

立法會
Legislative Council

Ref : CB2/PL/HA

LC Paper No. CB(2)286/18-19
(These minutes have been seen
by the Administration)

Panel on Home Affairs

Minutes of meeting
held on Monday, 26 March 2018, at 8:30 am
in Conference Room 2 of the Legislative Council Complex

- Members present** : Hon MA Fung-kwok, SBS, JP (Chairman)
Hon YUNG Hoi-yan (Deputy Chairman)
Hon CHAN Hak-kan, BBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon KWONG Chun-yu
Hon AU Nok-hin
Hon Tony TSE Wai-chuen, BBS
- Members attending** : Hon WU Chi-wai, MH
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki

Member : Hon IP Kin-yuen
absent

Public Officers : Item III
attending

Mr LAU Kong Wah, JP
Secretary for Home Affairs

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

Ms Sandy CHEUNG
Principal Assistant Secretary for Home Affairs
(Culture) 2

Ms Michelle LI Mei-sheung, JP
Director of Leisure and Cultural Services

Mr CHAN Shing-wai
Acting Deputy Director of Leisure and Cultural
Services (Culture)

Ms Elaine YEUNG Chi-lan
Assistant Director (Performing Arts)
Leisure and Cultural Services Department

Mrs Doris FOK LEE Sheung-ling
Assistant Director (Leisure Services) 1
Leisure and Cultural Services Department

Mr Edward TSE Cheong-wo
Project Director 3
Architectural Services Department

Mr Chris LIU Chi-ho
Chief Project Manager 302
Architectural Services Department

Mr Raymond LAU
Senior Project Manager 332
Architectural Services Department

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 for Home Affairs
(Recreation and Sport) 2

Mr Tony MOYUNG Hon
Deputy Director (Specialist) (Lands Administration
Office, Headquarters)

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. Information papers issued since the last meeting

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

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)1083/17-18(01) and (02)]

2. The Panel agreed to discuss the following items proposed by the Administration at the next regular meeting on 23 April 2018 at 8:30 am:

- (a) recreation and sports facility projects (Swimming pool complex

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and open space in Area 107, Tin Shui Wai; Provision of heated pool at the Morse Park Swimming Pool Complex, Wong Tai Sin; Open space in Area 6, Tai Po; Open space in Area 47 and 48, North District; and Redevelopment of Yuen Long Stadium – pre-construction activities); and

- (b) Opening up School Facilities for Promotion of Sports Development Scheme.

3. The Chairman directed that the next meeting be extended for 30 minutes to end at 11:00 am to allow sufficient time for discussion.

III. Major cultural and leisure projects (pre-construction works for the New Territories East Cultural Centre, pre-construction works for the Heritage Conservation and Resource Centre, and Station Square at Kai Tak)

[LC Paper No. CB(2)1083/17-18(03)]

4. At the invitation of the Chairman, the Secretary for Home Affairs ("SHA") briefed members on the salient points of the paper.

5. Ms Tanya CHAN, Mr CHAN Chi-chuen and Mr CHU Hoi-dick expressed dissatisfaction with the bundling of the above three public works proposals into a single agenda item, and held the view that the Administration should have submitted these proposals separately to the Panel for consideration. They questioned the rationale for the arrangement and requested the Administration to submit the three proposals separately to the Public Works Subcommittee ("PWSC") for discussion.

6. SHA explained that having regard to the urgent need for seeking funding approval for the three public works proposals, the Administration had decided, after consulting the Chairman, to bundle together these proposals into a single item. The Chairman said that he had given consent after taking into consideration the urgency of the three proposals and the difficulty in finding a suitable time slot for holding an additional Panel meeting. He added that in order to allow sufficient time for discussion, he had directed that this Panel meeting be extended to three hours in total.

7. Mr YIU Si-wing, Mr LAU Kwok-fan, Mr LUK Chung-hung and Mr SHIU Ka-fai considered that as the three works proposals were not

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controversial at all, there was no problem for these proposals being submitted to the Panel as a single agenda item. They considered that these projects should be taken forward as early as possible.

Discussion

Pre-construction works for the New Territories East Cultural Centre and the Heritage Conservation and Resource Centre

8. Mr SHIU Ka-chun and Mr KWONG Chun-yu considered it undesirable for museum collections to be stored at different off-site premises, and asked whether the proposed Heritage Conservation and Resource Centre ("HCRC") could provide adequate storage space for all museum collections in the future. They expressed concern about the security arrangements and whether those collections being stored at different off-site premises were properly preserved.

