

立法會  
*Legislative Council*

LC Paper No. CB(2)440/00-01  
(These minutes have been  
seen by the Administration)

Ref : CB2/PL/HA

**LegCo Panel on Home Affairs**

**Minutes of meeting  
held on Tuesday, 14 November 2000 at 2:30 pm  
in the Chamber of the Legislative Council Building**

**Members Present** : Hon Andrew CHENG Kar-foo (Chairman)  
Hon Cyd HO Sau-lan  
Prof Hon NG Ching-fai  
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  
Hon Albert CHAN Wai-yip  
Hon IP Kwok-him, JP

**Other Members Attending** : Hon CHAN Kam-lam  
Hon LAW Chi-kwong, JP

**Members Absent** : Hon CHOY So-yuk (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon WONG Sing-chi

**Public Officers Attending** : Item IV  
Mr Robin GILL  
Deputy Secretary for Health and Welfare (3)  
Miss Mary TSANG  
Principal Assistant Secretary for Health and Welfare  
Item V  
Mr Jonathan MCKINLEY  
Principal Assistant Secretary for Home Affairs  
(Recreation and Sport)

Mr Alex Y W NG  
Principal Environmental Protection Officer  
Environmental Protection Department

Mr Paul CHEUNG  
Assistant Director (Leisure Services)  
Leisure and Cultural Services Department

Miss Olivia CHAN  
Senior Staff Officer (Leisure Services)  
Leisure and Cultural Services Department

Mrs YUEN KWONG Wai-king  
Senior Staff Officer (Planning)  
Leisure and Cultural Services Department

Item VI

Mr W K LAM  
Secretary for Home Affairs

Mrs Betty FUNG  
Deputy Secretary for Home Affairs (2)

Mrs Sarah Kwok  
Assistant Director of Home Affairs

Item VII

Mr W K LAM  
Secretary for Home Affairs

Mrs Betty FUNG  
Deputy Secretary for Home Affairs (2)

Mr Francis LO  
Principal Assistant Secretary for Home Affairs (5)

Mr Vic YAU  
Assistant Secretary for Home Affairs

Mr T W YAM  
Assistant Commissioner of Police (Crime)

**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 Nos. CB(2)102/00-01 and CB(2)221/00-01]

The minutes of meetings held on 10 and 17 October 2000 were confirmed.

**II. Information papers issued since the last meeting**

[LC Paper No. CB(2)87/00-01]

2. The Chairman informed members that the report of the Hong Kong Special Administrative Region (HKSAR) under Article 9 of the International Convention on the Elimination of all Forms of Discrimination had been issued to members on 20 October 2000.

**III. Items for discussion at the next meeting**

[Appendices I and II to LC Paper No. CB(2)207/00-01 and CB(2)207/00-01(01)]

3. The Chairman informed members that prior to the meeting, the Administration had suggested to brief members on the outcome of the HKSAR's bid to host the 2006 Asian Games at the meeting. In view of the lengthy agenda, the Secretary for Home Affairs (SHA) agreed, following discussions between the Secretariat and the Administration, that he would attend the Panel meeting scheduled in the afternoon of 16 November 2000 to brief members on the matter. After discussion, members agreed that a special meeting should be held on 16 November from 4:30 pm to 5:30 pm to receive the briefing by the Administration on the outcome of the HKSAR's bid to host the 2006 Asian Games as well as the experience it had gained.

4. Miss Cyd HO requested the Administration to provide the whole set of bid document for members' reference.

[*Post meeting note:* The bid document submitted in respect of HKSAR's bid to host the 15<sup>th</sup> Asian Games in 2006 had been issued to all Legislative Council Members on 15 November 2000.]

5. After discussion, members agreed to discuss the following items at the regular Panel meeting to be held on 12 December 2000 —

- (a) Discrimination on the ground of sexual orientation; and
- (b) Library policies and progress of building the new Hong Kong Central Library.

Members noted that the Administration had provided the Panel with an information paper on "Discrimination on the ground of sexual orientation" [Paper

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No. CB(2)207/00-01(01)] which gave a brief account of the measures taken by the Administration to address the issue of discrimination on the ground of sexual orientation. Miss Cyd HO suggested and members agreed that representatives of the organizations concerned should be invited to attend the meeting to give their views on the issue of discrimination on the ground of sexual orientation.

