

立法會
Legislative Council

LC Paper No. CB(2)1277/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/PL/HA

LegCo Panel on Home Affairs

Minutes of meeting
held on Tuesday, 9 January 2001 at 2:30 pm
in the Chamber of the Legislative Council Building

Members Present : Hon Andrew CHENG Kar-foo (Chairman)
Hon CHOY So-yuk (Deputy Chairman)
Hon Cyd HO Sau-lan
Prof Hon NG Ching-fai
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Other Members Attending : Hon NG Leung-sing
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Henry WU King-cheong, BBS

Attendance by Invitation : Item IV
Hong Kong Arts Development Council

Dr Patrick HO
Chairman

Mr TSENG Sun-man
Secretary-General

Dr CHIN Wan-kan
Director of Planning and Research

Public Officers : Item V
Attending

Mr W K LAM
Secretary for Home Affairs

Mrs Betty FUNG
Deputy Secretary for Home Affairs

Mr LEE Kam-chung
Assistant Director of Home Affairs

Clerk in : Miss Flora TAI
Attendance Chief Assistant Secretary (2)2

Staff in : Mr Stanley MA
Attendance Senior Assistant Secretary (2)6

Action

I. Confirmation of minutes

[LC Paper No. CB(2)615/00-01]

The minutes of the special meeting held on 16 November 2000 were confirmed.

II. Information papers issued since the last meeting

[Paper No. CB(2)590/00-01(01)]

2. Members noted the Administration's information paper entitled "Sample survey of the characteristics of the ethnic minorities in Hong Kong: main findings" [Paper No. CB(2)590/00-01(01)].

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)613/00-01]

3. Members agreed to discuss the following items at the regular meeting to be held on Tuesday, 13 February 2001 at 2:30 pm —

- (a) The Equal Opportunities Commission's proposals to amend the Sex Discrimination Ordinance and Disability Discrimination Ordinance; and

Action

- (b) Sample survey of the characteristics of the ethnic minorities in Hong Kong.

Members also agreed to invite relevant organisations to join the discussion on item 3(b).

4. Members also agreed that a special meeting be held in late February to discuss the following items —

- (a) Rural elections; and
- (b) Report on the Hong Kong Special Administrative Region under the International Covenant on Economic, Social and Cultural Rights.

[*Post meeting note*: Members subsequently agreed to hold the special meeting on 26 February 2001.]

5. Miss Emily LAU suggested and members agreed to invite relevant organisations to join the discussion on item 4(b).

6. Miss CHOY So-yuk proposed to discuss matters concerning the quality and attendance of free entertainment programmes organised by the Leisure and Cultural Services Department (LCSD) at a future meeting. Members agreed to put the item on the list of discussion items for future meetings.

IV. Consultation paper on the Hong Kong Arts Development Council 's three-year plan

[Paper Nos. CB(2)613/00-01(01), (02) and CB(2)654/00-01(01)]

7. At the invitation of the Chairman, Dr Patrick HO, Chairman of the Hong Kong Arts Development Council (ADC), briefed members on the consultation paper on ADC's three-year plan entitled "Hong Kong Unlimited" [Paper No. CB(2)613/00-01(01)], the salient points of which were detailed in the set of information papers which was tabled at the meeting [Paper No. CB(2)654/00-01(01)].

Provision for ADC

8. Miss Cyd HO pointed out that as a result of the dissolution of the two former provisional municipal councils (PMCs), many plans to organise arts and cultural activities and construct arts and cultural facilities had been delayed. When proposing for the dissolution of the two former PMCs, the Administration had undertaken not to cut back the provision for arts, cultural, recreational and sports services, including the annual provision for ADC. However, according to the paper provided by ADC on the 2000-2001 public expenditure on arts and culture in Hong Kong [Paper No. CB(2)613/00-01(02)], the total public

Action

expenditure on arts and culture for 2000-2001 was \$2,680.9 million, representing a reduction of 13.9% as compared with \$3,054 million for 1999-2000. As regards the provision for ADC for 2000-01, there was also a reduction of 7.8% as compared to that for 1999-2000. She believed that ADC should need more resources as a result of switching its strategy from funding arts organisations and arts practitioners through grants to actively promoting comprehensive arts development. She was concerned that ADC would have to reduce its grants to arts organisations since it had already recruited additional manpower to implement relevant policies.

