

立法會
Legislative Council

LC Paper No. CB(2)835/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/PL/HA

LegCo Panel on Home Affairs

**Minutes of meeting
held on Tuesday, 12 December 2000 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
Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
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** : Prof Hon NG Ching-fai
Hon James TO Kun-sun
Hon Timothy FOK Tsun-ting, SBS, JP
- Public Officers Attending** : Item IV
Mr Leo KWAN
Deputy Secretary for Home Affairs (1)
Mr Charles CHAN
Principal Assistant Secretary for Home Affairs
Mr C M WONG
Assistant Secretary for Home Affairs

Mr Duncan PESCOD
Deputy Secretary for the Civil Service

Mr LEUNG Siu-keung
Chief Curriculum Development Officer,
Education Department

Mr LEUNG Min-cheung
Senior Labour Officer,
Labour Department

Item V

Mr Arthur NG
Deputy Secretary for Home Affairs
(Culture & Sport)

Mr Paul LEUNG
Director of Leisure and Cultural Services

Miss CHOI Suk-kuen
Deputy Director of Leisure & Cultural Services
(Culture)

Mr Michael MAK
Assistant Director of Leisure & Cultural Services
(Libraries & Development)

Ms Michelle CHAU
Assistant Director of Leisure & Cultural Services
(Information Technology)

Attendance by Invitation : Horizons

Mr Reggie Lai-kit HO
Public Relations/Support Group Coordinator

Satsanga

Mr Albert LUK
Chairperson

Rainbow Action

Mr Noel CHAN
Executive Committee

Rainbow of Hong Kong

Mr SO On-kit, Justin
Executive Officer

Mr CHEUNG Kam-hung, Kenneth
Executive Officer

Association for the Advancement of Feminism

Miss Jocasta LEE
Chairperson

Miss Kendy YIM
External Vice Chairperson

Civil Rights for Sexual Diversities

Mr Roddy SHAW
Chairperson

Movement Against Discrimination

Mr LI Kin-yin
Exco Member

Society for Truth and Light Ltd

Mr CHOI Chi-sum
General Secretary

Dr KWAN Kai-man
Board Member

Hong Kong Women Christian Council

Ms Mary Ann KING
Executive Secretary (Programme)

Hong Kong Christian Institute

Ms Rose WU
Director

Mr TOO Kin-wai
Executive Secretary

Christian & Missionary Alliance Church Union
Hong Kong Ltd

Mr Jeremiah CHUI
Director of Research and Education

Mr Jayson TAM
Social Concern Committee Member of
Local Church

Chi Heng Foundation

Mr TO Chung
Officer

Hong Kong Blessed Minority Christian Fellowship

Mr NG Chin-pang

Hong Kong Ten Percent Club

Mr Anthony YEUNG

Dr Andy CHUI
Assistant Professor, School of Law,
City University of Hong Kong

Ms Vera LAM
Legal Consultant

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)440/00-01]

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

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II. Information papers issued since the last meeting

[LC Paper Nos. CB(2)238/00-01(01), CB(2)253/00-01 and CB(2)469/00-01]

2. Members noted that the following information papers had been issued —
 - (a) Paper entitled “Work of the Leisure and Cultural Services Department” provided by the Administration [Paper No. CB(2)238/00-01(01)] (*issued on 13 November 2000*); and
 - (b) Proceedings of the Conference on “Equal Pay for Work of Equal Value” organized by the Equal Opportunities Commission (EOC) [LC Paper No. CB(2)253/00-01] (*issued on 14 November 2000*).
3. Members also noted the Administration’s paper on the corporatization of three performing companies [LC Paper No. CB(2)469/00-01]. The Chairman suggested that members might wish to study the paper first, and notify the Clerk if they considered it necessary to discuss the paper at a future meeting.

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)435/00-01]

4. Members noted that the Administration would submit to the Finance Committee at its meeting on 12 January 2001 a paper on the review of the adjustment mechanism for the honorarium and accountable allowance for District Council (DC) members. The Chairman informed members that the Hong Kong Arts Development Council (ADC) had requested to brief members on the consultation paper on ADC's three-year plan. Members agreed to discuss the following items at the next meeting to be held on 9 January 2001 —
 - (a) Consultation paper on ADC’s three-year plan; and
 - (b) Review of annual adjustment mechanism for honorarium and accountable allowance for DC members.
5. The Chairman suggested that the Panel should convene a special meeting to discuss the research report on stalking prepared by the Hong Kong Law Reform Commission. Miss Cyd HO suggested inviting media organizations and women’s groups to the meeting to express their views. After discussion, members agreed that the special meeting be held on 12 January 2001.