9. The Chairman noted that the shortage of proper storage had been a stumbling block for museums to solicit and secure private donations of valuable artefacts, and enquired how common it was for private collectors to refuse donating their collection items to public museums due to the lack of proper storage.

10. The Director of Leisure and Cultural Services ("DLCS") said that owing to site constraints, public museums had to deposit some of their collections in various off-site storages such as cargo containers, vehicle depots, transient stores and warehouses at different temporary sites, creating preservation and management problems for such collections. She confirmed that some private collectors had expressed concern about the shortage of proper storage in considering whether they would donate their collection items. She said that the proposed HCRC would be a dedicated storage and conservation facility for preserving museum collections, which could enhance the standards and efficiency of preserving museum collections, and could provide stringent security and environmental control. DLCS added that public museums currently had a total collection of over 2.3 million items/sets. The Administration estimated that the storage space to be provided in HCRC would be adequate for use in the coming 10 to 15 years.

11. Ms Tanya CHAN asked whether the design of HCRC had taken into consideration the transportation requirements for large collection items.

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Mr YIU Si-wing asked whether there would be any pedestrian link between HCRC and the nearby Wetland Park. He considered that the Administration should provide a sufficient number of coach parking spaces to facilitate group visitors. Mr LUK Chung-hung urged the Administration to re-provision the temporary car park currently located at the site of the proposed HCRC.

12. DLCS advised that HCRC would be linked to the Wetland Park by a covered footbridge and a tunnel. There would be parking spaces for coaches and visitors, but, for security reasons, public parking spaces would not be provided at HCRC. She added that the Administration would give consideration to providing public parking spaces in the vicinity of HCRC as appropriate. Mr LUK Chung-hung said that he did not accept security reason as a justification for not providing public parking spaces at HCRC.

13. Noting that the New Territories East Cultural Centre ("NTECC") would provide 95 parking spaces, of which 30 would be for group use and 65 for the public, Mr LAU Kwok-fan and Mr LUK Chung-hung urged the Administration to provide a larger number of public parking spaces. Mr LAU suggested that the Administration should explore the feasibility of providing a car park as an underground facility or on an additional floor. The Chairman suggested that the above-mentioned allocation of parking spaces should be handled in a flexible manner. Mr CHAN Chi-chuen considered that the temporary car park currently located at the site of NTECC should be re-provisioned. He also asked whether there would be a sufficient number of bicycle parking spaces to be provided in NTECC.

14. DLCS advised that the pre-construction works of NTECC would include studies on the feasibility of providing additional parking spaces at NTECC, including the option of providing an underground parking facility, as well as exploring the possibility of re-provisioning a temporary car park at a site nearby before the main construction works commenced. She added that the pre-construction works were targeted to be completed in 2022, and before that, the temporary car park currently provided in the site could continue to operate. DLCS added that the project scope of NTECC also included re-provisioning of the existing bicycle tracks and bicycle parking area.

15. Mr Tony TSE expressed support for the proposed NTECC. He asked whether it would be able to meet demand for performance venues by small and medium-sized arts groups and suggested that the Administration should

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fully utilize the plot ratio of the NTECC site to provide as many facilities as possible. He further asked whether there were plans to enhance the existing facilities of the North District Town Hall and the Tai Po Civic Centre. The Deputy Chairman suggested that the Administration should explore the feasibility of providing space for staging open-air performance outside NTECC, as in the case of the Sha Tin Town Hall. Ms Tanya CHAN welcomed the proposed NTECC and hoped that it could meet demand for facilities like rehearsal rooms and black box theatres. Mr CHAN Chi-chuen said that the Administration should enhance the transparency of the criteria for the hiring and the allocation of such facilities.

16. DLCS said that NTECC aimed to provide a cross-district cultural centre with multi-purpose facilities for performances and rehearsals in the New Territories East region to meet the needs of the public as well as the arts and community sectors. The project scope of the proposed NTECC comprised, among others, an auditorium of 1 400 seats, a theatre of 700 seats and a multi-purpose studio of 180 seats. The facilities would cater to arts groups of various sizes, and a mechanism was in place to ensure that time slots of various facilities were properly allocated. Information on the criteria for hiring and allocating performance venues was available on the relevant webpages of the Leisure and Cultural Services Department ("LCSD"). DLCS added that the Administration would regularly enhance existing facilities of performance venues. In reply to Mr CHAN Chi-chuen's enquiry, DLCS said that universal toilets would be provided in all newly constructed public facilities under LCSD. The Chairman considered that given the long-standing shortage of performance venues, the Administration should expedite the implementation of NTECC.

