

立法會
Legislative Council

Ref : CB2/PL/HA

LC Paper No. CB(2)1546/18-19
(These minutes have been seen
by the Administration)

Panel on Home Affairs

Minutes of meeting
held on Monday, 25 February 2019, at 8:30 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon KWOK Wai-keung, JP (Chairman)
Hon AU Nok-hin (Deputy Chairman)
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
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 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 Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon KWONG Chun-yu
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon CHU Hoi-dick
Hon Tanya CHAN

Public Officers : Item III
attending

Mr Jack CHAN Jick-chi , JP
Under Secretary for Home Affairs

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

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

Mr Michael CHIU Yat-on
Chief Executive Officer (Planning)1
Leisure and Cultural Services Department

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

Mr Gary WONG Shek-wah
Senior Project Manager 325
Architectural Services Department

Item IV

Mr LAU Kong-wah, JP
Secretary for Home Affairs

Mr YEUNG Tak-keung, JP
Commissioner for Sports
Home Affairs Bureau

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

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

Staff in : Miss Connie AU
attendance Senior Council Secretary (2) 6

Mrs Fonny TSANG
Legislative Assistant (2) 3

Action

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

[LC Paper Nos. CB(2)757/18-19(01), CB(2)856/18-19(01) and (02)]

Members noted that the following papers had been issued after the last meeting:

- (a) Administration's response to the letter dated 11 January 2019 from Hon IP Kin-yuen; and
- (b) letter dated 13 February 2019 from Hon Tanya CHAN and the Administration's response.

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)823/18-19(01) and (02)]

2. The Panel agreed to discuss the following items proposed by the Administration at the next regular meeting on 25 March 2019 at 8:30 am:

- (a) Community Hall-cum-Home Affairs Enquiry Centre in Cheung Chau; and
- (b) promotional activities for the 10th anniversary of inscription of Cantonese opera onto Representative List of the Intangible Cultural Heritage of Humanity.

III. Hoi Sham Park Extension, To Kwa Wan

[LC Paper No. CB(2)823/18-19(03)]

3. At the invitation of the Chairman, the Under Secretary for Home Affairs ("USHA") briefed members on the proposed development of Hoi Sham Park Extension in Kowloon City District at an estimated cost of around \$293.2 million in money-of-the-day prices as set out in the Administration's paper [LC Paper No. CB(2)823/18-19(03)].

Discussion

4. Members in general expressed support for the proposed project and urged for its early implementation. Mr Wilson OR noted with concern that it would take about three years for the construction works and enquired if it could be shortened. USHA explained that it was planned to implement the proposed project in two phases so as to shorten the closure period of part of the Hoi Sham Park ("the Park"), which was a popular venue for sports and

Action

recreational activities for local residents. The Administration would endeavour to complete the first phase, comprising the construction of new facilities including the fitness corner, the children's play area, the main pavilion and toilets, etc., in about 17 months during which the existing facilities of the Park would continue to be opened. The new facilities would be put into service before the commencement of the second phase involving the construction of four tennis courts. USHA added that some existing features including the Fish Tail Rock and the Hoi Sham Arbour would be unaffected throughout the whole construction period.

5. Mr MA Fung-kwok enquired whether additional recreational facilities would be provided in the proposed project to cater for the anticipated increase in population in Kowloon City District. The Chairman asked how far the provision of open space in Kowloon City District would be enhanced with the proposed project. USHA responded that the projected population in Kowloon City District was about 423 900 in 2019 and it was estimated to increase to about 463 500 in 2026. The current provision of open space by the Leisure and Cultural Services Department ("LCSD") in Kowloon City District measured about 78 hectares. The total provision had already met the planning standard set out in the Hong Kong Planning Standards and Guidelines ("HKPSG"). The proposed project included two hectares of open space. That said, USHA said that the number of tennis courts in Kowloon City District fell short of the planning standard prescribed in HKPSG by about nine. USHA said that additional tennis courts would be provided in Kowloon City District if suitable sites could be identified.

6. In reply to Mr KWONG Chun-yu's enquiry, USHA said that having regard to the views of the Kowloon City District Council, no pet garden would be provided in the Park. However, a number of pet gardens were available within Kowloon City District (including the Hung Ling Street Sitting-out Area, the Kowloon Tsai Park and the Sheung Shing Street Park). Moreover, two more pet gardens would be provided in the Sung Wong Toi Playground and the Kai Tak Station Square which were tentatively scheduled for completion in 2019 and 2022 respectively. Besides, the Kai Tak Runway Park was already opened for use by pet owners and their pets under the trial scheme of Inclusive Park for Pets newly launched by LCSD in 2019.