IV. Discrimination on the ground of sexual orientation

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6. The Chairman welcomed representatives of the deputations and the Administration for attending the meeting.

[Note: The Deputy Chairman took the chair during the temporary absence of the Chairman who had to attend a special meeting of the Panel on Health Services.]

Horizons

[Paper No. CB(2)435/00-01(02)]

7. Mr Reggie HO of Horizons briefed members on the salient points of the submission made by Horizons. He emphasized that the Administration should legislate against discrimination on the ground of sexual orientation and recognize same-sex couples as soon as possible. Besides, the Administration should also put in place a separate complaint channel for people with different sexual orientations. He considered that the Administration should resolve the social issues which might arise from legalizing non-heterosexual behaviour. He pointed out that the publicity and educational measures adopted by the Administration to promote equal opportunities for people with different sexual orientations were inadequate, as reflected by the fact that only \$1.38 million had been allocated to fund relevant activities in the past three years. He suggested that additional resources should be allocated for educating the public with a view to changing their attitudes towards non-heterosexuals.

Satsanga

[Paper No. CB(2)435/00-01(03)]

8. Mr Albert LUK of Satsanga said that homosexuals in Hong Kong suffered from discrimination and the Administration should enact laws to protect the basic rights and interests of people with different sexual orientations at once. He pointed out that homosexuals were unable to enjoy social services provided by Government and voluntary organizations such as family services and counselling on marital problems. Influenced by the negative comments of press reports on homosexual behaviour, the community tended to view homosexuals from a negative perspective. He expressed support for the Administration's adoption of civic education as a means to change discriminatory attitudes of the community towards people with different sexual orientations. He suggested that a committee comprising representatives from homosexual groups, the Administration as well as the education, medical and psychological disciplines should be set up to map out the future direction of school education including sex education, so as to give a true picture and foster tolerance of non-heterosexuals among the younger generation.

Rainbow Action

[Paper No. CB(2)460/00-01(01)]

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9. Mr Noel CHAN of Rainbow Action briefed members on the submission. He pointed out that what was depicted by the Home Affairs Bureau (HAB) in its paper [Paper No. CB(2)207/00-01(01)] did not accord with experiences of homosexuals in real life. He cited cases of discriminatory and unfair treatments experienced by homosexuals in different areas of activity in their daily life as mentioned in the submission. Mr CHAN considered the efforts made by the Administration in promoting equal opportunities for people with different sexual orientations to be inadequate. He hoped the Administration would establish a mechanism for handling complaints about discrimination on the ground of sexual orientation and expedite legislation in respect of sexual orientation. He stressed that the Administration should not delay legislation, which protected the basic rights and interests of people with different sexual orientations, by the excuse of “reverse discrimination” as put forward by some organizations and people who were opposed to legislation.

Rainbow of Hong Kong

10. Mr Kenneth CHEUNG of Rainbow of Hong Kong expressed strong dissatisfaction with the article on homosexuals recently published by the Society for Truth and Light Ltd. He pointed out that certain parts and wordings of the article were discriminatory against people with different sexual orientations. He considered that the Society for Truth and Light Ltd would have been caught by anti-discrimination legislation in respect of sexual orientation if it had been in place. He cited a male homosexual’s statement to illustrate the fact that homosexuals were subject to tremendous social, family and psychological pressure in life.

Association for the Advancement of Feminism (the Association)

[Paper No. CB(2)435/00-01(04)]

11. Miss Kendy YIM of the Association briefed members on the submission. She pointed out that the Association was supportive of legislation against discrimination on the ground of sexual orientation. Apart from enhancing public education, the Association urged the Administration to immediately conduct a comprehensive review of existing policies and the social welfare system with a view to enhancing people with different sexual orientations to enjoy equal rights and social welfare. The Association considered that while the basic principle of protecting human rights was enshrined in the Hong Kong Bill of Rights (HKBOR), the protection afforded to people with different sexual orientations to ensure that they enjoyed the same rights as others was apparently inadequate. Since the Administration had already enacted anti-discrimination legislation in respect of sex, disability and family status, it should do likewise in respect of sexual orientation as soon as possible so as to give effect to the basic principle of HKBOR. She also suggested that the Administration should put in

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place a mechanism for handling complaints about discrimination on the ground of sexual orientation.

