

立法會
Legislative Council

LC Paper No. CB(2)2264/00-01
(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

LegCo Panel on Home Affairs

Minutes of meeting
held on Tuesday, 10 July 2001 at 2:00 pm
in Conference Room A of the Legislative Council Building

- Members Present** : Hon Andrew CHENG Kar-foo (Chairman)
Hon Cyd HO Sau-lan
Hon James TO Kun-sun
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Dr Hon TANG Siu-tong, JP
Hon Henry WU King-cheong, BBS
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP
- Members Absent** : Hon CHOY So-yuk (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
Hon Timothy FOK Tsun-ting, SBS, JP
- Public Officers Attending** : Item III
Mr Andrew WONG, JP
Director of Administration

Ms Miranda CHIU
Deputy Director of Administration (2)

Mr Davis HUI
Deputy Director of Protocol

Item IV

Mr Leo KWAN, JP
Deputy Secretary for Home Affairs (1)

Mr Herman CHO
Principal Assistant Secretary for Home Affairs (1)

Mr Stephen TANG
Project Manager
Architectural Services Department

Ms Winnie HO
Senior Architect
Architectural Services Department

Mr Joel CHAN
Project Consultant

Mr Humphrey WONG
Project Consultant

Item V

Mr W K LAM, JP
Secretary for Home Affairs

Mr Leo KWAN, JP
Deputy Secretary for Home Affairs (1)

Mr Stephen WONG
Deputy Solicitor General (Advisory)
Department of Justice

Miss Amy CHAN
Senior Government Counsel
Department of Justice

Mr John DEAN
Principal Assistant Secretary for Home Affairs (7)

Miss Erica NG
Principal Assistant Secretary for Education and
Manpower (4)

Ms Linda SO
Principal Assistant Secretary for Security (C)

Mr Y T LAW
Acting Assistant Director (Visa & Policy)
Immigration Department

Mr Samson LAI
Assistant Secretary for Education and Manpower (7)

Mr H F LEE
Senior Assistant Director of Education (Support)

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

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

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I. Confirmation of minutes

[LC Paper No. CB(2)2062/00-01]

The minutes of the meeting held on 13 March 2001 were confirmed.

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

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

III. Nomination procedure and criteria in drawing up the Honours List

[Paper No. CB(2)2064/00-01(01)]

3. The Chairman informed members that the Clerk had written to invite representatives of the Honours Committee (HC) to the meeting. The Director of

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Administration (D of A) had replied that as members of HC were appointed on an ad personam basis and as deliberations of HC must remain confidential, it was not appropriate for members of HC to attend the meeting. Since HC was serviced by the Administration Wing of the Chief Secretary for Administration's Office, any questions on the general aspects of the honours and awards system would be dealt with by D of A. Members noted that the Chief Secretary for Administration's Office had provided a paper setting out the nomination procedures and criteria for honours and awards under the present honours and awards system of the Hong Kong Special Administration Region (HKSAR).

Criteria and procedures for honours and awards

4. Miss Cyd HO asked whether the merits and demerits of a nominee e.g. his contribution to the well-being of Hong Kong versus his criminal records would be considered when a nomination was vetted.

5. D of A responded that the honours and awards system was introduced after the reunification to give recognition to persons who had made an outstanding contribution to Hong Kong, or who had rendered distinguished and devoted community or public service to Hong Kong, or who had personally excelled in their respective fields. Besides, honours and awards were also given for acts of bravery which deserved public recognition. In vetting the nominations from bureaux/departments and the public, HC would carefully examine the merits and demerits of each nominee, including whether he had any criminal records; if yes, the nature and seriousness of the criminal offence.

6. In response to members' enquiries about the nomination and approval procedures under the honours and awards system, D of A explained that nominations for honours and awards were normally made by bureaux and departments in response to a general call circular issued in around October each year. Since the Honours List would be announced on the HKSAR Establishment Day (1 July) each year, HC would aim to submit its recommendations to the Chief Executive (CE) in April/May each year. The actual date of submission to CE in each year would depend on the number of nominations received and the number of meetings needed to be held for the consideration of these nominations.

7. Miss Cyd HO said that there were media reports that the 2001 Honours List had been amended. She asked whether CE would accord an award to a person who had not been considered by HC. D of A responded that CE had full discretion to decide whether to accept or reject the Honours List recommended by HC in whole or in part. The Chairman asked whether the criteria for according honours and awards had been changed and whether the 2001 Honours List had been amended after the incumbent Chief Secretary for Administration (CS for A)

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was in post on 1 May 2001. D of A said that the selection criteria for various types of honours and awards as detailed in paragraphs 12 - 21 of the paper, had long since been laid down and the criteria would not be affected by a change of personnel on the HC.

