

立法會

Legislative Council

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Report of the Panel on Home Affairs for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Home Affairs ("the Panel") during the 2017-2018 Legislative Council session. It will be tabled at the Council meeting of 4 July 2018 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to district, community and rural matters, civic education, building management, youth matters, the provision of leisure and cultural services, the development of arts and culture, public entertainment, sport and recreation. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 27 members, with Hon MA Fung-kwok and Hon YUNG Hoi-yan elected as its Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major work

Culture and the arts

Training of arts administrators

4. The Chief Executive announced in her 2017 Policy Address that the Government would provide additional funding of \$216 million in the coming six years (i.e. \$36 million per year) to continue the support for training of arts administrators.¹ Members noted that with the additional funding, internships,

¹ The Government allocated time-limited funding of \$150 million from 2013-2014 to 2017-2018 to enhance the internship and scholarship program for the training of arts administrators through the Leisure and Cultural Services Department and the Hong Kong Arts Development Council.

scholarships and other training schemes that were currently funded by the \$150 million from 2013-2014 to 2017-2018 could continue in the coming six years. Recognizing the importance of grooming arts administrators to support the further development of arts and culture in Hong Kong, members in general supported the above initiative. Some members, however, considered that the Administration should also address the phenomenon that the remuneration of arts administrators was generally low in Hong Kong and there were not enough promotion opportunities for them. Some members pointed out that it was difficult for senior arts administrators to have time to join training programmes, and there were not enough training programmes that catered to their specific needs. There was a suggestion that the Administration might consider conducting a survey to better understand the training needs of arts administrators working in various types of arts organizations/arts groups.

5. The Administration considered that to improve the remuneration of arts administrators, the Government needed to implement initiatives to create an environment conducive to the professional development of the arts and therefore lead to the overall improvement of the remuneration of local arts administrators. With additional resources provided to the sector, relevant arts groups could flexibly use the resources to enhance their production and remuneration and to perform outside Hong Kong. Furthermore, new performance venues, notably some facilities in the West Kowloon Cultural District, the East Kowloon Cultural Centre and the New Territories East Cultural Centre, would be completed in the next few years which would foster the vibrant development of the sector. The Administration advised that it would continue to provide multiple training opportunities catering to the different needs of arts administrators, including internships for grooming junior arts administrators and training schemes targeted at middle and senior arts administrators.

Enhancement of programming, audience building and collection management of public museums

6. The Panel has been closely monitoring the Administration's work in programming, audience building and collection management of public museums managed by the Leisure and Cultural Services Department ("LCSD"). The Panel was briefed on the progress made by LCSD and its future plan in these areas of work.

7. Members noted that in the past three years, LCSD museums had made an effort to present a variety of exhibitions and programmes to enrich the museum experience of visitors. In particular, the number of visitors (854 045) to *Eternal Life – Exploring Ancient Egypt* held at the Hong Kong Science Museum had set a new attendance record for museum exhibitions. In audience building, the Panel noted that after the implementation of the new initiative of free admission

to the permanent exhibitions of five designated LCSD museums² with effect from 1 August 2016, the total attendance of these museums had increased by more than 70% in the first year when compared with the total attendance in the same period of the previous year. Members supported that LCSD should maintain the free admission arrangements for the public museums.

8. As regards collection management, members expressed concern that the existing museum items amounting to over 1.5 million had outgrown the available storage spaces on the premises of public museums. The Administration advised that LCSD was planning to construct a Heritage Conservation and Resource Centre ("HCRC") in Tin Shui Wai to meet the acute storage needs as well as to make museum collections more accessible to the public. The Administration subsequently consulted the Panel on the pre-construction works for this project. Members noted that the proposed HCRC would serve as a centre for the conservation and safe-keeping of LCSD museum collections with facilities for exhibitions and educational activities. Subject to the funding approval of the Legislative Council, pre-construction works of HCRC will commence in 2018 for completion in 2021. Members considered that the proposed HCRC would enhance the standards of preserving museum collections and expressed support for the proposed project.

9. The Panel was also consulted on the Administration's proposal of providing \$500 million to LCSD for the acquisition of museum collections and commissioning of art and cultural projects for exhibitions and display. Members in general supported the funding proposal and requested the Administration to make use of the new funding to promote appreciation of artworks and artefacts and enhance the cultural experience of the public.