**IV. Proposed creation of new posts relating to women's issues in the Health and Welfare Bureau**

[Paper No. CB(2)207/00-01(02)]

6. At the invitation of the Chairman, Deputy Secretary for Health and Welfare(3) (DS(HW)3) briefed members on the main points in the paper provided by the Administration on the proposed creation of new posts in the Health and Welfare Bureau (HWB) to support the Women's Commission (the Commission). He pointed out that the functions of the Commission as well as the major duties of the two new proposed permanent Directorate posts were set out in detail in paragraphs 5 to 6 and 10 to 18 of the paper respectively.

7. Miss Cyd HO sought explanation and clarification from the Administration on the phrase "to provide the necessary steer and leadership" mentioned in paragraph 10 of the paper. She pointed out that the proposed senior governmental official at the rank of Deputy Secretary should not lead the work of the Commission. Instead, he should lead the Women's Division within HWB and provide the necessary guidance to officers of the Division in taking forward strategies and programmes mapped out by the Commission.

8. In response, DS(HW)3 clarified that the major responsibilities of the proposed Deputy Secretary (Women) and the Women's Division under his/her leadership were to provide administrative support rather than to direct the Commission. The purpose of setting up the Division was to ensure that the strategies and recommendations put forward by the Commission were effectively implemented by the relevant authorities. He emphasized that the Deputy Secretary and the Division would establish a good working partnership with the Commission with a view to co-operating closely to take forward the strategies and programmes supported by the Commission. He explained that the new Division would be involved in preparatory work for the Commission's meetings, provide executive support to the Commission, as well as conduct background research and carry out other ground work to facilitate the work of the Commission.

9. Miss Cyd HO welcomed the clarification made by the Administration. She emphasized that women's groups would accept the setting up of a Women's Division under the HWB for providing administrative support to the Commission. However, they would not accept the fact that the operation and decision-making process of the Commission would be guided and steered by a government official.

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10. Miss Cyd HO noted that the Division would be responsible for overseeing the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (which covered 12 critical areas for action) in Hong Kong and other matters concerning the CEDAW including related activities and meetings. Moreover, the Women's Division would also be required to maintain links with relevant international bodies, such as the United Nations (UN) and the Asian-Pacific Economic Cooperation (APEC), and arrange representation of Hong Kong at appropriate international meetings. In this regard, she enquired about the proportion of time the officers of the Division would spend in dealing with internal and external affairs in future. She added that women's groups hoped the management of the Division would attach due importance to the promotion of women's interests, as well as equal treatment and employment opportunities for women instead of focusing their efforts on maintaining international links.

11. DS(HW)3 responded that the officer in charge of the Women's Division would maintain close liaison and contact with relevant women's groups by holding focus group meetings, at least two or three times every year with a view to hearing and better understanding their views. It was envisaged that such a process would help the Commission in its formulation of a long-term strategy in respect of women's affairs. Given that the Commission and the Women's Division had yet to be set up, he said that it would be difficult for the Administration to assess accurately the actual proportion of time spent by the post-holders in dealing with local and international women's groups and issues. The amount would depend on the actual experience and work requirements. It was the Administration's intention to strengthen cooperation and communication with local women's groups and service providers, whilst at the same time, would continue liaison with relevant international bodies including the various UN bodies and APEC fora.

12. The Chairman enquired about the existing policy responsibilities of government officials who were formerly responsible for women's affairs in the Home Affairs Bureau (HAB). In response, DS(HW)3 said that one Assistant Secretary, who had worked on the women's schedule in HAB, had been redeployed to HWB. As regards the Principal Assistant Secretary formerly responsible for women's affairs, the officer was also responsible for policy matters concerning the promotion of equal opportunities and performed a housekeeping function for the Equal Opportunities Commission. These tasks remained but the officer's schedule of duties had been realigned to include additional responsibilities.

13. The Chairman informed members that the Administration would submit a proposal to the Establishment Subcommittee at its meeting on 20 December 2000 seeking its recommendation to the Finance Committee on the creation of two permanent Directorate posts and resourcing other necessary non-directorate posts in the HWB. Members raised no further questions.