Admin 17. In response to Mr KWONG Chun-yu's concerns, DLCS said that if underground cavities were identified in the pre-construction works, the impact on the estimated project cost would be reflected in the funding proposal of the main construction works. Mr Tony TSE requested the Administration to provide more details of the above two projects when submitting the two proposals to PWSC.

Kai Tak Station Square

18. Mr SHIU Ka-chun said that the design of the Kai Tak Station Square ("KTSS") should be more user friendly to meet the needs of the general

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public. Mr Andrew WAN said that some facilities in LCSD parks had a rather low usage rate, and suggested enhancing the variety of the facilities to be provided in KTSS. He questioned whether there were statistical data supporting the decision to provide two lawn bowling greens in KTSS, and suggested adopting a flexible design for lawn bowling greens so that they could be put into other uses, e.g. gateball courts.

19. Mr CHU Hoi-dick said that visitors of public parks often preferred to have a large green lawn therein. He queried the need for providing three cycling tracks and two lawn bowling greens in KTSS, and suggested reducing the number of those facilities so that a larger green lawn and/or a wider variety of facilities could be provided therein. Ms Tanya CHAN suggested that swings should be provided in the children's play area, and artworks should be displayed in KTSS.

20. DLCS said that KTSS would occupy an area of about 12 hectares, aiming to provide spacious and quality open space with a mixture of leisure and recreational facilities for residents and working population nearby. A large lawn would be provided therein for casual leisure use, and the three cycling tracks would be designed for use by different age groups. She explained that there was currently no lawn bowling green in Kowloon under LCSD, and the two lawn bowling greens to be provided in KTSS would satisfy demand for such facilities in various districts. DLCS said that the Administration would consult relevant stakeholders, including relevant District Councils and user groups, on the choice of facilities to be provided in KTSS. There would be consultation on children's play facilities and artworks would be displayed in KTSS as appropriate.

Admin 21. Mr Tony TSE suggested that local young professionals should be given opportunities to participate in the design of KTSS. In response, DLCS said that the design of KTSS would tap into local talents as appropriate, e.g. artworks created by local artists would be displayed in KTSS. Mr Tony TSE requested the Administration to provide more details of the design and costing of the project when the proposal was submitted to PWSC.

22. The Chairman said that as the two lawn bowling greens would require shroff and changing rooms, he suggested that in order to enhance the cost-effectiveness of these facilities, the Administration might provide an additional floor at the site of the two lawn bowling greens to provide more sports facilities (e.g. curling) for the public. He said that the proposal

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would not need to take up additional land. In response, DLCS explained that many different kinds of sports facilities would be provided at the nearby Kai Tak Sports Park. Moreover, with the many utility pipes below the site of the two lawn bowling greens, it would not be able to construct a tall building structure there.

Motions

23. After discussion, Ms Tanya CHAN moved the following motion:

(Translation)

"That this Committee considers it necessary for the Administration to submit separately the three major cultural and leisure projects (pre-construction works for the New Territories East Cultural Centre, pre-construction works for the Heritage Conservation and Resource Centre, and Station Square at Kai Tak) to the Public Works Subcommittee and the Finance Committee for examination."

24. The Chairman put the motion to vote. The voting result was that six members voted for the motion, eight members voted against it and one member abstained from voting. The Chairman declared that the motion was negated.

25. Ms Tanya CHAN then moved the following motion:

(Translation)

"That this Committee considers that in future, the Home Affairs Bureau should not bundle together multiple public works items for submission to the Panel on Home Affairs for consideration."

26. The Chairman put the motion to vote. Ms Tanya CHAN requested a division.

The following members voted for the motion:

Mr CHAN Chi-chuen, Dr Fernando CHEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr SHIU Ka-chun, Ms Tanya CHAN, Mr HUI Chi-fung, Mr KWONG Chun-yu, and Mr AU Nok-hin.

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The following members voted against the motion:

Mr MA Fung-kwok (Chairman), Ms YUNG Hoi-yan (Deputy Chairman), Mr CHAN Hak-kan, Mr Steven HO, Mr LEUNG Che-cheung, Mr Christopher CHEUNG, Mr Jimmy NG, Mr Holden CHOW, Mr SHIU Ka-fai, Mr LUK Chung-hung, Mr LAU Kwok-fan, and Mr Tony TSE.