Funding support to Intangible Cultural Heritage

10. The Panel was consulted on the Administration's proposal of providing \$300 million to strengthen the safeguarding, promotion and transmission of Intangible Cultural Heritage ("ICH"). Under the proposal, LCSD would make use of the provision of \$300 million to set up a dedicated funding scheme to provide financial support to projects and activities organized by or in partnership with community organizations and ICH bearers to safeguard and promote ICH. Members considered that ICH is the cultural asset of Hong Kong and its safeguarding is most important. Whilst expressing support for the funding proposal, some members suggested that the Administration should also consider the need to legislate for the preservation and protection of ICH in Hong Kong. The Administration advised that it attached great importance to the safeguarding of ICH and strived to raise the public's awareness of the importance of ICH and

² The five museums are, namely, the Hong Kong Museum of Art, the Hong Kong Museum of History, the Hong Kong Heritage Museum, the Hong Kong Museum of Coastal Defence and the Dr Sun Yat-sen Museum.

the need to protect such heritage. Over the years, the Administration had introduced key measures including the establishment of a dedicated Intangible Cultural Heritage Office in 2015, the setting up of the Hong Kong Intangible Cultural Heritage Centre at the Sam Tung Uk Museum in 2016, and the promulgation of the first Representative List of ICH of Hong Kong in 2017. The Administration considered that these initiatives and the proposed funding scheme would be very effective in safeguarding and promoting ICH and it did not see an urgent need for legislation to safeguard ICH at the present stage.

Pre-construction works for the New Territories East Cultural Centre

11. The Panel was consulted on the proposed pre-construction works for the New Territories East Cultural Centre ("NTECC") in Fanling. Members in general expressed support for the project which in their view could facilitate the participation of the New Territories East communities in arts and cultural activities and to better support the development of local performing arts groups. Members noted that subject to funding approval of the Finance Committee, the Administration planned to engage consultants to commence the design and site investigations in the fourth quarter of 2018 for completion in the first quarter of 2022. Members considered that given the long-standing shortage of performance venues, the Administration should expedite the implementation of NTECC.

Sports and recreation

Opening up School Facilities for Promotion of Sports Development Scheme

12. The shortage of sports venues in Hong Kong has all along been the Panel's concern. Members have repeatedly urged the Administration to encourage schools to open up their sports facilities for hire by sports organizations so as to meet the needs of the sector and the public. In the current legislative session, the Panel was pleased to note the "Opening up School Facilities for Promotion of Sports Development Scheme" ("the Scheme") jointly launched by the Education Bureau ("EDB") and the Home Affairs Bureau ("HAB") from the 2017-2018 school year. Under the Scheme, additional subsidy would be provided to public sector schools which opened up their facilities to sports organizations for organizing sports activities.³ The Administration explained that the objective was to increase the provision of sports facilities, while enhancing the sporting culture in schools and encouraging students to develop a healthy sporting habit.

³ The amount of the subsidy is \$20,000 for accommodating the first programme and \$15,000 for each subsequent programme, up to a maximum amount of \$80,000 per school in each school year. The subsidy can be used for hiring extra manpower, strengthening security measures, defraying additional utility costs, and carrying out urgent minor repair works. Sports organizations are required to procure adequate insurance, including third party liability insurance, for their use of school facilities.

Members noted that over 130 schools had indicated their willingness to open up their facilities to sports organizations during certain specified hours. As at April 2018, a total of 17 sports organizations had arranged to run 45 sports programmes in 15 schools. These programmes included squad training programmes, young athletes training programmes and district sports activities. It was estimated that there would be over 1 200 participants.

13. Members in general welcomed the Scheme but concern was raised that the number of participating schools seemed to be on the low side. Some members requested the Administration to review how the Scheme could be further enhanced. The Administration advised that the level of hire charges levied by some schools was considered relatively high compared with that charged for the facilities under the management of LCSD. EDB and HAB would collect feedback from participating schools and sports organizations and examine how the Scheme could be refined. Members suggested expanding the Scheme to schools under the Direct Subsidy Scheme with a view to providing a wider range of facilities for different types of sports activities. The Administration undertook that EDB would consider the suggestion.