**V. Provision of a multi-purpose grass pitch on Sai Tso Wan former landfill**

[Paper No. CB(2)207/00-01(03)]

14. At the invitation of the Chairman, Principal Assistant Secretary for Home Affairs (Recreation and Sport) highlighted the following points as contained in the paper provided by the Administration —

- (a) The Administration would submit the proposal to the Public Works Subcommittee (PWSC) at its meeting on 6 December 2000 for consideration with a view to upgrading the proposed project to Category A in the Public Works Programme;
- (b) The proposal to develop recreational facilities on the restored former landfill sites had been approved by the Environmental Protection Department and the former Municipal Councils following their discussions. The Hong Kong Jockey Club had agreed in principle to donate \$300 million to help finance the development of the facilities; and
- (c) The proposal to PWSC involved the provision of a multi-purpose grass pitch which would be the first sports venue designed particularly for baseball.

15. Members did not raise any queries on the proposal.

**VI. Functions of District Councils and honorarium and allowance for District Council members**

[LC Paper Nos. CB(2)48/00-01(01), Appendices I to VI to CB(2)167/00-01 and CB(2)207/00-01(04)]

16. At the invitation of the Chairman, Deputy Secretary for Home Affairs (2) (DS(HA)2) briefed members on the paper provided by the Administration which outlined the Government's measures to enhance the role and functions of the District Councils (DCs) and its support and assistance to DC members. She emphasized that the Administration would adopt a liberal approach in listening to the views of LegCo Members and DC members on how the Government should devolve more powers and strengthen its support to DCs.

Functions of DCs

17. Mr IP Kwok-him pointed out that the Administration's undertaking to transfer part of the functions and powers of the former Municipal Councils (MCs) to DCs when proposing not retaining the former MCs had so far not been

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discharged. As a matter of fact, most DC members had expressed their hope for more direct involvement in district administration in order to assist the Government to manage district affairs and resolve local problems. Mr IP welcomed the Administration's impending review of the role and functions of DCs. In this regard, he sought the views of the Administration on ways to enhance the functions of DCs. Mr IP further asked about the arrangements for inviting DC members to advise on the management of other district facilities as mentioned in paragraph 3(a) of the paper.

18. DS(HA)2 responded that the Administration had implemented a package of measures to enhance the advisory functions of DCs over the years. Such measures included appointing the chairmen and deputy chairmen of DCs to respective District Management Committees (DMCs), as well as inviting DC members to sit on the Market Management Consultative Committees under the Food and Environmental Hygiene Department (FEHD) to advise on market management matters. Since the latter arrangement had proved to be very successful, the Home Affairs Bureau (HAB) was exploring with the FEHD and the Leisure and Cultural Services Department the possibility of inviting DC members to advise on the management of other district facilities where appropriate. The HAB hoped to complete the review of the role of DCs by the following year and implement a series of recommendations and measures such as establishing more committees at the district level to enable DC members to participate in the management of district affairs directly instead of through their respective DCs.

19. Mr Andrew WONG considered that as reflected from the contents of its paper, the Administration only attached importance to the advisory functions of DCs and lacked sincerity in vesting in DCs the real management power in respect of district administration. Mr WONG enquired when the Administration last organized a District Administration Seminar (DAS) and whether it had followed up the views and suggestions put forward by DCs during the seminar. Mr WONG emphasized that he had all along supported that DCs should be conferred with real executive powers in district administration and had expressed such a view during the last DAS.

20. DS(HA)2 responded that the Administration had held a DAS in 1996 inviting the then District Board (DB) members to attend the seminar to put forward proposals on matters relating to district administration. Most of the proposals received were implemented in the years followed. She pointed out that as the former MCs were still in operation, the main purpose of that DAS was to heighten the respect of the Government and the public for DBs. The focus of the discussion during the seminar was the ways to enhance the advisory role of DBs instead of their participation in and management of municipal affairs. She added that the Home Affairs Department (HAD) had subsequently coordinated the establishment of an inter-departmental working group in 1999. Under the leadership of the Director of Home Affairs, the working group made a package of recommendations on the involvement of DC members in district administration

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and the management of municipal affairs. The proposals were progressively implemented afterwards (see paragraphs 3 to 4 of the Administration's paper).

21. Mr Andrew WONG expressed disappointment at the Administration's refusal to consider changing the advisory role of DCs after the dissolution of the Municipal Councils. Mr WONG said that as the Chairman of the Panel on Constitutional Affairs (CA Panel), he would follow up at meetings of that Panel matters such as the reform of DCs' powers and their role in the constitutional framework.