27. The Chairman declared that nine members voted for and 12 Members voted against the motion, and no members abstained from voting. The Chairman declared that the motion was negated.

28. The Chairman said he noted that no members raised objection to the submission of the above three public works proposals to PWSC for examination.

IV. Review on policy of Private Recreational Leases

[LC Paper Nos. CB(2)1083/17-18(04) and (05)]

29. At the invitation of the Chairman, SHA briefed members on the findings and recommendations of the policy review of Private Recreational Leases ("PRL") conducted by the inter-departmental work group ("the Working Group") as set out in the Administration's paper [LC Paper No. CB(2)1083/17-18(04)].

30. The Chairman declared that he was a member of the Hong Kong Jockey Club and the South China Athletic Club. Mr SHIU Ka-fai declared that he was a member of the Hong Kong Jockey Club. Mr Christopher CHEUNG declared that he was a member of a number of private sports clubs including the Hong Kong Jockey Club and the Hong Kong Golf Club. Mr Kenneth LAU declared that he was also a member of the Hong Kong Jockey Club and the Hong Kong Golf Club. Mr LEUNG Che-cheung declared that he was a director of the Yuen Long District Sports Association Limited.

Discussion

Sport development and land use

31. Mr SHIU Ka-fai, Mr Christopher CHEUNG, the Chairman and Mr YIU Si-wing considered that contributions made by private sports clubs

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to sports development should be recognized, and if proper use of the relevant sites could be ensured, it was acceptable for the Government to continue the PRL policy. Mr CHEUNG and Mr YIU considered that the Administration should take measures to encourage private sports clubs to host more international sports events.

32. SHA and the Permanent Secretary for Home Affairs ("PSHA") said that some private sports clubs provided sports facilities that were rarely provided by the Government for public use (such as cricket grounds, hockey pitches, golf courses, lawn bowl greens and sailing/yachting facilities), and many private sports clubs provided high quality sports facilities for hosting major international sports events, or provided essential supporting facilities for these events, e.g. the Hong Kong Open, the Hong Kong Squash Open, and Hong Kong Cricket Sixes. In light of the background, history, mode of operation and the nature of the facilities provided, the Working Group had proposed that the 27 sites held by 24 private sports clubs should continue to be dealt with under the PRL policy, but the lease conditions should be significantly modified to better meet the dual needs of supporting sports development and optimizing land use.

33. Dr Fernando CHEUNG, Mr Andrew WAN, Ms Tanya CHAN, Mr CHAN Chi-chuen and Mr KWONG Chun-yu queried whether the Government should continue to adopt the PRL policy, and criticized that the PRL policy was lopsided to the rich and the privileged. These members held the view that the 27 sites being held by private sports clubs had made up a very large proportion of the site area granted under the PRL policy, but these clubs in general charged a very high membership fee beyond the affordability of the general public. They also expressed a strong view that the 170-hectre Fanling Golf Course should be resumed for other more imminent purposes, such as provision of public housing to address the acute shortage of housing in Hong Kong.

34. Mr LUK Chung-hung considered that given the scarcity of land, the Government should consider resuming some PRL sites including the Fanling Golf Course for alternative uses, particularly housing development.

35. Mr LAU Kwok-fan said that he adopted an open attitude as to whether the Fanling Golf Course should be resumed for housing development, but he was concerned about the impact of housing development on traffic condition in the North District. Mr Holden CHOW considered that the use of the PRL sites should be considered in a holistic

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manner. Mr CHOW and Mr Kenneth LAU considered it appropriate for land supply issues to be followed up by the Task Force on Land Supply under the Development Bureau.

36. Mr CHU Hoi-dick, Mr HUI Chi-fung and Mr AU Nok-hin considered that the PRL policy should not be continued. They held the view that even if the existing PRL sites were not suitable for alternative uses, the Administration should consider resuming all those sites and entrusting the Leisure and Cultural Services Department to manage the relevant sports facilities. Mr AU also considered that priority should be accorded to providing sports facilities which were more popular among the general public (e.g. football). He further suggested that the Panel should hold a special meeting to receive public views on the PRL policy review.

37. Dr Junius HO considered that land supply and PRL policy were two separate issues. In his view, even if the Fanling Golf Course were to be resumed, the three golf courses therein could be divided into one public and two private golf courses, and their operation and management could continue to be outsourced to the Hong Kong Golf Club.