8. Mr Albert CHAN expressed strong dissatisfaction over the decision to accord a Grand Bauhinia Medal (GBM) to Mr YEUNG Kwong, who was considered a ringleader of the 1967 riot. Given the fact that GBM was the highest honour awarded under the system to recognise the selected person's life-long and highly significant contribution to the well-being of Hong Kong, he queried whether Mr YEUNG was nominated and recommended for the award in accordance with the selection criteria. Mr CHAN considered that according the highest honour to Mr YEUNG had hurt the feelings of Hong Kong people as over 50 lives were lost during the 1967 riot. He asked whether CE could award an honour to a person without having consulted HC.

9. In response, D of A said that he attended the Panel meeting for the purpose of discussing with members the system for the nomination and award of honours and awards in general. It would not be appropriate to discuss individual award. He explained that the paper had set out in detail the nomination procedures for honours and awards under the present system and all nominations had been duly considered against the prescribed selection criteria. The citations under the Honours List announced on 1 July 2001 had set out the considerations for making the award to each of the persons on the List. Mr Albert CHAN remarked that since the paper had not mentioned that CE was given the right to accord honours and awards to persons who had not been considered by HC, CE would contravene the established procedures if he had done so.

10. Mr Martin LEE expressed a similar view. He said that the paper which had set out the nomination procedures did not mention that CE had the right to approve a nomination which had not been considered by HC. He stressed that CE accorded the honours and awards on behalf of the HKSAR Government and not on his personal basis. Mr LEE said that he was astonished that CE instead of CS for A, the chairman of HC, had explained openly the reason for awarding a GBM to Mr YEUNG Kwong.

11. D of A responded that the authority of the head of state/government to accord awards and honours to persons who met the prescribed criteria was not unique to Hong Kong. Moreover, this was also the practice before July 1997, although the relevant documents were no longer to hand.

12. Miss Cyd HO said that if it was the case, the Administration should have set out in its paper the right of CE to make and approve his nominations for honours

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and awards which had not been considered by HC. D of A explained that the paper had set out the normal procedures for the nomination and approval of honours and awards. Miss HO also asked how HC would decide on its recommendations for submission to CE. D of A replied that generally HC would reach a consensus before making the recommendations and no voting would be required. Ms Emily LAU enquired whether persons nominated by CE would undergo integrity checking. D of A confirmed that all nominees were subject to the same vetting procedures.

13. Ms Emily LAU urged the Administration to confirm whether CE had the right to add names to the Honours List recommended by HC. She opined that such practice was a typical example of paternalistic ruling and would jeopardise the rule of law in Hong Kong. She considered that awarding a GBM to Mr YEUNG Kwong would not only hurt the feeling of Hong Kong people, but also other persons on the Honours List. D of A confirmed that CE could add/delete names to the List put forward by HC. The overriding consideration was that honours and awards would only be awarded in accordance with the prescribed criteria. Ms LAU specifically asked whether the nomination of Mr YEUNG Kwong had been considered by the 2001 HC. D of A said that he did not wish to comment on the Honours List for a particular year. Ms LAU opined that the mechanism was established to provide for the necessary check and balance so that all nominations would be considered on the basis of a set of prescribed and consistent criteria. To bypass HC by adding names to the Honours List on the basis of personal preference was a rule of man practice.

14. Mr James TO asked whether CE was required to put his personal nomination in writing if he wished to add a name to the Honours List. He considered that it would be the rule of man if CE was not even required to do so. D of A responded that reasons must be given when a person was nominated for an award. The Administration maintained a record of the honours and awards accorded which included the merits of the selected persons and their personal data. Mr TO stressed that the Administration must keep a proper record of the nominations made by CE for documentation purpose.

15. The Chairman asked whether CE had added names to the Honours List recommended by HC since the reunification. D of A responded in the affirmative. He explained that it was not a must for the nomination(s) made by CE to be considered by HC but CE would consult HC or its members as appropriate.

16. Mr WONG Sing-chi was of the view that a monitoring mechanism must be put in place to ensure that CE had followed the selection criteria for the nomination of honours and awards. He pointed out that as the 800-member Election Committee would make the selection in the next CE election, incumbent

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CE could make use of the honours and awards system to gain advantage over other candidates in such a coterie election. D of A responded that the citations would be the best evidence to demonstrate whether the honours and awards had been accorded in compliance with the prescribed selection criteria, regardless of whether the nominations were recommended by HC or CE.

