DHA explained that under HAGAO, "premises" providing short-term sleeping accommodation at a fee must obtain a licence unless exempted under specified circumstances.

Development of home-stay lodging

27. Mr CHU Hoi-dick suggested that the Administration should further facilitate the development of home-stay lodging in remote areas in the New Territories. He suggested that the Administration could better utilize abandoned surveyed squatters by relaxing the land use restrictions. Mr Kenneth LAU suggested that the Administration should step up efforts in constructing necessary infrastructure to facilitate the development of home-stay lodging in remote areas e.g. Lai Chi Wo and Tung Ping Chau. He requested the Administration to formulate development plans in this regard.

28. SHA advised that the Administration had promulgated a set of Guidelines on Applications for Guesthouse (Holiday Flat) in 2014, which was designed for New Territories Exempted Houses ("NTEHs"). The Guidelines set out the fire and structural safety requirements for Guesthouse (Holiday Flat), which were generally more relaxed as compared to those applicable to "Guesthouse (General)". The Authority would conduct site inspections upon receipt of individual applications, and adopt a flexible and

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pragmatic approach in considering alternative proposals, provided that fire and building safety were not compromised. As at 31 May 2017, the Administration had issued more than 130 Guesthouse (Holiday Flat) licences to NTEHs. The Chairman enquired about the potential demand for holiday flats among the existing NTEHs. Ag DHA said that the Administration did not have the information.

29. Referring to paragraph 17 of the Administration's paper, Mr YIU Si-wing sought clarification on the proposal to simplify the licence requirements applicable to home-stay lodging in multi-storey buildings. He considered that such home-stay lodging should be treated as a guesthouse and the proposal would be unfair to other guesthouse licensees. Mr CHU hoi-dick expressed concerns as to whether the proposal would adversely impact on the housing supply target as planned by the Transport and Housing Bureau.

30. SHA stressed that in considering any licensing regime for "home-stay lodging", same as other types of guesthouses, the necessary fire and building requirements would not be compromised. Ag DHA said that the Administration was still in the course of exploring with relevant bureaux and departments the idea of drawing up a set of guidelines to cater for licence applications for home-stay lodgings. In response to Mr Charles MOK's suggestion to enhance communication with operators of online platforms, SHA said that the Administration had kept in liaison with the operators concerned and urged responsible persons of such online platforms not to post information of unlicensed hotels or guesthouses. Mr MOK asked about the timeframe for drawing up those guidelines. Ag DHA said that the Administration did not have a timetable yet.

V. Any other business

31. There being no other business, the meeting ended at 6:14 pm.