7. Mr Tony TSE and the Chairman shared the view that in the long run, more waterfront promenades should be linked up to enhance the pedestrian connectivity for public enjoyment. They enquired if the waterfront promenade in the proposed project could be extended to the coastal area

Action

along the Drainage Services Department To Kwa Wan Preliminary Treatment Works to the south of the extension portion of the Park. Mr TSE also enquired if the waterfront promenade could be extended to King Wan Street to the north of the Park. He suggested that there should be a theme in the Park's design. Mr KWONG Chun-yu suggested that the Administration should provide visitors with information regarding the unique historical background of the Park.

8. USHA responded that upon completion of the proposed project, the waterfront promenade could extend further south and in the long term might reach the Laguna Verde. The Administration would consider the provision of more waterfront promenades in Kowloon City District where appropriate. USHA said that visitors could get information on the history of the Park by scanning the QR codes in the Park with their smartphones. Other information such as the development of To Kwa Wan might be considered for inclusion as appropriate. In response to the enquiry from the Chairman, USHA said that photovoltaic panels would be installed in the Park and hot water would be available in the changing rooms.

9. Mr Vincent CHENG expressed concern about the long-standing noise nuisance caused to local residents by performing groups in the Park using amplifiers. He enquired if measures would be taken to address the problem. USHA responded that the Administration had implemented measures since December 2013 to tackle the noise nuisance problem in the Park including prohibiting the use of amplifying equipment during night time and imposing restrictions on the size of the amplifying equipment. In the past three years, the Administration had mounted 111 joint operations to tackle the noise problem. USHA said that the number of complaints had reduced from a monthly average of 21 in 2016 to 12 in 2018. USHA added that the existing main pavilion would be relocated further away from the residential buildings to the extension portion of the Park, and acoustic features would be incorporated in the relocated pavilion and its surroundings.

10. Mr YIU Si-wing said that in recent years a large number of Mainland inbound tour groups in To Kwa Wan had caused traffic problems and street obstructions there. He suggested that consideration should be given to making the best use of the car park at Bailey Street to address the above problem. Mr YIU further said that much inconvenience had been caused to the residents of Wyler Gardens due to a large number of tour groups using the public pier nearby as the docking site for boat tours. He suggested that the Administration should explore diverting some of the tour groups to use alternative docks (such as the one close to the Bailey Street).

Action

Mr Vincent CHENG and Mr Wilson OR also expressed concern about the lack of parking facilities for coaches and the problem of illegal parking in To Kwa Wan. Mr CHENG was worried that the Park might attract even more tourists after completion of the proposed project.

11. USHA responded that the Administration had adopted various measures to minimize the impact brought about by inbound tour groups to Kowloon City District, particularly To Kwa Wan, in the past few years. Currently, coaches would be directed to the designated point for picking up and dropping off tourists and a team of District Tourism Ambassadors was deployed there to provide the necessary assistance. USHA said that a number of car parks were available for use by coaches in addition to the two temporary car parks located on short-term tenancy ("STT") sites near to the Park. Some car park operators offered a concessionary rate of only \$6 per 30 minutes for coach parking. USHA said that although one of the current STT car parks would be closed to vacate the site for the proposed project, it was not expected to have any adverse impact as the utilization rates of the two existing STT car parks were not high. USHA agreed that the relevant departments should review the traffic arrangements in To Kwa Wan to see if further enhancements could be made. USHA said that after discussions between the Tourism Commission and the tour operators, arrangements had been made to divert tourists to other districts like Tsim Sha Tsui for dining and boarding vessels for harbour cruise to help ease the congestion in To Kwa Wan.

12. After discussion, the Chairman concluded that members raised no objection to the submission of the above funding proposal to the Public Works Subcommittee for consideration.