9. The Chairman of ADC said that the administrative expenses of ADC accounted for only 12% of its total expenditure while the remaining 88% were all spent in funding arts organisations and their activities. He emphasised that a major objective of ADC's three-year plan was to map out the direction and strategy for future arts development. Upon the conclusion of the consultation period, ADC would be able to set priorities for its directives and development plans for the coming three years, seek funding from the Government and actively explore sponsors from all sectors of the community.

10. In response to the Chairman's enquiry about the 7.8% reduction in the provision for ADC, the Chairman of ADC explained that following the dissolution of the two former PMCs, the funds used to be made available by ADC for subsidising the Hong Kong Arts Festival was now provided directly by the Home Affairs Bureau (HAB). The amount of such funds accounted for about 7.8% of the overall resources allocated to ADC.

Three-year plan and developing partnership

11. Miss Cyd HO enquired about the differences between ADC's three-year plan and its previous five-year plan. Miss HO was also concerned about how ADC would establish good partnership with the Culture and Heritage Commission (CHC), LCSD and other relevant organisations. She pointed out that the Administration had not formulated a clear policy on arts development. Moreover, CHC had been making slow progress in its work since its establishment in March 2000. So far CHC had not put forward any proposal on co-ordination and co-operation among CHC, other arts organisations and government departments with respect to their policies and roles. She was of the view that CHC should maintain close communication with ADC so that CHC's future proposals for strengthening arts development would not be out of tune with the development strategy and direction of ADC's three-year plan. She added that in reply to her written enquiry, CHC had indicated that it would brief the public on its progress of work shortly.

12. The Chairman of ADC responded that ADC had released in December 1995 its Five-Year Strategic Plan outlining the blueprint for the development of the arts scene in Hong Kong for the period between 1996-1997 and 2000-2001. He pointed out that with more specific objectives, the three-year plan set out the directives and their priorities for the next three years. ADC would assume a

Action

proactive role in developing the social functions of the arts, expanding the market for the arts and building audience participation, promoting life arts education for all, as well as enhancing the artistic level and social status of artists. Regarding the communication between CHC and ADC, he, as the chairman of ADC, was an ex-officio member of CHC and had participated in CHC's discussions on the strategy for arts development. He emphasised that the major function of CHC was to advise on the policy of arts development while ADC would concentrate on the proactive promotion of arts development.

13. Miss CHOY So-yuk expressed concern about the co-ordination of arts and cultural activities as well as the use of resources. She enquired whether ADC had liaised with District Councils (DC) and LCS D on the organisation of and arrangement for arts activities to ensure fair allocation and effective use of arts resources.

14. The Chairman of ADC responded that the functions of ADC had been stipulated in the Hong Kong Arts Development Council Ordinance. At present, there was no clear division of responsibilities among ADC, LCS D and DCs in organising and holding arts activities. However, ADC and LCS D had been liaising with each other to ensure that arts resources were effectively used in different areas of arts. ADC would also organise a series of arts and cultural activities jointly with LCS D.

Training of talents and development of facilities

15. Mr Albert CHAN considered that the consultation paper on ADC's three-year plan concentrated on directions and concepts, and appeared not substantial in contents. Mr CHAN was concerned about how ADC, under the constraint of limited resources, could assist in training local artistic talents, enhancing their professional status as well as ensuring a reasonable income for arts practitioners. He pointed out that a large proportion of arts resources were put under the management of government departments and agencies and were subject to their allocation. The Administration should provide infrastructural facilities and support services to assist arts organisations and arts practitioners in need. To this end, Prof NG Ching-fai suggested that the Administration should consider providing workshops in industrial estates and offices at a low rent to arts organisations to facilitate entrepreneurial development of arts.

16. The Chairman of ADC acknowledged that under the constraint of limited resources, ADC could not participate in the training of artistic talents. In fact, training artistic talents and strengthening arts education in primary and secondary schools were the responsibilities of the Hong Kong Academy for Performing Arts and the Education Department respectively. However, it would be easier for ADC to seek sponsors from commercial organisations for the implementation of its plans when directions had been mapped out. Besides, ADC was discussing with the Provisional Urban Renewal Authority and the Committee on Planning and Land Development on ways to help provide suitable venues and facilities to arts organisations and arts practitioners for the purpose of developing

Action

arts. He expected that the relevant arrangements could be announced by the end of this year.