17. Mr Albert CHAN was of the view that the Administration had made a mockery of the honours and awards system to award a GBM to Mr YEUNG Kwong, unless the Administration decided to give a positive re-assessment of the 1967 riot. He opined that it would be a shame on the HKSAR Government if she was unable to give a reasonable explanation to the public. Mr CHAN also urged the Administration to seek legal advice as to whether it was legitimate for CE to bypass HC and accord an award as he wished.

Way forward

18. Ms Emily LAU proposed that as the Administration had declined to confirm whether the nomination of Mr YEUNG Kwong had been vetted by the 2001 HC, the Panel should seek to invoke the powers under the Legislative Council (Powers and Privileges) Ordinance to request the Administration to provide the Panel with relevant confidential documents of the 2001 HC. In response to the Chairman, D of A confirmed that the Administration maintained the view that the deliberations of HC must remain confidential and that the Administration would not release documents of HC because they contained personal data. Ms LAU pointed out that members were not interested in the personal data of the nominees. In view of the public outcry over the decision to award a GBM to Mr YEUNG Kwong, members needed to find out whether as a matter of procedure his nomination had been vetted by the 2001 HC.

19. At Ms Emily LAU's suggestion, members agreed that a decision should be deferred until the next meeting scheduled for 16 July 2001 in order to allow adequate time to consider the proposal.

IV. Latest position of the Youth Development Centre project
[Paper No. CB(2)2064/00-01(02)]

20. At the invitation of the Chairman, Deputy Secretary for Home Affairs (1) (DS(HA)1) briefed members on the latest developments of the proposal to redevelop the Chai Wan Community Centre into a Centre for Youth Development (CYD). Project Consultant for the Youth Development Centre project (PC/YDC) also elaborated on the major features of CYD with the aid of computer equipment (the design and picture of the CYD model in Annex to the paper referred).

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Architectural design

21. Mr WU King-cheong said that he was the Chairman of the Eastern District Crime Fight Committee. He was concerned about the security of the international youth hostel in view of the easy access from CYD to the hostel which would be constructed on the same site. PC/YDC responded that the Steering Committee overseeing the CYD project would consider possible options such as the use of electronic access cards to maintain a satisfactory level of security in the detailed architectural plans for CYD. Mr WU remarked that the Steering Committee should consult the Police on the design of the security system for control of access to both premises.

22. Mr WU King-cheong also expressed concern about the design of the dancing studio which was adjacent to the cafeteria. He pointed out that users of the dancing studio might not wish to be seen by people in the cafeteria. Mr WU also pointed out that lighting in the cafeteria might create adverse effects on the visibility of the performance held in the dancing studio. PC/YDC responded that the design team had considered installing a movable partition to separate the dancing studio and the cafeteria when there were performances held in the dancing room and Mr WU's views would also be considered.

23. Miss Cyd HO suggested that the design of CYD should allow a high degree of flexibility in the use of spaces for various types of performances. PC/YDC responded that the design of CYD would allow maximum flexibility in the use of space for different types of performances and gatherings. He pointed out that the multi-purpose rooms located at seventh to ninth floors were equipped with movable walls to provide adjustable areas of space for performances and gatherings of different scales. Besides, part of the performance held in the multi-purpose activities hall/theatrical studio at the second floor could be projected onto the exhibition platform to cater for an audience of a large size in the open space.

24. The Chairman suggested that given the sophisticated design of CYD, the environment of the public estates in its vicinity should be renovated to create an integrated and harmonious community environment in the Chai Wan district. DS(HA)1 said that it was a good suggestion. He undertook to liaise with the Housing Authority about possible redecoration and renovation works which could be carried out for the public estates next to CYD.

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Rental charges for facilities

25. Miss Cyd HO expressed concern about possible high rental charges for using the facilities in CYD, given that it would have to be operated on a self-

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financing basis. She pointed out that CYD should serve to promote youth development and provide venues for youth activities and programmes to be organised at reasonable costs. To ensure that youth organisations could cope with the level of rental charges for using the CYD facilities, the Administration should allocate funds to CYD in case it experienced financial difficulties.