IV. Report on outcome of public consultation on review of policy on Private Recreational Leases

[LC Paper No. CB(2)846/18-19(01)]

13. 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)846/18-19(01)]. SHA said that the Executive Council ("ExCo") had approved the adoption of the new policy on Private Recreational Leases ("PRLs") under which private sports clubs suitable for lease renewal would be required to pay a concessionary premium to be set at one-third of the full market value ("FMV") land premium when their PRLs were renewed in 2026 and afterwards. When considering the renewal of PRLs, the Administration would take into account factors including the

Action

contribution of the private sports clubs in promoting sports development in Hong Kong, their commitment to opening up their facilities to eligible outside bodies and enhancing their corporate governance. As for the six PRLs which had expired or would expire in 2014 to 2024, the Administration would renew the lease of the private sports clubs concerned at nominal premium until 2027 should their leases be considered suitable for renewal. Subject to the support given by relevant government bureaux and approval by ExCo, PRL sites held by community organizations would be granted a new special purpose lease (instead of PRL) upon the expiry of their current leases and would continue to pay a land premium at nominal level.

Discussion

Using sports contribution as assessment criteria for renewal of leases of private sports club sites

14. Mr YIU Si-wing and Mr Tony TSE expressed support for using sports contribution as assessment criteria for renewal of leases of private sports club sites. Mr LUK Chung-hung considered that key performance indicators should be devised for assessing the contributions made by private sports clubs. Mr Andrew WAN enquired about the specific criteria for assessment of the performance of private sports clubs in facilitating sports development in the community, supporting elite sports development and promoting Hong Kong as a centre for major international sports events. Mr HUI Chi-fung and Dr Fernando CHEUNG considered that the assessment criteria were unclear.

15. The Commissioner for Sports ("C for S") responded that in assessing the contribution of private sports clubs to sports development, consideration would be given to a number of factors, such as the provision of sports facilities by the private sports clubs concerned for use as training venues, the provision of sports programmes for the public and the hosting of major local, regional and international sports events in partnership with sports organizations. The Administration would work out details of the assessment criteria.

Further opening-up of facilities to eligible outside bodies

16. Mr CHAN Chi-chuen, Mr SHIU Ka-chun and Mr Andrew WAN requested the Administration to explain the new PRL policy, namely requiring private sports clubs to open up their facilities to eligible outside bodies up to 30% of their total sports capacity ("the 30% requirement") and

Action

partner with sports organizations to organize sports programmes for enrolment by members of the public with a minimum of 240 sports programme hours per month ("the 240-hour requirement"). They were concerned that private sports clubs might implement the 30% requirement in such a way that only unpopular time slots would be available for use by outside users.

17. The Deputy Chairman also drew the Administration's attention to the concerns raised in the Report #61 of the Director of Audit about the accuracy of the reported usage of private sports clubs by eligible outside bodies. Mr LUK Chung-hung was concerned whether the 30% requirement would be met simply by organizing one or two large-scale activities (e.g. fun days) for the public. He requested the Administration to enhance the mechanism for monitoring the opening-up of facilities by private sports clubs. Mr LAU Kwok-fan and Mr YIU Si-wing asked if the lease could be terminated and the site resumed if a private sports club was found to have breached the aforesaid requirements on opening-up of facilities and/or other lease conditions.

18. SHA and C for S said that under the new PRL policy, all private sports clubs would be required to fulfil both the 30% requirement and the 240-hour requirement. The private sports clubs would be required to submit to the Home Affairs Bureau ("HAB") for consideration and approval a scheme for opening up their facilities, with details of the facilities and time slots proposed to be opened. In considering the opening-up schemes submitted by the private sports clubs, HAB would take into account factors including the sports facilities available on the respective sites and the public demand for such facilities. SHA said that the 30% requirement and the 240-hour requirement would be governed by the lease conditions in future. The Administration would also strengthen monitoring of the private sports clubs and take appropriate lease enforcement actions, including resumption of the PRL site concerned, if a private sports club was found to be in breach of the lease conditions.

Charging concessionary land premium

19. Some members including Mr LAU Kwok-fan, the Deputy Chairman, Mr Andrew WAN and Mr LUK Chung-hung queried the justifications for charging one-third FMV land premium only. Mr WAN criticized the Government for subsidizing the recreation of a handful of members with public funds. Mr LUK said that the charging of concessionary land premium also seemed unfair to other private sports clubs paying full land premium for their sites. Mr WAN and the Deputy Chairman suggested that

Action

consideration should be given to requiring private sports clubs to operate in a "quasi-public" nature in the long run. They also suggested that the level of concessionary land premium charged to a private sports club should be set based on the extent of opening-up of its facilities to outside users.