Artistic level and social status

17. Miss Cyd HO remarked that she was in support of ADC's strategy in seeking sponsors from the commercial sector. However, as far as the strategy to enhance the artistic level and the social status of artists was concerned, she was opposed to the collection of royalties from those who borrowed books from public libraries according to the user-pays principle. In response, the Chairman of ADC explained that protecting the intellectual property rights of artists could help enhance their social status. The current ideas of ADC included imposing public lending rights on local publications in public libraries and the relevant royalties would be borne by public libraries.

Funding mechanism

18. The Chairman pointed out that recently there had been once again negative press reporting on the funding mechanism and criteria of ADC. He hoped that ADC could follow up those comments and enhance the transparency of its funding mechanism.

19. The Chairman of ADC responded that ADC had conducted a review of the mechanism for vetting and approving funding applications during 1998-1999 and had improved the funding procedures and the criteria for vetting and approving funding applications.

V. Review of annual adjustment mechanism for honorarium and accountable allowance (AA) for DC members

[LC Paper No. CB(2)613/00-01(04)]

20. At the invitation of the Chairman, Deputy Secretary for Home Affairs (2) briefly introduced the Administration's paper.

21. The Chairman declared interest as a DC member for himself as well as the following members attending the meeting: Miss CHOY So-yuk, Mr IP Kwok-him, Mr Albert CHAN and Mr WONG Sing-chi.

Proposed revised mechanism

22. Mr IP Kwok-him was disappointed to know that there had been suggestions in the community for a downward adjustment of the rates of DC members' honorarium and allowance in line with the movement of the Consumer Price Index (CPI). He pointed out that the rates concerned were in fact inadequate to meet the expenses incurred by DC members in discharging their duties. Mr IP said that he was supportive of the Administration's proposed revised mechanism which would :

Action

- (a) replace the current CPI(C) with CPI(A) as the basis for adjusting DC members' honorarium and AA; and
- (b) defer the downward adjustment of the ceiling of AA at times of deflation and effect the deduction only when there was an upward adjustment of its ceiling in an inflation year.

He also supported the Administration to appoint an independent commission to carry out periodic reviews of the remuneration package for DC members. However, Mr IP expressed disappointment that DC members' monthly honorarium still had to be reduced from \$18,190 to \$17,950. He pointed out that although a reduction of \$240 on DC members' honorarium would not cause financial problem to them, it had reflected the Administration's view that the role and functions of DC members was not important.

23. In response, Secretary for Home Affairs (SHA) pointed out that the current mechanism for revising DC members' honorarium and AA had been examined and approved by the Finance Committee (FC) of the Legislative Council (LegCo) in 1992 and 1999 respectively, and was in line with the current arrangements for revision of LegCo Members' remuneration and operating expenses reimbursement. In view of the House Committee's concern about the issue, the Administration had conducted a special review of the annual adjustment mechanism for DC members' honorarium and allowance before the completion of the overall review on the roles and functions of DC. He emphasised that based on the principle of not deviating from the current mechanism, the findings and recommendations of the special review had offered a short-term solution to the problems faced by DC members who were bound by the terms of the rental and staff contracts they had entered into. He added that HAB would examine the suggestions put forward by LegCo Members and DC members regarding the adequacy of the honorarium and AA in the context of the overall review of DC's roles and functions.

24. Mr Albert CHAN considered that HAB's proposal not only could offer a short-term solution to the problems faced by the Administration and DC members, but was also in line with the principle of the established revision mechanism. Miss CHOY So-yuk also expressed support for the proposals set out in the paper.

25. Mr WONG Sing-chi asked why the Administration did not consider deferring the adjustment of DC members' honorarium as applied in the case of the ceiling of their AA. The Chairman also pointed out that most of the DC members attending the activities of the "District Councils Day" had expressed concern over issues relating to the adjustment of their honorarium and AA. He asked whether the Administration had considered deferring the adjustment of DC members' honorarium under the present economic environment.

Action

26. SHA pointed out that the Administration did not share the view that there could only be upward, but not downward adjustment of the levels of DC members' honorarium and AA. However, it agreed that DC members were bound by their contractual obligations in terms of rental charges and staff salaries which could not be adjusted at will or in accordance with the movement of CPI. Therefore, the Administration suggested that the downward adjustment of the ceiling of DC members' AA should be deferred and the deduction should be effected when there was a need for its upward adjustment at times of inflation. He explained that the same principle did not apply to DC members' honorarium which was to cover the expenses arising from DC business and compensate them to some extent for their time spent on DC business. Therefore, the Administration considered that DC members' honorarium should continue to be adjusted with reference to the movement of CPI. He added that the downward adjustment of LegCo Members' remuneration earlier had set a precedent. He hoped that DC members would take into consideration the different views in the community, including some LegCo members, on this issue.

