

LCQ10: Operation of kart track

Following is a question by the Hon Wong Sing-chi and a written reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (March 3):

Question :

It was reported that a British girl died in a fatal accident last month while karting at a kart track in Lung Kwu Tan in Tuen Mun (the kart track). It was also reported that the kart track commenced operation in 2006, with part of the track located on private land and other facilities such as the spectator stand built on the land leased from the Government under a short term tenancy (STT). In this connection, will the Government inform this Council:

(a) of the respective land uses of the aforesaid government land and private land before they are used for the aforesaid purposes; whether the Government and the owner of the private land had submitted applications for changing the land uses to the Town Planning Board (TPB) regarding the construction of such facilities; if so, of the dates of applications, dates on which TPB deliberated on such applications as well as the concerns of TPB and the relevant government departments on the applications, and the conditions on approval of applications;

(b) when the Lands Department started to grant the government land to the operator of the kart track through a STT for construction of facilities such as the spectator stand, together with the date on which the STT was first granted, the length and additional conditions of the tenancy, and the date of each application for STT renewal submitted by the operator of the kart track, as well as the length and additional conditions of each tenancy renewal;

(c) given that it was reported that according to the land lease, the operator should submit a report to the authorities when an accident occurred at the kart track, of the number of accident reports submitted by the operator to date, together with the dates of submission and summary of the content, and whether the authorities have made recommendations for improvement in respect of such reports; if so, of details of the recommendations made on each occasion;

(d) given that it has been reported that the Home Affairs Bureau has indicated that the

kart track currently operates karting activities in accordance with the code of practice for safety and guidelines issued by the Federation Internationale de L'automobile, with regular inspections conducted monthly by the Hong Kong Kart Club (the Kart Club), but the Kart Club has indicated that follow-up inspections will only be conducted when there are kart competitions at the kart track, whether it knows the number of regular inspections conducted and the items checked during each inspection by the Kart Club each year since the commencement of operation of the kart track; how the Government ensures that the Kart Club monitors the daily operation of the kart track (especially when no inspection is conducted on the site), as well as the compliance with the code of practice for safety and guidelines by the operator of the kart track; what penalty the Government may impose on the Kart Club if it is found negligent in monitoring the operation of the kart track; and

(e) given that it was reported that funding had been granted by the Leisure and Cultural Services Department (LCSD) to the Kart Club for running training courses at the kart track, and the operator of the kart track commenced its operation under the monitoring of the Kart Club in 2006 with the consent of LCSD and under the permits and waivers issued by the relevant government departments, of the issuance dates, terms and conditions as well as the effective dates of such permits and waivers; of the scheme under which funding is granted by LCSD to the Kart Club for running training courses, together with the number of training courses provided, dates of such courses, the number of training places, the amount of funding granted, as well as details of the terms and conditions (including whether there is a requirement for submission of financial statements)?

Reply:

President,

My reply to the above question is as follows:

(a) According to government records, both the government land and the private land concerned were vacant as at August 2, 2005. The Planning Department advised that since the site in question is not situated in the boundary of any Outline Zoning Plan, the construction of a kart track thereon did not require permission from the Town Planning Board.

(b) The kart track is built largely on private land, the tenancy of which does not

prohibit such usage.

The District Lands Officer (Tuen Mun), in consultation with other relevant government departments, granted the government land adjacent to the karting track to the Hong Kong Kartingsport Association Limited on November 27, 2006 by way of a short term tenancy (STT). The land covered by the STT is mainly used for accommodating an office, storage, repair and maintenance and fuelling facilities for the kart track.

The STT, which commenced with effect from August 1, 2006 with a fixed term of one year, has been renewed thereafter on a quarterly basis. The area of the site is about 4,709 metre squares. Conditions of the STT include: the area of the site on which covered structures may be built is 180 metre squares; the height of any structure thereon should not exceed 2.6m; residential use is not allowed; entry and exit points for vehicles should be provided, and the tenant should obtain all licences and permissions required and comply with all relevant ordinances and regulations under the Laws of Hong Kong when operating a kart track.

In addition, in order to ensure that the operation of the kart track is in full compliance with the relevant sports codes and standing regulations, the tenancy also requires the tenant to appoint, at its own expense, a relevant sports governing body to monitor the condition of the kart track to the satisfaction of the Director of Leisure and Cultural Services (DLCS) and/or the Secretary for Home Affairs (SHA), and to take out valid insurance policies to cover the risks involved in the game to the satisfaction of the DLCS and/or the SHA.

(c) The kart track has submitted four incident reports to the Leisure and Cultural Services Department (LCSD) since opening in 2007. According to the reports, the first three incidents were minor ones. A summary of the reports is set out in the attached table.

(d) The Kart Club has advised that it conducts monthly inspections on the kart track as required and that the last inspection was carried out on January 16, 2010. As for daily operation, the kart track is monitored by the national sports association concerned (i.e., the Kart Club) to ensure compliance with the relevant safety regulations and operational guidelines. The Kart Club submits an inspection report to the LCSD after each monthly inspection. Its check list covers the use of the kart track, operation and management of the track, performance of the karts, fire precautions, as

well as administration and supervision of activities and training courses. The report of the Kart Club also assesses whether the operation of the entire kart track is in compliance with the code of practice and other requirements of the sport. If LCSD finds that the Kart Club has failed to ensure that the kart track complies with the relevant safety regulations and operation guidelines, it may request the Lands Department to terminate the STT in accordance with the relevant provisions in the land lease.

(e) In general, private roads are governed by Part XIII of the Road Traffic Ordinance (Cap. 374) (the Ordinance). The then Secretary for the Environment, Transport and Works, in exercise of the power conferred by section 116 of the Ordinance, approved the temporary exclusion of the private roads at the site concerned from Part XIII of the Ordinance from May 18, 2007 to July 31, 2008, but the provisions concerning the preservation of evidence of accidents as stated in section 57 of the Ordinance still applied. On August 1, 2008, the Secretary for Transport and Housing renewed the exclusion for the period up until July 31, 2011.

Through the Sports Subvention Scheme, LCSD provides subvention to national sports associations to organise and develop their respective sports. The Kart Club is one of the national sports associations subvented by LCSD. For 2009-10, LCSD has provided a subvention of about \$0.5 million to the Kart Club for a number of initiatives, including four training courses for young people. Each of the courses offers 24 places and the total subvention involved is \$16,412. To date, the Kart Club has organised two training courses at the Diamond Coast International Kart Circuit (August 8, 2009 and November 1, 2009). Under the Sports Subvention Scheme, the subvented national sports associations, including the Kart Club, have to enter into subvention agreements with LCSD. These agreements stipulate that the associations have to observe the funding conditions and perform their obligations accordingly. They are required to submit to LCSD periodic programme evaluation reports, quarterly reports and statements of accounts, and audited annual accounts prepared by certified public accountants.

Ends/Wednesday, March 3, 2010

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