26. DS(HA)1 responded that as it was the Administration's intention that CYD should be operated on a self-financing basis, the Administration would not recover the capital and construction costs of CYD from its operational income. In fact, the Administration had engaged a consultant to conduct a preliminary financial feasibility study on CYD. The consultancy report indicated that despite discounts in rental charges for using facilities to be given to non-governmental organisations and youth groups, CYD should be able to maintain a small operational surplus and remain financially viable over a 10-year period after its commencement of operation. The small operational surplus would be used to support a maintenance fund for future maintenance and repair of CYD. As a safeguard against unstable level of income for CYD during the initial period of its operation, the provision of a contingency fund for this period should be considered. In any circumstances, the policy objective of the Administration was to provide a central facility for youth development. It would collaborate with the building manager of CYD to maintain rental charges at an affordable level for non-governmental organisations.

27. Mr WONG Sing-chi said that although he supported CYD to operate on a self-financing basis, the Administration should also provide financial support to youth organisations so that they could make use of the facilities to organise more activities. DS(HA)1 responded that it had all along been the Government's policy to provide financial support to activities organised by youth organisations.

Construction programme

28. In response to Mr WU King-cheong's enquiry about the deferment of the target completion date for CYD, DS(HA)1 explained that in view of growing public expectation to participate in the design of important community projects, the Steering Committee had decided to conduct, in collaboration with the Hong Kong Institute of Architects, an architectural design competition to seek an innovative and outstanding design for CYD. The design competition started in June 2000. The results were announced in early December 2000 and the winning team was subsequently engaged by Architectural Services Department (ArchSD) as the project consultant. In preparing the detailed architectural plans for CYD on the basis of the winning design, HAB together with ArchSD had conducted briefing sessions for local communities, youth organisations and youth representatives to collect views and comments. Due to the extra time taken in this

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competition and consultation process, the tentative construction programme for CYD needed to be deferred from 2003 to end of 2005.

29. Project Manager of ASD supplemented that the design team and ASD had spent considerable time in discussing with relevant stakeholders the facilities to be accommodated in CYD. Comments and views collected during the consultation would be adopted in improving the design wherever appropriate. In addition, the design team and ASD had considered the CYD site environment in detail and already worked out a cost-effective construction plan on the basis of the winning design.

Priority and discounts in rental for Eastern District Council (EDC) and community and youth organisations in Eastern District

30. Mr WU King-cheong said that he was a member of EDC. He pointed out that in proposing the redevelopment of the Chai Wan Community Centre into CYD, the Administration had given an undertaking that EDC and local communities of the Eastern District would be given priority to the use of community facilities in the future CYD at a discounted rental. He asked whether the undertaking would be incorporated in the contract to be signed if a limited company was set up for managing CYD. DS(HA)1 said that the Administration would work out detailed arrangements with EDC in due course.

31. Mr WONG Sing-chi said that CYD was proposed to serve as the focal point of youth development facilities for the whole territory of Hong Kong. To achieve the policy objective of developing young people into creative, knowledgeable, responsible and civic-minded citizens, the diversified venues and large-scale facilities of CYD should be used by youth groups of different districts on an equal basis. DS(HA)1 clarified that as the existing Chai Wan Community Centre needed to be demolished for the construction of CYD, EDC and community and youth organisations in Eastern District were given the priority only to the use of community centre facilities which would be reprovisioned in CYD.

32. The Chairman pointed out that the existing Chai Wan Community Centre mainly consisted of a hall and a few activity rooms. He was concerned that equivalent facilities in CYD might be very limited. The Chairman considered that while EDC and relevant local organisations must not have special entitlement to the facilities in CYD, they should not be deprived of the provision of community facilities. A proper balance should therefore be struck as far as allocation of the use of facilities was concerned. DS(HA)1 said that the Administration would work out the detailed arrangements with EDC at a later stage. The Chairman requested the Administration to keep the Panel informed of the details.

V. Report on the Hong Kong Special Administrative Region under the International Convention on the Elimination of All Forms of Racial Discrimination

[Paper No. CB(2)2064/00-01(04)]

33. At the invitation of the Chairman, Secretary for Home Affairs (SHA) said that the first report of HKSAR under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) had been submitted to the United Nations (UN) by the Permanent Representative of the Chinese Mission to UN on 3 October 2000. The report would be examined by the UN Committee on the Elimination of Racial Discrimination on 31 July and 1 August 2001. The six-member delegation of HKSAR would be led by the Deputy Solicitor General (Advisory) of the Department of Justice. The HKSAR delegation would attend the UN hearing, together with the delegation of the Macau Special Administrative Region, as part of the delegation of the People's Republic of China.