38. In response, SHA and PSHA said that private sports clubs had relieved the pressure on popular sports facilities by providing sports and recreational facilities to their members as well as eligible outside bodies, and some private sports clubs provided sports facilities that were not currently offered, or rarely provided by the Government. In considering whether these facilities should be provided by the Government, it was necessary to consider whether the relevant departments had sufficient expertise and technical knowledge to develop and operate such facilities. Furthermore, many private sports clubs provided their facilities for different National Sports Associations ("NSAs") as training bases and competition venues, e.g. lawn bowl greens, cricket pitches, golf courses and tennis courts.

39. SHA said that a six-month public consultation exercise on the PRL policy was being conducted by the Home Affairs Bureau ("HAB"). He added that the public engagement conducted by the Task Force on Land Supply would study various land supply options, including whether PRL sites (which included the Fanling Golf Course) should be put in alternative uses.

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Recommendations of the Working Group

40. Regarding the recommendations of the Working Group that the existing 66 PRL sites could be broadly classified into two categories, Mr Kenneth LAU considered it appropriate that PRL sites held by community organizations such as social and welfare organizations as well as NSAs could be dealt with separately from the sites held by private sports clubs. The Chairman expressed support for continuing to allow community organizations, particularly NSAs, to apply for new sites for sports and recreational use. He enquired how community organizations would meet the criteria for "quasi-public" nature.

41. SHA said that the 36 sites which had been granted to community organizations were considered operating in a "quasi-public" nature, i.e. imposing no membership requirement for using the facilities; or if there was a membership requirement, the membership fee was generally low and there was usually no restriction on the membership size. The Working Group had recommended that upon the expiry of the current leases and where renewal was appropriate, these community organizations might be granted a new special purpose lease (instead of PRL) and continue to pay a land premium at a nominal level.

42. Mr SHIU Ka-fai and Mr Kenneth LAU expressed concern about the Working Group's recommendation that the 27 PRL sites currently held by 24 private sports clubs should continue to be dealt with under the PRL policy but the lease conditions should be significantly modified, such as requiring private sports clubs to pay a concessionary premium to be set at one-third of the full market value ("FMV") land premium for lease renewal. They expressed concern that some private sports clubs might be unable to afford to pay the land premium and choose to close down. Members enquired about the rationale for the concessionary premium to be set at one-third of FMV land premium. Mr LEUNG Che-cheung queried whether it was appropriate to set the concessionary premium on an across-the-board basis for all private sports clubs. He suggested adopting a more flexible arrangement, e.g. requiring the private sports clubs to share a certain percentage of their operating surplus with the Government.

43. SHA and PSHA explained that the Working Group had considered requiring the private sports clubs to pay a higher level of premium (e.g. 50% or two-thirds of FMV) but believed that a higher level would cause many private sports clubs to close down as they would not be able to afford. The Working Group had also considered the option of applying different levels of

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concession for different clubs or categories of clubs having regard to their affordability (such as varying size of reserves) or contributions to sports development, but came to the view that a scheme that required the Government to quantify the extent of affordability and contributions of individual clubs would create dispute and uncertainty. The Working Group therefore recommended that the premium concession arrangement for all private sports clubs should be determined on an across-the-board basis so that the new premium policy was transparent and clear. Besides, if a private sports club did not wish or could not afford to pay one-third FMV land premium, it could choose to change its mode of operation and apply for the new special purpose lease for community organizations, provided that the club concerned would change its mode of operation to "quasi-public" in nature.

44. Mr CHU Hoi-dick and Mr HUI Chi-fung said that they did not see what meaningful purpose would be served by imposing the requirement that private sports clubs were to pay one-third FMV land premium, given the large amount of fiscal reserves of the Government. Mr WU Chi-wai expressed concern that the requirement would only make it more difficult for the Government to resume the relevant sites, as such arrangement might give rise to the lessees' reasonable expectation of lease renewal. Mr Andrew WAN, Mr AU Nok-hin and Mr Holden CHOW asked whether the Government would still retain the power of resuming specific PRL sites for a public purpose by giving a 12-month notification to the lessee concerned if the new premium policy was adopted.

45. PSHA said that the PRL lease terms provided that the Government had the power to resume specific sites occupied under PRLs for a public purpose, provided that a 12-month notification period was given to the lessee concerned. Besides, the Government might invoke the Lands Resumption Ordinance (Cap. 124) to resume private land, having regard to the Government's needs, for an established public purpose.