27. Mr IP Kwok-him emphasised that as pointed out by the Chairman, most DC members participating in the discussions on "District Councils Day" had indicated that the current rates of honorarium and AA were inadequate to cover the expenses incurred in performing their day-to-day duties. He hoped the Administration could complete the overall review of DC members' functions and roles as soon as possible. He urged members to support the revised mechanism proposed by the Administration. Otherwise, the ceiling of AA would be reduced by 2.7% from the current level of \$10,000 to \$9,730 with effect from 1 January 2001.

28. The Chairman said that the revised mechanism proposed by the Administration was not the best solution. He pointed out that as employers, DC members did not want to cut back the remuneration for their assistants. Moreover, other expenses of DC members' ward offices, such as rental charges, might not necessarily be adjusted in line with inflation or deflation. In his opinion, AA should be reimbursed to DC members on production of receipts at times of deflation. Such a practice could increase the flexibility in policy implementation and reduce administrative expenses while catering for the varied financial needs of DC members.

Honorarium and AA for DC members

29. Mr Albert CHAN, Miss CHOY So-yuk and Mr WONG Sing-chi considered that the current monthly AA of up to \$10,000 was insufficient to meet the expenses incurred by DC members in discharging their duties. They pointed out that the monthly rental of DC members' ward office would be in the range of \$3,000 to \$5,000 if they were set up within the precincts of housing estates under the management of the Housing Department (HD). However, the monthly rental would be at least \$9,000 if DC members had to rent commercial premises or private properties for setting up their ward offices. Mr CHAN added that even during the economic downturn in 1999, HD had attempted to increase the

Action

rental of his ward office located in a housing estate. Given Mr CHAN's strong opposition, the rental was subsequently frozen. Mr CHAN and Miss CHOY urged the Administration to actively consider providing offices at fixed locations for DC members with a view to reducing their expenses on rental charges and helping them perform their duties. Miss CHOY So-yuk opined that DC members should be granted an entertainment allowance. She pointed out that in order to better understand grass-roots views and needs, DC members very often had to attend functions organised by non-governmental organisations and hence had to send baskets of flowers as a token of their compliments or respect. She suggested that those expenses should be reimbursable under AA.

30. Mr Albert CHAN pointed out that the honorarium for full-time and part-time DC members should be different. He pointed out that full-time DC members might have to spend more than ten hours per day on DC business while part-time DC members might just attend several regular meetings per month. He was of the view that the Administration should not adopt a uniform rate for DC members' honorarium to avoid causing any unfairness. He also pointed out that in their day-to-day work, DC members helped the Administration solve many problems relating to people's livelihood at the district level as well as placate the pent-up grievances of people in their daily life. He hoped that the Administration would attach importance to the functions of DCs in district administration as well as the role played by DC members in district affairs.

31. In response, SHA pointed out that at present, DC members' honorarium and AA were not calculated in accordance with the time they devoted to council business as this would arouse much controversy. He agreed that in discharging their duties, DC members directly and indirectly helped relevant government departments to co-ordinate and solve many problems in district management. He pointed out that he had called at 18 DCs and obtained a clear picture of the views expressed by DC members on the levels of honorarium and AA as well as the revision mechanism. He informed members that the Administration would examine all issues relating to the provision of financial support and other assistance to DC members in the context of the overall review of DCs' roles and functions.

32. Miss CHOY So-yuk and Mr IP Kwok-him pointed out that the levels of DC members' honorarium and AA were not reasonable. Miss CHOY considered that should the findings of the overall review show that the levels of DC members' honorarium and AA had been on the low side, the Administration should consider paying back the amount of honorarium and AA that DC members should have received.

33. The Chairman and Mr IP Kwok-him hoped that the Administration could complete the review of DC members' roles and functions within six months. SHA responded that the Administration planned to complete the overall review of DCs' roles and functions by the end of 2001.

Action

34. The Chairman informed members that the Administration would seek the approval of FC of LegCo on 12 January 2001 for the relevant financial proposal.

VI. Any other business

35. There being no other business, the meeting ended at 4:05 pm.

Legislative Council Secretariat

17 April 2001