20. Mr Tony TSE suggested that private sports clubs should be allowed to pay the concessionary land premium by instalment having regard to the fact that PRL sites were subject to various lease restrictions and that private sports clubs had made considerable investments to develop their facilities.

21. In response, SHA and C for S said that the private sports clubs were operating on a non-profit-making basis. Any income in excess was ploughed back for maintenance and operation of their facilities. In future, apart from paying the one-third FMV land premium (which could amount to over \$100 million in certain cases) on top of their daily operational expenditures, private sports clubs would also have to put in resources to implement other requirements under the new PRL policy (e.g. the 30% requirement and the 240-hour requirement). SHA further said that private sports clubs had invested significant amounts in developing the sports and recreational facilities on their sites over the years, and quite a number of them had been in operation for several decades and some even over a century. Taking into account a basket of factors including those mentioned above, the Administration considered it appropriate to charge one-third FMV land premium under the new PRL policy.

22. SHA further said that the new policy on land premium, with an across-the-board level of concession, should be transparent, clear and easy to administer. The suggestion of applying different levels of concession for different clubs or categories of club would create dispute and uncertainty. In addition, the considerations for determining the level of concession might not be equally applicable to all private sports clubs. SHA explained that the new premium policy would be implemented for PRLs renewing in 2026 and afterwards, so as to allow time for the clubs to make appropriate financial arrangements to meet the one-third FMV land premium requirement. SHA added that the Administration would, where appropriate, allow the payment of land premium by instalments.

Length of term of lease renewal

23. Mr LAU Kwok-fan and Mr LUK Chung-hung considered that a 15-year renewal term for PRLs was too long as land resources were precious in Hong Kong. Mr LAU suggested that a shorter renewal term of, say, five to 10 years would be more appropriate. He also suggested that the renewal

Action

term should correspond to the level of sports contribution of individual private sports clubs and the extent of opening-up of its facilities to outside users. SHA explained that the Administration considered it appropriate to renew PRLs for a 15-year term from 2026-2027 to allow sufficient time for private sports clubs to plan for their operation in order to make contribution to sports development.

Sports development and land use

24. Dr Fernando CHEUNG criticized that the granting of precious land resources to private sports clubs under the PRL policy was a preferential treatment for a handful of rich people under the guise of sports development, and as such he was not convinced of the need to retain the Fanling Golf Course ("FGC"). Mr KWONG Chun-yu and Mr Andrew WAN commented that the Administration should not use sports development as a shield for not resuming the FGC site. Mr KWONG considered that the entire site of FGC should be resumed for housing development to address the imminent housing needs of Hong Kong people, particularly those living in sub-divided units and waiting for allocation of public rental housing.

25. Mr SHIU Ka-chun pointed out that the Task Force on Land Supply ("TFLS") had recommended that priority be accorded to studying and resuming the 32 hectares of land of FGC to the east of Fan Kam Road; and as to whether the remaining 140 hectares of land of FGC should be released for other developments in the longer run, the Administration should consider identifying a suitable site to relocate the golf course, the lead time for relocation and the necessary ancillary infrastructure to support other developments, etc. In this connection, he questioned why the Administration had no plan to pursue alternative land uses for the remaining 140 hectares of land of FGC. He added that the public engagement exercise commissioned by TFLS and the public consultation on the policy review of PRLs conducted by HAB were vastly different in scale, with about 68 300 views and 29 065 questionnaires received in the former and only about 4 250 submissions received in the latter. He considered that the decision of the Administration should reflect the general view of the community as indicated in TFLS's recommendations. Mr CHAN Chi-chuen queried in what way the resumption of the remaining 140 hectares of land of FGC would compromise the Administration's sports policy as mentioned in paragraph 13 of the Legislative Council Brief on Government's response to Report of TFLS issued by the Development Bureau on 20 February 2019.

Action

26. Mr MA Fung-kwok said that the sports sector objected to the resumption of the FGC site for housing development and he considered that the current usage of the FGC site should be maintained. Mr MA said that FGC had a long history in Hong Kong and had made considerable contributions to the society. He was of the view that sports and recreational facilities were inadequate in Hong Kong, and the private sports clubs should enhance their functions of promoting the development of sports by further opening up their facilities to the public. Mr Tony TSE considered that as a cosmopolitan city, Hong Kong should have a wide array of sports facilities. Mr YIU Si-wing said that resumption of the FGC site would impact on the status of Hong Kong in the international sports community. Pointing out that country parks covered about 40% of Hong Kong's total area and were not used by many people, Mr MA and Mr YIU opined that the Administration should pursue alternative land use of country park periphery.