Injecting to the Arts and Sport Development Fund (Sports Portion) and the Elite Athletes Development Fund

14. The Administration announced in the 2018-2019 Budget an injection of \$1 billion into the Arts and Sport Development Fund ("ASDF") (Sports Portion) to strengthen the funding support for sports organizations to train athletes and host events, and an injection of \$5 billion into the Elite Athletes Development Fund ("EADF") to provide greater support for the development of elite sports. At its meeting on 28 May 2018, the Panel was consulted on the proposed injections of \$1 billion into ASDF (Sports Portion) and a total of \$6 billion (inclusive of the last year's proposed injection of \$1 billion) into EADF.⁴

15. Members in general expressed support for the proposed injections in order to strengthen the funding support for sports organizations to train athletes and host events as well as to ensure the sustainability in the operation of the Hong Kong Sports Institute and the development of elite sports. Some members held the view that apart from increasing funding support for elite sports, the Administration should also devote additional resources for the development of non-elite sports and new sports (e.g. darts) as well as upgrading school and district-level sports programmes. The Administration advised that it would strengthen the support for various sports projects as far as resources permitted. On the monitoring mechanism for the use of funding under ASDF (Sports

⁴ The Administration consulted and received support from the Panel on the proposed injection of \$1 billion into EADF in May 2017. In the 2018-2019 Budget, the Administration announced the injection of another \$5 billion, bringing the total to \$6 billion, into EADF.

Portion), the Administration advised that applications for funding would be assessed by LCSD prior to submission to the Secretary for Home Affairs for approval. Upon receipt of funding, successful applicants would be required to comply with a number of requirements, including the submission of evaluation reports and statements of accounts of the funded projects. Any unspent balance would have to be returned to ASDF.

Review of policy of Private Recreational Leases

16. An inter-departmental working group ("Working Group") was set up by HAB in 2014 to conduct a comprehensive review of the policy of Private Recreational Leases ("PRL"). The Working Group has completed the review and commenced a six-month public consultation exercise on 20 March 2018. The Panel discussed the recommendations of the policy review, including whether all PRL sites should continue to be handled under the existing lease arrangement and whether private sports clubs suitable for lease renewal should be required to pay a concessionary premium to be set at one-third of the full market value ("FMV"). Members noted that there are 66 sites under PRL, with 27 of them being held by private sports clubs and the remaining 39 sites granted to non-profit-making organizations such as social and welfare organizations and National Sports Associations.

17. Some members questioned whether the Government should continue to adopt the PRL policy which, in their view, was lopsided to the rich and the privileged. These members criticized 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. However, they in general charged a very high membership fee beyond the affordability of the general public. Some members expressed dissatisfaction that the Government failed to detect non-compliance with the Conditions of Grant in many cases, e.g. operation of restaurants and other commercial activities on PRL sites. They also queried whether these private sports clubs had been able to comply with the committed "opening-up" hours. Some members 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.

18. Some other members, however, considered that the private sports clubs had made significant contributions to sports development and had relieved the acute shortage of public sports and recreational facilities in Hong Kong. They took the view that it was unfair to label them as "the rich's clubhouse". They also expressed concern whether some private sports clubs might be unable to afford to pay one-third FMV land premium and they might choose to close down. Some of these members opined that, instead of scrapping the PRL policy, consideration might be given to shortening the duration of the lease period to be granted when a PRL was due for renewal.

19. The Administration explained that the Government had a long history of leasing lands at nil or nominal premium to private sports clubs to develop sports and recreational facilities for use by their members. In light of the background, history, mode of operation (e.g. membership system) and the nature of the facilities provided (mostly sports and recreation facilities), the Working Group proposed that these 27 sites 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. As for concerns about land shortage, the Administration advised the Task Force on Land Supply had been set up to conduct a study on land supply-related issues. On the way forward of the review of the PRL policy, the Administration advised that the views collected during the six-month public consultation exercise conducted by HAB would be submitted to the Executive Council for consideration.

Community Care Fund

20. The Panel discussed the work progress of the Community Care Fund ("CCF") at its meetings on 22 January and 25 June 2018. Members noted that as at the end of December 2017, the total commitment of CCF exceeded \$8 billion while only around \$5.7 billion had been disbursed to implementing agencies. Some members questioned whether the eligibility criteria of CCF assistance programmes were overly strict and, as a result, the number of successful applicants was smaller than expected. Some members suggested that CCF might adopt a more lenient approach in setting the eligibility criteria of assistance programmes. The CCF Task Force advised that the eligibility criteria of different CCF programmes varied. Generally speaking, the threshold would be set at 75% of the relevant Median Monthly Domestic Household Income ("MMDHI"), but the threshold was set at 150% of MMDHI for selected programmes. Upon receipt of any proposed assistance programme, CCF would consider its feasibility, as well as its compatibility with the existing policies and whether it could achieve the objective of CCF.

21. Members held the view that CCF programmes which were effective and had long-term service demands should be regularized, and sought details of the criteria for such regularization. Some members suggested that the "Subsidy for eligible patients to purchase ultra-expensive drugs (including those for treating uncommon disorders)" programme ("the Ultra-expensive Drugs Programme"), for example, should be incorporated into the Government's regular assistance programmes and the amount of commitment of this programme should be increased if eligible patients exceeded the expected number of beneficiaries. Some members also suggested extending the Elderly Dental Assistance Programme to elders who were Old Age Living Allowance recipients aged 65 or above so as to benefit more needy elders.