Legislation against racial discrimination

34. Ms Emily LAU pointed out that in paragraph 16 of the Concluding Observations issued in respect of the third periodic report of the United Kingdom under the International Covenant on Economic, Social and Cultural Rights (ICESCR) in December 1996, the Committee on Economic, Social and Cultural Rights had already regretted the step-by-step approach adopted by HKSAR, according to which legislation for the protection of vulnerable minorities was adopted primarily on the basis of public opinion surveys. The UN Committee on Elimination of Racial Discrimination had also expressed similar views about the absence of legislation against racial discrimination in Hong Kong in its Concluding Observations issued in respect of the last report on Hong Kong in March 1997. Ms LAU asked whether the Administration's stance that ICESCR was only "promotional" or "aspirational" in nature was also applicable to ICERD.

35. In response, SHA said that it had all along been the Administration's stance that once the HKSAR Government had signified an international convention or covenant, it would endeavour to adopt practicable measures and use available resources for the progressive realisation of various obligations. He explained that provisions of various international conventions and covenants were different from Concluding Observations issued by respective treaty committees after consideration of the State Party's reports. These Concluding Observations were part of the dialogue in the whole process of monitoring over the implementation of signatory obligations. As the Administration had explained on various occasions, it was presently of the view that the most effective way of stamping out racial

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discrimination was by changing people's attitude through public education and publicity rather than by legislation. He assured members that the HKSAR's delegation would adopt an open and pragmatic attitude in responding to the questions raised by the UN Committee on the Elimination of Racial Discrimination at the forthcoming hearing.

36. Ms Emily LAU raised query over the Administration's stance that the Concluding Observations issued by treaty committees were part of the dialogue. With reference to paragraph 30 of the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights on the first report on HKSAR under ICESCR issued on 11 May 2001, Ms Emily LAU pointed out that the UN Committee on Economic, Social and Cultural Rights considered that HKSAR's failure to prohibit racial discrimination in the private sector had constituted a breach of its obligations under Article 2 of ICESCR. She asked the Administration to clarify whether it was the Administration's stance that the HKSAR's refusal to introduce legislation against racial discrimination did not constitute a contravention of its obligation under ICESCR or ICERD.

37. SHA responded that the Administration had great respect for the Concluding Observations issued by treaty committees including the UN Committee on Economic, Social and Cultural Rights and would follow up their recommendations therein accordingly. While the Administration did not agree with the specific observation made by the Committee in respect of Article 2 of ICESCR, it acknowledged the need to review the problem of racial discrimination in the light of changing social circumstances. In this connection, the Administration had initiated another public consultation to examine the need to regulate by legislation discriminatory acts on the basis of race in the private sector or between individuals. Based on the results of the survey, the Administration would review the need to legislate against racial discrimination in early 2002. SHA stressed that racial discrimination was a complex and sensitive issue. Before mapping the way forward, the Administration must consider the overall interests of the community and those organisations which had expressed concerns about the possible adverse effect of legislation against racial discrimination. He added that the Administration was of the view that the problem of racial discrimination in Hong Kong was far less serious than that in many other advanced countries. Yet, the Administration remained open to feedback from concern organisations and the community as a whole.

38. Ms Emily LAU expressed dissatisfaction about slow progress in legislation against racial discrimination. Ms LAU said that some business organisations had indicated their support for legislation against racial discrimination to her. She therefore asked about the concerns which had been expressed in respect of legislation against racial discrimination. SHA responded that he understood that

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some business organisations had expressed support for legislation and the views of ethnic minority groups were apparently supportive. However, many business and employers' organisations had expressed strong reservations about legislation against racial discrimination in the last public opinion survey conducted in 1997. He added that apart from opinion survey, the Administration would proactively engage in an active dialogue with various organisations which might be affected by the introduction of legislation in the current consultation exercise.

39. SHA informed members that the Administration had written to business and employers' organisations inviting their views on legislation against racial discrimination. The Administration had explained in its letter the obligations of the States Parties under ICERD and relevant recommendations of the UN Committee on the Elimination of Racial Discrimination. The Administration had also pointed out in its letter that if legislation was deemed appropriate, the form would not be very different from the existing anti-discrimination laws. Ms Emily LAU requested the Administration to provide the Panel with a copy of the Administration's letter. At Ms LAU's further request, SHA undertook to report the initial findings to the Panel at an appropriate time.