27. The Chairman said that land resources were scarce and all sectors of the community, including the private sports clubs, should make certain sacrifices to address the housing needs of Hong Kong. He further said that the Hong Kong Federation of Trade Unions had all along considered that the complete site of FGC should ultimately be resumed and a suitable site should be identified to relocate the golf course. He hoped that the Administration would review whether the remaining 140 hectares of land of FGC could be resumed for other developments in the longer run.

28. SHA responded that the public had diverse aspirations in respect of the provision of land for sports, housing and other developments. In drawing up the new PRL policy, the Administration and ExCo had considered and balanced the views regarding the PRL policy and the land supply in Hong Kong in a holistic manner with a view to maximizing benefits to society. SHA stressed that FGC had made notable contributions to the development of golf in Hong Kong. Not only was FGC a major training ground for local elite golfers (e.g. Miss Tiffany CHAN) and a venue for international golf tournaments (e.g. the hosting of Hong Kong Open for 60 consecutive years), it had also played a significant role in the training of youth golfers. In addition, about 40% of the tee-times of FGC were utilized by non-members.

29. Mr YIU Si-wing said that the Administration should not cave in to public pressure as the resumption of the FGC site, whether in full or in part, for housing development would bring about irreversible damages to the old trees, the historical features as well as the precious ecology nurtured naturally on the site. Mr MA Fung-kwok suggested that even if the

Action

32 hectares of land of FGC were to be resumed, the existing landscape and the leisure and recreational functions of the site should be retained as FGC had performed an important "green lung" function for the North District. In addition, any high-density housing development option would impact on the suitability for hosting international golf tournaments on the remaining 140 hectares of land of FGC.

30. SHA said he noted that the Secretary for Development had mentioned earlier that the Administration would conduct a technical study in the second half of 2019 on the 32 hectares of land of FGC to be resumed to, amongst others, identify environmental, ecological and other constraints, and formulate mitigation measures, etc. The technical study was expected to be completed in end-2020 or early 2021. SHA further said that a special three-year hold-over arrangement would be made for the 32 hectares of land upon expiry of the current lease of FGC in August 2020, after which the 32 hectares of land would be reverted to the Government.

31. Regarding the public consultation on the policy review of PRL, the Deputy Chairman commented that the method used for enumerating submissions based on templates and submissions with multiple signatures had failed to provide a clear picture of the public views. SHA responded that the enumeration method used was in line with those adopted in similar public consultations conducted by the Administration.

Regulating the charges of private sports clubs and monitoring the use of PRL sites

32. Mr LUK Chung-hung said that the exorbitant membership fees charged by many private sports clubs were beyond the affordability of the general public. Mr HUI Chi-fung opined that the high threshold for membership and the excessive hire charges imposed by private sports clubs ran contrary to the Administration's policy of facilitating sports development in the community. Mr HUI considered that the Administration should put the fees and charges of private sports clubs under regulation.

33. C for S explained that it was inappropriate to categorize all members of private sports clubs as "the rich" as they came from different sectors of the community. SHA said that the Administration did not consider it appropriate to prescribe all fees and charges of private sports clubs as the scale and nature of their facilities were vastly different. However, consideration might be given to requiring the private sports clubs to make reference to the rate of charges of LCSD, education institutions and other

Action

non-profit-making organizations for similar facilities when assessing their opening-up schemes.

34. The Deputy Chairman and Dr Fernando CHEUNG commented that certain private sports clubs had provided facilities and services not clearly related to their core purpose of providing sports facilities (e.g. holding private functions and wedding banquets) and had generated considerable profits from that. They considered that the Administration should put in place appropriate measures to monitor the private sports clubs to ensure that the PRL sites were used as intended. SHA said that the Administration would strengthen the monitoring of private sports clubs under the new PRL policy. To further enhance the transparency of these clubs' operation, they would be required to publish their annual financial statements for public monitoring.

V. Any other business

35. There being no other business, the meeting ended at 10:27 am.

Council Business Division 2
Legislative Council Secretariat
28 May 2019