22. The CCF Task Force advised that generally speaking, when deciding whether to incorporate an CCF programme into the Government's regular assistance programmes, the Administration would consider the evaluation report of the relevant assistance programme, service demand for the programme and the availability of Government resources. The coverage of the Ultra-expensive Drugs Programme was mainly based on the clinical indication of the relevant drugs rather than financial consideration, and if the programme was incorporated into the Government's regular assistance programmes, it was more likely to be incorporated into the Samaritan Fund rather than the Hospital Authority Drug Formulary. As regards the Elderly Dental Assistance Programme, the CCF Task Force explained that the timing for expanding the programme coverage had to also take into consideration the capacity of the participating dentists/clinics.

Review of the Building Management Ordinance (Cap. 344)

23. The Administration published a consultation document entitled "Review of the Building Management Ordinance ("BMO")" in November 2014 for public consultation ending on 2 February 2015. After discussion of the various legislative proposals to update BMO in the last two legislative sessions, the Panel was further consulted in the current session on the Administration's enhanced proposals in respect of BMO and relevant administrative measures. Some members expressed support for the enhanced proposals of putting a ceiling on the number of proxy instruments a person could hold and requiring the secretary of a management committee ("MC") to disclose the name of any person holding proxy instruments of 5% of the owners, as well as the proposed measures to prevent proxies from voting in a way different from the voting instructions of the owners concerned.

24. Regarding the enhanced proposal of empowering the Authority (i.e. the Secretary for Home Affairs) to, at the request of not less than 10% of the owners and after issuing a warning, dissolve a non-performing MC, some members considered that the Administration should set out the definition of non-performing MC and formulate the procedures for invoking the above power. There was also a suggestion that the Administration should intervene at an early stage, and dissolve non-performing MCs in a more timely manner. The Administration explained that BMO currently set a high threshold (i.e. only when there was "a danger or risk of danger" to the occupiers or owners of the buildings) for the Administration to initiate the relevant procedures for appointing a building management agent for the purpose of managing a building if its MC was non-performing. Therefore, in addition to empowering the Authority to, after issuing a warning, dissolve a non-performing MC, the Administration proposed to empower the Authority to appoint an administrator to chair a meeting of the owners' corporation ("OC") to re-elect an MC and look after the operation of the OC concerned before a new MC was elected by the owners under BMO.

25. Some members considered that more stringent penalties (such as imprisonment) should be imposed on MC members (particularly the MC Chairman who contravened relevant requirements of BMO). The Administration advised that in addition to ensuring the proportionality of the level of penalty, the Administration's enhanced proposals in respect of criminal sanctions under BMO sought to strike a proper balance between the deterrent effect of the proposed penalty and its impact on owners' motivation to take up OC duties. The Administration undertook to take into account the views of the Panel and various stakeholders in considering the way forward. Meanwhile, in view of the time required for the legislative amendments, the Administration would include those proposals not in contravention of the existing BMO into the Code of Practice issued under section 44 of BMO or relevant administrative guidelines, so as to address public concerns on the arrangements for procurement and proxy instruments of OCs as soon as practicable.

Youth Hostel Scheme

26. The Panel was consulted on the proposed main construction works in respect of the project for Po Leung Kuk ("PLK") to construct a youth hostel in Yuen Long. Members were consulted on the project scope and the estimated project cost for the PLK youth hostel. Whilst expressing support for the funding proposal, members expressed concern about the slow progress of implementation of Youth Hostel Scheme ("YHS"). In particular, members expressed concern about the requirement that youth hostel tenants would have to withdraw their applications for public rental housing ("PRH") upon acceptance of tenancy offered by youth hostels. They considered that the requirement would deter those who had applied for PRH from applying for YHS, as the youth hostel tenancy was limited to an aggregate of no more than five years only. Noting that the rental was required to be set at a level not exceeding "60% of the market rent of flats of similar size in nearby areas", some members expressed concern that such a level might still be unaffordable for many working youths.

27. The Administration explained that as housing was a precious resource in Hong Kong, it was necessary to avoid double benefits and creating unfairness to those who were not youth hostel tenants. The Administration pointed out that the said rental level was set when the policy on YHS was formulated. As far as the PLK youth hostel was concerned, the monthly rent would be set at slightly over \$2,000 for a single hostel unit, and around \$3,000 for a double unit (inclusive of management fees). The Administration advised that apart from the PLK project, five other youth hostel projects were currently under planning. The Administration undertook to keep the Panel abreast of any developments of the relevant projects.