12. Miss Jocasta LEE of the Association added that the Administration should outlaw discrimination on the ground of sexual orientation and set out the rights of non-heterosexuals to enjoy equal opportunities and treatment in different areas, including the right to get married, adopt children and inherit estates as well as the right to receive fair treatment in workplaces and educational institutions. Besides, more funds should be allocated for non-governmental organizations (NGOs) to provide services for people with different sexual orientations. In order to enhance the transparency of the funding mechanism, she requested the Administration to disclose records on funds allocated in the past few years. She also asked the Administration to ensure that the allocations were effectively used in activities promoting anti-discrimination rather than reinforcing public misconception about non-heterosexuals.

Civil Rights for Sexual Diversities

[Paper No. CB(2)435/00-01(05)]

13. Mr Roddy SHAW of the Civil Rights for Sexual Diversities briefed members on the submission and requested the Administration to actively consider the following recommendations -

- (a) devising a timetable for legislation against discrimination on the ground of sexual orientation;
- (b) providing funds for conducting a comprehensive and independent study on issues relating to discrimination on the ground of sexual orientation;
- (c) empowering EOC to receive, handle and mediate complaints about discrimination on the ground of sexual orientation, provide legal aid for people with different sexual preferences whose civil rights had been infringed upon, and initiate investigation into cases of this kind of discrimination;
- (d) urging the Inland Revenue Department to grant homosexual groups the status of charitable organization; urging HAB to allocate funds in an orchestrated manner to ensure that the funds were spent in addressing the needs of the homosexual community instead of supporting activities which went against the principle of equal opportunities and were detrimental to the well-being of homosexuals; and
- (e) providing funds for NGOs to organize Sexual Diversity Awareness Training Programmes for tertiary institutions, professional training

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centres, government officials and employers, and providing sexual orientation-neutral teaching materials for all sex education courses.

Movement Against Discrimination (MAD)

[Paper No. CB(2)480/00-01(01)]

14. Mr LI Kin-yin of MAD said that MAD supported legislation to protect the rights of people with different sexual orientation with respect to marriage, housing, education and social welfare so that homosexuals could enjoy the same rights as enjoyed by the general public. He suggested that the Administration should make reference to relevant overseas legislation. He pointed out that other than recognizing legal marriages, marriage laws in the Mainland also accepted another form of “marriage” of persons by virtue of their living together, travelling together, doing things jointly and hosting “a wedding” involving their relatives and friends as “de facto marriage”. On the basis of such concept, homosexual partners should also be able to raise their families and enjoy the same rights as heterosexual couples did. He urged the Administration to actively consider enacting legislation against discrimination on the ground of sexual orientation. As a long-term objective, the Administration should commit to promoting the concept of equal opportunities and diversity in sexual orientation so that the community as a whole could accept non-heterosexual partnership.

Society for Truth and Light Ltd (the Society)

[Paper No. CB(2)460/00-01(04)]

15. Members noted the submission made by the Society.

16. Dr KWAN Kai-man of the Society emphasized at the outset that people from all sectors (including those from homosexual groups) should adopt an objective and impartial attitude in examining the issue of discrimination on the ground of sexual orientation. He said that the Society was supportive of the spirit of equal opportunities and believed that all human beings were born with their basic rights. The Society also agreed to the provisions as stipulated in the Universal Declaration of Human Rights and the various United Nations human rights treaties, namely, the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights. In fact, HKBOR also provided that the rights recognized therein should be enjoyed by all without distinction of any kind including homosexuals.

17. As pointed out by Dr KWAN, homosexuals should not adopt double standards over the issue of discrimination by giving regard only to their own human rights and ignoring other people’s rights in seven aspects namely academic research, conscience, speech, thought, association, religion and parental choice of education for their children. He cited that the homosexual

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community on the one hand criticized the findings of medical research (e.g. homosexuals suffered from a higher HIV infection rate) which were unfavourable to them. They, on the other hand, considered that homosexuals should be provided with more counselling on the ground that they had a higher suicidal rate and were subjected to greater pressure in their daily life. He emphasized that it was the freedom of conscience for members of the public to adopt different attitudes towards people with different sexual orientations, be they based on traditions or religious beliefs. The Administration could not compel the public to change their value judgements. Therefore, the homosexual community should not view with hostility those who did not accept people with homosexual behaviour or those with different value judgements. He opined that when considering protection for the rights of homosexuals through legislation, the Administration should also have due regard for the rights of other social groups.