46. Ms Tanya CHAN and Mr Andrew WAN asked how the Administration would deal with the current lease for the Fanling Golf Course, which would expire on 31 August 2020. Ms CHAN and Mr WAN expressed concern that should the Government decide to resume the site, it had to notify the Hong Kong Golf Club 12 months before the expiry. They urged the Administration to expedite the policy review.

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47. PSHA said that subsequent to the Executive Council ("ExCo")'s approval of the renewal of PRLs expiring in 2011 and 2012 at nominal premium, no renewal of PRLs had been approved ever since owing to the on-going PRL policy review, and the relevant sites were under "holding-over" arrangement pending completion of the policy review. For the six leases expiring between 2014 and 2024 (including that for the Fanling Golf Course), the Working Group considered that sufficient time should be given for the lessees concerned to raise funds for the payment of land premium. Before the implementation of new land premium policy, if the Administration considered it appropriate to allow the lessees to use the sites, the lessees could continue to lease the land at nominal premium until 2027.

48. The Chairman, Mr Holden CHOW, Mr LEUNG Che-cheung and Mr LAU Kwok-fan considered that the renewal duration of 15 years for PRL sites as proposed by the Working Group was too long. Mr CHOW and Mr LEUNG suggested that the lease period should be shortened to three to five years, and Mr LAU suggested setting the lease period at five years.

49. PSHA said that if PRL leases were renewed for less than 15 years, lessees might not be willing to make any significant investment in the development and maintenance of their facilities or to recruit new members. This would have a deleterious effect on lessees' ability to provide sports and recreational opportunities to their members and the wider community under the enhanced opening-up arrangements.

50. Mr LUK Chung-hung noted that the Working Group had proposed to require the relevant private sports clubs to increase the opening-up hours of sports facilities to a minimum of 30% of their sports facilities for use by eligible outside bodies, and questioned why the Working Group had not proposed to further increase the opening-up hours to a higher percentage. Citing the Fanling Golf Course as an example, Mr LUK said that if the fee level of the sports facilities was beyond the affordability of the general public, the opening-up arrangement could not genuinely benefit the public. Mr Holden CHOW expressed concern that private sports clubs might implement the opening-up arrangement in such a way that only unpopular timeslots would be available for public use.

51. PSHA said that the private sports clubs had currently committed to opening up on average 13% of their respective sports facility capacity and that the overall average utilization rate of sports facilities of these clubs was

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around 40%. The Working Group considered that requiring the PRL lessees to open up at least 30% of their respective total sports facility capacity to eligible outside bodies was a reasonable and balanced proposal. This proposal, on the one hand, could increase the number of the committed opening up hours of these private sports clubs by two-fold and, on the other hand, enable members of these clubs to continue using over half of their sports and recreational facilities capacity and programmes. Besides, the existing categories of eligible outside bodies would be expanded, which would increase the number of outside bodies with access to sports facilities of private sports clubs from 5 000 to over 7 000. PSHA added that the Working Group had proposed that PRL lessees should be required to partner with NSAs or their affiliated sports clubs to organize sports programmes, of which a minimum of 240 programme hours per month should be open for enrolment by members of the public, with a view to promoting sports in the community.

52. Mr AU Nok-hin commented that the opening-up requirement of 240 programme hours per month was too low, as the sports programme hours were measured by the total number of programme hours with public participation. He considered that the requirement could be met simply by organizing a few training courses.

53. Mr SHIU Ka-chun queried whether the statistics compiled by the Hong Kong Golf Club accurately reflected the situation of the Fanling Golf Course being opened up to non-members. In response, the Commissioner for Sports ("C for S") explained that facility hours of golf courses were based on the number of rounds of golf per month, multiplied by the duration of each round, and the statistics were compiled in the same way by various golf courses including the Fanling Golf Course, Clearwater Bay Golf and Country Club and the Kau Sai Chau Public Golf Course.

Monitoring of PRL sites

54. Ms Tanya CHAN and Mr AU Nok-hin expressed dissatisfaction that the Government failed to detect non-compliance with PRL leases in many cases, e.g. operation of food and beverage outlets and other commercial activities on PRL sites. Mr LAU Kwok-fan expressed the same concerns. He asked whether the Administration had taken any enforcement actions, and whether the Administration would resume PRL sites which were found to have breached the leasing conditions.