Signature Project Scheme

28. The Panel was consulted on the last batch of Signature Project Scheme ("SPS") projects, i.e. (i) "Provision of Ophthalmic Examination Services" and "Provision of Shuttle Bus/Rehabilitation Bus Services" in Southern District; (ii) "Construction of Moreton Terrace Activities Centre ("MTAC")" in Wan Chai District; and (iii) "Construction of Music Fountains at Kwun Tong Promenade" in Kwun Tong District." While members in general were supportive of the two projects proposed by the Southern District Council ("DC"), members expressed diverse views on the other two projects proposed by Wan Chai and Kwun Tong DCs respectively. While some members considered that the proposed construction of music fountains could revitalize the waterfront area, other members expressed grave concern about its cost-effectiveness. As for the proposed construction of MTAC, some members considered that it could meet local demands for an additional performance and activity venue. However, some other members considered the project controversial and that further consultation with local residents was required. After voting, the Panel supported the submission of all the projects to the Public Works Subcommittee for consideration.

29. Members noted that as at the end of 2017, 23 SPS projects had obtained funding approval, of which three were in service, while the construction works of the remaining 20 projects were underway. Members hoped that all the SPS projects proposed by DCs could be taken forward as soon as possible, and the Administration would then review SPS. There was a view that the Administration should earmark funding for the 18 DCs to implement another batch of SPS projects, and that the funding amount for the next round of SPS, if launched, should be increased. Some members considered that some of the SPS projects were quite costly and hardware construction (e.g. community halls as well as leisure and recreational facilities) should be taken forward by the Government instead of by DCs through SPS projects.

30. The Administration advised that a one-off provision of \$100 million had been earmarked since 2013 for each district to implement SPS projects, which should address local needs or highlight the characteristics of the district, and have a visible and lasting impact in the community. DCs were responsible for advocating and deciding SPS projects, as well as spearheading their implementation. The Administration would conduct a review of the implementation of SPS after more of the SPS projects had been in operation for a period of time.

Other issues

31. The Panel was consulted on a staffing proposal to create a supernumerary directorate post in the Home Affairs Department and on six capital works

projects, namely, the Station Square at Kai Tak; the Swimming pool complex 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 47 and 48, North District; open space in Area 6, Tai Po; and pre-construction activities for the redevelopment of Yuen Long Stadium. The Panel was also consulted on the Major Sports Events Matching Grant Scheme and the District Sports Programmes Funding Scheme.

Meetings held

32. From October 2017 to end of June 2018, the Panel held a total of nine meetings.

Council Business Division 2
Legislative Council Secretariat
27 June 2018

Legislative Council

Panel on Home Affairs

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to district, community and rural matters, civic education, building management, youth matters, provision of leisure and cultural services, development of arts and culture, public entertainment, sport and recreation.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Home Affairs

Membership list for the 2017-2018 session*

Chairman Hon MA Fung-kwok, SBS, JP

Deputy Chairman Hon YUNG Hoi-yan

Members 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 IP Kin-yuen
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 Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

(Total : 27 members)

Clerk Ms Joanne MAK

Legal Adviser Miss Evelyn LEE

Date 29 March 2018

* Changes in membership are shown in Annex.

Panel on Home Affairs

Changes in membership

Member	Relevant date
Hon Frankie YICK Chi-ming, SBS, JP	Up to 23 October 2017
Hon WONG Ting-kwong, GBS, JP	Up to 23 October 2017
Hon Starry LEE Wai-king, SBS, JP	Up to 23 October 2017
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP	Up to 23 October 2017
Hon CHAN Han-pan, JP	Up to 23 October 2017
Hon Alice MAK Mei-kuen, BBS, JP	Up to 23 October 2017
Hon KWOK Wai-keung, JP	Up to 23 October 2017
Hon HO Kai-ming	Up to 23 October 2017
Hon Wilson OR Chong-shing, MH	Up to 23 October 2017
Hon CHEUNG Kwok-kwan, JP	Up to 23 October 2017
Dr Hon Elizabeth QUAT, BBS, JP	Up to 23 October 2017
Hon Abraham SHEK Lai-him, GBS, JP	Up to 24 October 2017
Hon Alvin YEUNG	Up to 26 October 2017
Hon Tony TSE Wai-chuen, BBS	Since 21 March 2018
Hon AU Nok-hin	Since 22 March 2018
Hon Vincent CHENG Wing-shun, MH	Since 29 March 2018