18. Dr KWAN added that homosexuality was a highly controversial social issue. Before consideration was given to legislating against discrimination on the ground of sexual orientation, the Administration had to clearly define the circumstances under which such discriminatory acts should be regulated by law and rectified by public education. In the course of doing so, the Administration should also be mindful of striking a balance among other civic rights in order not to infringe upon other people's freedom in academic research, of speech and conscience, as well as the freedom of association and religion of religious and educational institutions. He stressed that the enactment of anti-discrimination laws in favour of individual groups of people had to satisfy social conditions that were both "necessary" and "sufficient", and the issue of "human rights" could simply be regarded as a "necessary" condition. Otherwise, all those who were vulnerable to discrimination (e.g. the obese, smokers, the less intelligent and so on) might also seek the enactment of the relevant anti-discrimination legislation for protection.

Hong Kong Women Christian Council
[Paper No. CB(2)480/00-01(03)]

19. Ms Mary Ann KING of the Hong Kong Women Christian Council briefed members on the Council's submission, explaining that bisexuals were different from homosexuals. She added that treating bisexuals as homosexuals was in essence a form of discrimination, but that this seemed to be a prevalent viewpoint in the community. She stressed that bisexuals should also enjoy equal opportunities and basic human rights, and the Government should seriously study the issue of enacting legislation to recognize the partnership of bisexuals as domestic partnership, so as to enable them to enjoy the various social welfare benefits and services offered by the Government to legally-wedded couples, and to foster a proper understanding of and respect for bisexuals among different social sectors, including the education, social work and medical care sectors. Ms KING was of the view that to eliminate people's misunderstanding about

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different sexual orientations, the Government had to enact anti-discrimination laws and educate members of the public, with a view to altering the value judgements and attitudes they formed over the years in their schools, families, workplaces and other areas. She pointed out that discrimination on the ground of different sexual orientations would prevent talented homosexuals and bisexuals from exhibiting their best in the workplaces, which would mean a loss to the society as a whole.

Hong Kong Christian Institute (the Institute)

[Paper No. CB(2)435/00-01(06)]

20. Ms Rose WU of the Hong Kong Christian Institute cited the contents of the Institute's submission, pointing out that the Government simply had not endeavoured to promote equal opportunities for all (including people with different sexual orientations), nor had it taken any measures to protect the rights of sexual minorities. She emphasized that the Institute strongly opposed to the Government's various reasons for not enacting any laws to protect the rights of people with different sexual orientations, such as the majority of the community opposed legislation and the small number of relevant complaints. She suggested that the Government should promptly extend the ambit of the existing equal opportunities legislation to cover discrimination on the ground of sexual orientation. It should also devote more resources to formulate an integrated public education programme for school children to learn how to accept and respect people with different sexual orientations since their early ages.

Christian and Missionary Alliance Church Union Hong Kong Limited

[Paper No. CB(2)460/00-01(03)]

21. Mr Jeremiah CHUI of the Christian and Missionary Alliance Church Union Hong Kong Limited tabled a press report on how the homosexuals in Ontario, Canada, fought for legislative protection and statutory rights. He requested members and government officials to note the arguments put forward by both sides in the debate and the social consequences of the relevant court rulings. He pointed out that members should give very careful thoughts to the definition of the "rights" pursued by people with different sexual orientations and that of "sexual orientations". He said that in many cases, there were clashes between the rights of sexual minorities and those of heterosexuals, for example. He pointed out that in overseas tongzhi movements, some participating groups had advocated that consanguineous love, polygamy, pedophilia, bestiality, peeping, the lowering of the legal love-making age, consanguineous marriages and women's exposure of their busts in public should also be regarded as sexual orientations.