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55. PSHA said that the Lands Department ("LandsD") would follow up on suspected breaches of the lease conditions upon receipt of complaints or referrals. If any breach of the lease conditions was confirmed, LandsD would, in consultation with HAB, take lease enforcement actions (e.g. issuing warning letter in the capacity of Government land agent, registration at Land Registry and re-entry) against lease breaches as appropriate.

56. Mr LUK Chung-hung criticized that some private sports clubs made profits through the trading of membership, and suggested that the Administration should require private sports clubs to release their financial statements. Mr HUI Chi-fung said that as a result of the trading of membership of private sports clubs, large profits had been made by persons concerned.

57. PSHA said that some private sports clubs had raised funds through selling debentures in the past. To prevent private sports clubs or their members from making profits from debenture trading, the Working Group had proposed that private sports clubs should not issue any new debentures without seeking HAB's prior consent in writing. To prevent debenture trading, new debentures could not be traded in the market (or could only be sold to private sport clubs concerned at their original prices) within a certain period of time.

58. Ms Alice MAK pointed out that in a case involving a boy being drown when sailing a dinghy in an event organized by the Royal Hong Kong Yacht Club, the Coroner had recommended in 2007 that the Administration should look into the possibility of establishing a designated governmental or central body to supervise and license all water sports centres in Hong Kong. She urged the Administration to follow up on the matter. In response, C for S said that at present, all water sports centres were required to ensure that their operation complied with the relevant laws and the guidelines issued by the relevant NSAs.

Way forward

59. Members noted that the six-month public consultation on the PRL policy review would end on 19 September 2018. Noting that the Task Force on Land Supply was about to launch a public engagement exercise on land supply issues, Mr Andrew WAN and Mr SHIU Ka-chun asked how the Administration would deal with a possible situation that the outcomes of the above two exercises were conflicting. In response, SHA said that the views

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collected during the public consultation on the PRL policy review conducted by HAB would be summarized and submitted to ExCo for consideration.

(The Chairman directed that the meeting be extended for 15 minutes.)

Motion

60. Mr Andrew WAN proposed to move the following motion:

(Translation)

"That this Committee requests the Government to review Private Recreational Leases:

1. to resume the site of the Hong Kong Golf Club (the Fanling Golf Course), the lease for which will expire in 2020, for the purpose of providing public housing and residential care services in large volume, and review immediately the land use of sites granted under Private Recreational Leases in various districts to stop non-compliance;
2. to stop compulsory relocation of residents in the North East New Territories and launch a study on district-based land resources planning to alleviate the impact on those residents who have to relocate and prevent indigenous rural land from being involved;
3. to urge the Government to release the clause in special purpose leases for terminating the leases, and to make it compulsory that a "clause for cutting the lease period" will be added when such leases are granted."

61. Mr LUK Chung-hung proposed to move a procedural motion to adjourn the discussion. At the invitation of the Chairman, the Clerk referred members to paragraph 3.45 of the *Handbook for Chairmen of Panels* and advised that as the Chairman had ruled that the proposed motion was directly related to the agenda item, the Chairman should invite members present to consider whether the motion should be dealt with. The Chairman then put to vote the question as to whether the motion proposed by Mr Andrew WAN should be dealt with. Mr LUK Chung-hung requested a division.

Action

(The Chairman suggested and members agreed that the meeting be further extended to complete the voting.)

The following members voted for the question:

Mr CHAN Chi-chuen, Dr Fernando CHEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr SHIU Ka-chun, Ms Tanya CHAN, Mr HUI Chi-fung, Mr KWONG Chun-yu, and Mr AU Nok-hin.

The following members voted against the question:

Mr MA Fung-kwok (Chairman), Ms YUNG Hoi-yan (Deputy Chairman), Mr CHAN Hak-kan, Mr Steven HO, Mr YIU Si-wing, Mr LEUNG Che-cheung, Mr Christopher CHEUNG, Mr Jimmy NG, Dr Junius HO, Mr Holden CHOW, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU and Mr Tony TSE.

62. The Chairman declared that nine members voted for and 14 members voted against the question, and no member abstained from voting. The Chairman declared that according to the voting result, the Panel would not proceed to deal with the motion proposed by Mr Andrew WAN.

V. Any other business

63. There being no other business, the meeting ended at 11:50 am.

Council Business Division 2
Legislative Council Secretariat
19 November 2018