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40. Miss Cyd HO said that it was appropriate for the Administration to engage in a dialogue with concern organisations but consultation should not be used as a delaying tactic. She considered that legislation against racial discrimination would enhance the international standing of HKSAR and contribute to its overall economic development. Miss HO also asked about the concerns of those people opposing to legislation. She stressed that legislation was part of education. Further educational effort might not be of any use to change the attitude of those people who remained opposed to any legislation against racial discrimination.

41. SHA responded that it was understandable that some business and employers' organisations were concerned about the possible adverse effects of legislation against racial discrimination. He personally believed that most people morally would support legislation against racial discrimination but concerns about operational problems which might arise were also justified. As a responsible government, the Administration would have to consider the pros and cons in detail before concluding as to whether legislation against racial discrimination was justified. Regardless of whether legislation would be introduced or not, education remained the most desirable course of action to eliminate racial discrimination in an advanced city like Hong Kong. Miss Cyd HO remarked that as implementation of existing anti-discriminatory legislation had not posed any problems to employers, they should not worry about the adverse effect of legislation against racial discrimination. She opined that the Administration should endeavour to educate employers to change their sceptical attitudes towards legislation against racial discrimination.

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42. Ms Emily LAU said that at the Council meeting on 23 February 2000, a former Legislative Council Member had asked about redress channels through which an aggrieved person could seek redress for being racially discriminated against by private individuals and organisations. The Administration had made reference to provisions of some criminal law in its response which she considered irrelevant. Ms LAU asked the Administration to confirm whether there was any redress channels for aggrieved persons being racially discrimination against by acts of individuals in the course of seeking education, employment and housing as well as in their daily lives.

43. SHA responded that the core of the problem was whether legislation would resolve the problems encountered by ethnic minorities in these areas. He reiterated that the extent of racial discrimination in the territory was far less severe than many other advanced countries where legislation against racial discrimination did exist. He added that introducing legislation against racial discrimination could not change the attitudes of people with an inclination to discriminate against persons of different races. The Administration would review the need for legislation on the one hand and reinforce education to change people's attitude on racial discrimination on the other.

Education for children of ethnic minorities

44. Ms Emily LAU said that there were allegations that some children of ethnic minorities had not been able to enrol in schools. She asked about the number of these children and the Administration's remedial measures to eliminate the difficulties encountered by children of ethnic minorities in pursuit of school places.

45. Senior Assistant Director of Education (Support) responded that children of ethnic minorities at the ages of six to 14 as other local children were required by law to attend school. There was a total of seven schools, including government and aided schools providing basic education which had admitted a large number of non-Cantonese speaking children of ethnic minorities. Alternatively, children of ethnic minorities had the discretion to apply for enrolment in any other ordinary schools. Hence, there should not be any child of ethnic minorities who was unable to enrol in school. However, there might be isolated cases of non-attendance of school under very exceptional circumstances. He assured members that the Education Department would proactively approach parents of these children and social services organisations as soon as it was informed of such cases.

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An update for UN hearing

46. Ms Emily LAU asked whether the Administration would provide an updating report on the situation of racial discrimination for submission to the UN Committee on the Elimination of Racial Discrimination. DS(HA)1 responded that the first report of the HKSAR under the Convention covered the period from 1 July 1997 to 31 December 1999. There would not be any update to be submitted to the UN Committee.

47. Referring to paragraphs 117 – 118 of the first report of HKSAR under ICERD, Ms Emily LAU enquired whether the Planning and Lands Departments had found an alternative site for the proposed mosque in Fanling, the construction of which was strongly resisted by the residents of a housing estate bordering the site of the proposed mosque. She considered that the UN Committee should be updated on the latest development.

48. Principal Assistant Secretary for Home Affairs (7) clarified that there was no question of racial discrimination in the incident as the residents of the estate had made it clear that they were not objecting the proposal on racial or religious grounds. They were only concerned about the likelihood that the presence of a mosque in the vicinity would increase both pedestrian flow within the estate and the burden on public transport. At Ms Emily LAU's request, he undertook to provide an update on the incident to the UN Committee during the hearing, should the Committee so requested.

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VI. Any other business

Report of the Subcommittee to study discrimination on the ground of sexual orientation

[Paper No. CB(2)2053/00-01(01)]

49. Members noted the report by the Subcommittee to study discrimination on the ground of sexual orientation.

50. There being no other business, the meeting ended at 4:38 pm.

Legislative Council Secretariat

10 September 2001