22. Mr Jayson TAM of the Christian and Missionary Alliance Church Union Hong Kong Limited said that as a voluntary worker of a social service

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organization called CHOICE, he had the experience of providing counselling services to homosexuals who wished to change their sexual orientation and had witnessed that nearly 50% of the cases were successful and led a happy marriage life. He was of the view that in the absence of adequate studies and justifications, it would be irresponsible to legislate against discrimination on the ground of sexual orientation. He pointed out that most of the homosexuals receiving CHOICE's services were university graduates holding senior positions. He did not observe any apparent discrimination against these people in terms of education and career opportunities. He considered that when considering any legislative measures, the Government should take account of the possible impacts on the affected organizations. Mr TAM emphasized that he respected the right of people to choose the ways of life they preferred, but pointed out that Government should ensure that if it was to legislate against discrimination on the ground of sexual orientation, the rights of other community groups should not be infringed. He suggested that the Government should continue to allocate funds to NGOs providing educational, counselling and other services to people who wished or did not wish to change their sexual orientations.

Chi Heng Foundation (the Foundation)

[Paper No. CB(2)435/00-01(07)]

23. Mr TO Chung of the Chi Heng Foundation said that people with different sexual orientations were pursuing equal treatment and not special privileges. The Foundation was of the view that the Government should adopt a two-pronged approach, enacting appropriate anti-discrimination legislation on the one hand and enhancing public education on the other. He pointed out that the education and religious sectors should not oppose to non-heterosexuals' pursuit of basic human rights by the excuse that anti-discrimination legislation would create "reverse discrimination". He maintained that the Government should uphold justice for the minority groups in society and discharge its duty of safeguarding their rights. He argued that since sexual minority couples also made contributions to society, they should also be entitled to the various benefits and rights offered by the Government to legally-wedded couples.

Hong Kong Blessed Minority Christian Fellowship (the Fellowship)

[Paper No. CB(2)435/00-01(09)]

24. Mr NG Chin-pang of the Hong Kong Blessed Minority Christian Fellowship briefed members on the contents of the Fellowship's submission. He pointed out that 95% of the Fellowship's membership (over 1000 members) had experienced alienation and discrimination in various religious organizations. He cited examples of how non-heterosexuals were discriminated against in different organizations run by religious bodies. He maintained that basic human rights should be above the mission and vision of School Sponsoring Bodies and the doctrines of any religious bodies. Based on such principle, religious bodies

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and educational institutions should not be exempted from the scope of any anti-discrimination legislation on sexual orientation. Mr NG expressed support for HAB's efforts in enhancing public education programme which would help the younger generations recognize the diversity of lifestyles and sexual orientations, as well as demonstrate respect and tolerance towards people with different sexual orientations.

Hong Kong Ten Percent Club (the Club)

[Paper No. CB(2)460/00-01(02)]

25. Mr Anthony YEUNG of the Hong Kong Ten Percent Club briefed members on the contents of the Club's submission and said that the rights of people with different sexual orientations had to be protected by legislative means. He suggested that the Government should put in place complaints mechanisms for people with different sexual orientations, and enhance public education in this respect. It should also increase funding support for tongzhi organizations to promote public understanding and acceptance of people with different sexual orientations. He urged the Government to conduct in-depth surveys and studies on discriminations experienced by people with different sexual orientations in different sectors of the community.

Dr Andy CHUI and Ms Vera LAM

[Paper No. CB(2)480/00-01(02)]

26. Dr Andy CHUI went through the contents of his submission and said that laws against discrimination on the ground of different sexual orientations would not lead to reverse discrimination, in very much the same way as the existing Sex Discrimination Ordinance would not accord any preferential treatment to any single gender. He said that in the Report on Laws Governing Homosexual Conduct, Professor Ambrose KING had pointed out that there was no anti-homosexuality tradition in China. For this reason, it was hardly justifiable to oppose the enactment of legislation on the ground that the Chinese cultural tradition was against homosexuality. He added that a number of existing ordinances had provisions which were discriminatory against different sexual orientation. These provisions included sections 118C, 118D and 118J of the Crimes Ordinance and section 40(1) of the Marriage Ordinance. He suggested that the Government should promptly draw up legislation on prohibiting discrimination on the ground of sexual orientation, or amend the interpretation of "sex" under the existing Sex Discrimination Ordinance to include "sexual identity" so that anyone whose sexual identity was discriminated against could instigate a lawsuit. Besides, the Government should also consider amending the provisions of the existing Crimes Ordinance and Marriage Ordinance which were discriminatory against people with different sex orientation.

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27. Ms Vera LAM pointed out that no protection was accorded to non-heterosexuals in many existing ordinances such as the Crimes Ordinance, the Marriage Ordinance, the Housing Ordinance, the Domestic Violence Ordinance and the Inheritance (Provision for Family and Dependants) Ordinance. She maintained that only enactment of anti-discrimination legislation could effectively prohibit acts and attitudes relating to discrimination against people with different sexual orientations. As regards the significance of traditional family and moral values emphasized by the religious bodies, Ms LAM commented that problems such as abused wives, polygamy and debasement of women were also found in traditional families.

(Note: The Chairman resumed chairmanship at this juncture.)

Discussion and way forward

28. Ms Emily LAU noted that as highlighted in paragraph 11 of the Administration's paper, the majority was of the view that there would be impact on young people and the traditional institutions of family and marriage if non-heterosexual behaviour was recognized through legislation. She asked whether the Administration shared the view and had reservations about protecting the rights and interests of people with different sexual orientations by enacting legislation against discrimination on the ground of sexual orientation.

29. Deputy Secretary for Home Affairs (1) (DS(HA)1) responded that the Government was firmly committed to promoting equal opportunities for all, including people with different sexual orientations, and was opposed to any form of discrimination on the ground of sexual orientation. He pointed out that as provided under HKBOR, the rights recognized therein should be enjoyed by everyone. As HKBOR bound the Government and all public authorities, people with different sexual orientations could lodge complaints to the authorities concerned or HAB when they were treated unfairly. Moreover, the Administration had conducted a public consultation on discrimination on the ground of sexual orientation in 1996 and a total of 10 014 submissions had been received from homosexual groups, women's groups, educational and religious bodies, etc. An overwhelming majority of views from groups and individuals were strongly opposed to legislation in respect of sexual orientation.

30. DS(HA)1 further pointed out that the Administration had over the years implemented various publicity programmes and measures to promote equal opportunities for people with different sexual orientations as well as to dispel public misconceptions about the homosexual community. Such measures included ——

- (a) An Equal Opportunities (Race and Sexual Orientation) Funding Scheme had been launched to support worthwhile community projects to promote equal opportunities for people with different

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racess and sexual orientations. A total of \$1.38 million had been allocated in the past three years to subsidize NGOs such as Queers Sisters, Rainbow of Hong Kong, Hong Kong Blessed Minority Christian Fellowship, Horizons and Satsanga to organize activities dedicated to the promotion of equal opportunities for people with different sexual orientations. Starting from this year, a recurrent provision of \$2.5 million was made available to HAB for promoting equal opportunities for people of different races and sexual orientations;

- (b) As for public education, the Committee on the Promotion of Civic Education offered a Community Participation Scheme under which funds were made available to homosexual groups to organize activities to promote against discrimination on the ground of sexual orientation. Moreover, through exhibitions, publicity booklets, teaching kits, radio and television programmes, the Committee had been striving to instil the concept of equal opportunities among the general public, promote their understanding and heighten their tolerance towards people with different sexual orientations; and
- (c) On education, HAB had over the years produced educational publications on sexual orientation such as "The Young Detective Club" and "Perspectives of Equal Opportunities on Sexual Orientation" for distribution to primary and secondary schools with a view to helping students to understand and respect the lifestyles of people with different sexual orientations.

31. DS(HA)1 supplemented that the issue of same-sex marriage were associated with the overall social ethical and moral values and should therefore be a matter for the community instead of the Government to decide. As a matter of fact, the law reflected the prevailing social values and culture in respect of the related issues. As an example, the existing Marriage Ordinance reflected the society's acceptance of monogamy as legitimate marriage. The Government could not possibly introduce other norms and standards compulsory for the marriage system.

32. Mr WONG Sing-chi noted that the Administration and the deputations seemed to have different interpretations of the definition of sexual orientation. In this regard, he suggested that in consultation with the deputations, the Administration should provide a clear definition of sexual orientation to facilitate members' discussion in the future. DS(HA)1 pointed out that the definition of sexual orientation was explained in the promotional leaflets.

33. Miss Cyd HO pointed out that while changes to the prevailing social climate and culture should be taken into account in enacting legislation against discrimination on the ground of sexual orientation, sexual minorities should not be neglected and deprived of their fundamental rights and interests. She asked

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Adm the Administration to provide a breakdown of complaints about discrimination on the ground of sexual orientation. Miss HO suggested that if such information was not readily available, Government departments should start establishing similar databanks for future reference.

34. Mr Andrew WONG remarked that as enacting legislation against discrimination on the ground of sexual orientation would have far-reaching implications on the prevailing traditions and moral standards in society, members should seriously study the social consequences of recognizing the relationship of same-sex couples through legislation.

Adm 35. The Chairman suggested and members agreed that a subcommittee should be set up to follow up the issue of discrimination on the ground of sexual orientation. The Chairman asked the Administration to provide a written response to the views of the deputations for the subcommittee to follow up.

V. Library policies and progress of building the new Hong Kong Central Library
[Paper No. CB(2)435/00-01(01)]

Progress of building the new Hong Kong Central Library

36. The Chairman referred to paragraph 29 of the Administration's paper which stated that as the digital library system of the new central library was an advanced and complex information system, both the Leisure and Cultural Services Department (LCSD) and the contractor had found it necessary to allow more time for developing and testing the new system. He asked whether the system would be completed by late March 2001. Miss CHOY So-yuk also expressed concern about the timing for commissioning of the new central library.

37. Director of Leisure and Cultural Services (DLCS) responded that LCSD held meetings with the contractor every week to discuss and follow up matters concerning the development and testing of the new system. It was expected that the new system would be completed by late March 2001. LCSD would invite interested parties and students in April 2001 to conduct a user acceptance test and was confident that the new system would be put into use in May 2001. He added that the cost for building the new central library was in the region of \$690 million whereas the cost for developing the new system was up to \$160 million.

38. Mr WONG Sing-chi enquired about the reasons for the delay in the construction programme of the new central library. The Chairman also asked whether the delay had anything to do with the dissolution of the former municipal councils. The Chairman further asked whether the Administration would claim compensation from the contractor for the loss incurred as a result of the delay.

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39. Deputy Director of Leisure and Cultural Services (Culture) (DDLCS) responded that the former Provisional Urban Council hoped the new central library could be opened for public use as soon as possible and had all along attached great importance to this issue. In late March 1999, the former Provisional Urban Council had decided to put to open tender the required consultancy service for the provision and installation of specialist electrical and electronic systems and equipment. The tender had eventually been awarded in late April 2000 to the Electrical and Mechanical Services Department. It was anticipated that the installation of related facilities would be completed in February 2001 for testing by library staff. Moreover, upon the award of the contract of the digital library system in December 1999, LCSD and the contractor jointly worked on the various computer functions and the best mode of operation. Following in-depth study and discussion, both parties agreed that it was necessary to allow an additional four months for developing and testing the new system. Therefore, the decision to defer the commissioning date of the new central library to late May was agreed by both parties. No dereliction of duty and failure to comply with the terms of contracts were involved. She also pointed out that the estimated cost of the new central library would not go up as a result of the deferment of its commissioning.

40. Miss CHOY So-yuk was concerned whether the seating capacity of the new central library would meet the needs of the public. She asked about the contingency measures to be taken in case the new central library attracted a higher patronage than expected.

41. DLCS responded that the gross area of the new central library would be about nine times larger than that of the City Hall Public Library. With a capacity of about 2 000 seats, it should be able to meet the needs of the general public. He pointed out that the digital library system of the new central library would be extended to major and district libraries by phases by the end of 2001. It was expected that by the end of 2002, members of the public would be able to retrieve a diversified range of digital data kept in the digital library system at home or in office via the Internet.

42. The Chairman asked whether the commissioning of the new central library would coincide with the Hong Kong Literature Festival. He suggested that LCSD would invite Mr Gao Xingjian, Nobel laureate in literature to attend the inauguration ceremony.

43. DLCS responded that LCSD had considered inviting renowned scholars including Mr GAO Xingjian to attend the Hong Kong Literature Festival. The Hong Kong Arts Development Council (HKADC) had subsequently proposed cooperation in hosting the Festival with LCSD and both parties were now working out the details such as the period for hosting the Festival, the form that the publicity drive should take and the lists of guests to be invited. He pointed out that the Hong Kong Literature Festival was not a regular annual event and its

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commencement may not coincide with the commissioning date of the new central library.

Opening hours of libraries

44. Mr LAU Wong-fat expressed concern about the fact that small libraries in urban areas opened 11 hours longer than those in the New Territories (NT) per week. He enquired about the reasons for the difference and asked whether the Administration would standardize the opening hours of small libraries.

45. DLCS responded that the opening hours of small libraries in urban areas and NT were fixed by the two former provisional municipal councils, having regard to their utilization. LCSD would by the end of 2001 conduct a comprehensive review of the opening hours of all public libraries including small libraries in the light of their utilization after the opening of the new central library to facilitate effective use of library facilities by the general public. DDLCS added that LCSD would consider the need to standardize the opening hours of all small libraries in the review.

46. The Chairman suggested that the opening hours of public libraries on public holidays should be extended for the convenience of library users. Miss CHOY So-yuk supported the Chairman's suggestion and pointed out that the demand for library services on public holidays should be greater than that on any other days. Having regard to the living habits of the general public, she suggested that public libraries should, instead of opening from 10:00 am to 1:00 pm, open at 1:00 pm and operate for a longer period on Sunday.

47. DLCS responded that LCSD had looked into the issue of extending the opening hours of public libraries in the middle of this year. However, figures had revealed that the usage rates of public libraries in the evening were not high. In consideration of cost-effectiveness, it was decided that only the opening hours of the Students' Study Rooms should be extended up to 10:00 pm during weekdays with effect from April 2000. He added that although small libraries in NT were opened for only 39 hours per week, figures showed that such arrangement had met the local demand for library services.

48. The Chairman was of the view that as all public libraries had come under the ambit of LCSD, their opening hours should be standardized as soon as possible. At the Chairman's request, DLCS undertook to conduct a comprehensive review of the opening hours of public libraries as soon as practicable.

49. Miss Cyd HO opined that if facilities available in public libraries remained unchanged, the habits of library users would not change upon the commissioning of the new central library. She urged the Administration to carefully study the habits of library users and their demand for library services in

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the review. Miss HO also pointed out that the low usage rates of public libraries in the evening might be attributable to a lack of publicity and LCSD should look into this as well.

50. In response to members' questions about the opening hours of public libraries on holidays, DDLCS explained that each library in NT had one closing day per week to facilitate routine maintenance and rearrangement of library materials and books. For the convenience of library users, arrangement had been made for different libraries in the same district to have different closing days. In consideration of the use of resources, public libraries in urban areas were closed on public holidays. She pointed out that the opening hours of the new central library would be longer than those of major and district libraries. DDLCS emphasized that the opening hours of libraries would depend on the provision of manpower and resources in future.

51. Mr WONG Sing-chi proposed recruiting volunteers to assist in library work so as to relieve the staffing shortage which would arise from extending the opening hours of libraries. DLCS pointed out that LCSD would consider the proposal although there might be practical difficulties in its implementation.

Management and development plans of libraries

52. Mr WONG Sing-chi asked whether LCSD had set up any library management committees to monitor and follow up matters concerning the management and operation of libraries. If the answer was in the affirmative, he suggested that members of such committees should include library users.

53. DLCS responded that Community Advisers had been appointed recently to provide community input on the procurement policy in respect of library materials. In addition, Customer Liaison Groups had been set up in major and district libraries to improve communication with library users and obtain their feedback on library services.

54. The Chairman asked whether LCSD had followed up specific recommendations made by the former Urban Council in the five-year development plan in respect of the demand for libraries. He also enquired about the progress of building libraries in Tseung Kwan O, Ma On Shan and Tin Shui Wai.

55. DLCS responded that the former municipal councils had set their own criteria for the provision of libraries. LCSD would provide one district library for every 200 000 people as stipulated in the Hong Kong Planning Standards and Guidelines. With the exception of Kwun Tong, libraries in other districts were able to meet the needs of the public for library services. LCSD had also decided to rent a space in a commercial building via the Government Property Agency, so as to facilitate the early opening of the Tin Shui Wai Public Library. DDLCS

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added that the Tseung Kwan O and Ma On Shan Public Libraries were expected to be opened in mid-2001 and December 2003 respectively.

VI. Any other business

56. There being no other business, the meeting ended at 5:10 pm.

Legislative Council Secretariat
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