22. The Chairman agreed that the CA Panel should follow up matters relating to the functions and role of DCs from the perspective of the district-level constitutional framework. He pointed out that the Panel on Home Affairs would also continue to follow up within its terms of reference matters relating to the functions of DCs as well as the honorarium and accountable allowance for DC members.

23. Mr Albert CHAN agreed that the Panel should continue to follow up matters relating to the functions of DCs and the support provided to them by the Administration. He strongly urged the Administration to enhance the functions of DCs and be more responsive to views and proposals put forward by DC members on matters relating to district administration. He pointed out that it was inadequate to merely invite chairmen and vice-chairmen of DCs to attend meetings of respective DACs as full members. The Administration should further entrust responsibilities in respect of district management, improvement of environmental hygiene, as well as community and rural minor environmental improvement projects to the relevant committees formed under DCs. He was of the view that as DC members were most familiar with district affairs, the Administration should gradually transfer more executive duties and powers in respect of district management to DCs. In fact, in lobbying DC members to support its proposal for not retaining the former MCs, the Administration had undertaken to enhance the role of DCs in advising on and monitoring the delivery of municipal services should the proposal be passed by the LegCo. Unfortunately, such undertaking had not been discharged and as a result, DC meetings often became forums for empty talks and DCs were not able to serve their functions in respect of district administration. He added that while DBs/DCs had been in operation for over a decade, the Administration was attaching less and less importance to them. Government officials even refused to attend DC meetings and papers provided by the Administration were far from comprehensive.

24. Referring to the dissatisfaction expressed by Mr Albert CHAN that DCs lacked real powers in district administration, the Chairman enquired whether the Administration could undertake to seriously consider enhancing the functions and powers of DCs in respect of district administration in reviewing their role. Otherwise, the review would just end up as empty talks which could not bring any substantial improvement to district administration.



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25. DS(HA)2 responded that the Administration would carefully consider members' views expressed at the meeting and give explanations on views which were considered unacceptable. She pointed out that delegating specific executive functions to DCs would run the risk of fragmenting responsibilities with each DC operating in its own way. As regards the attendance of government officials at DC meetings, the Chief Secretary for Administration had recently issued internal guidelines asking departments to strengthen communication with DCs and respect opinions of DC members. Therefore, each Department had to delegate officers of suitable ranking to attend DC meetings. DS(HA)2 added that she understood that some departments might have difficulties in observing the guidelines and undertook to follow up the matter.

26. Mr James TO referred to Article 97 of the Basic Law (BL) which stated that "*District organizations which are not organs of political power may be established in the Hong Kong Special Administrative Region, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.*" According to his understanding, the district organizations "to be consulted by the government of the Region on district administration and other affairs" referred to DCs whereas the district organizations "responsible for providing services in such fields as culture, recreation and environmental sanitation" referred to the former MCs. In this connection, Mr TO asked whether DCs, as organs of non-political power and subject to BL 97, could replace the former MCs as the district organizations responsible for providing services in such fields as culture, recreation and environmental sanitation.

27. DS(HA)2 responded that BL 97 had indeed laid down the scope of powers of district organizations. However, within that scope, there still remained many powers which could be transferred to DCs. Reference would be made to BL 97 when reviewing the role and functions of DCs. Since the review had not started, the Administration had yet to consider the circumstances under which powers vested in DCs would go beyond the scope as laid down in that Article. She added that while the HAB would not disagree with Mr TO's interpretation of BL 97, it had to seek legal advice from the Department of Justice. Mr Andrew WONG was of the view that the Administration should give its clear interpretation of BL 97.

28. The Chairman and Miss Cyd HO considered that the Administration should transfer the executive powers in respect of district administration to DCs in a practicable manner. The establishment of the Provisional MCs after 1997 implied that the existence and functions of the former MCs did not contravene the BL. Therefore, they urged the Administration to seriously consider transferring the executive powers of the former MCs in respect of district administration to DCs. Miss HO emphasized that in conducting a

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comprehensive review of the role of DCs, the Administration should change its basic conception of DCs as advisory bodies as defined under the District Councils Ordinance. She further asked whether the comprehensive review would consider the views expressed by various organizations during the consultation on the proposal to dissolve the former MCs.

29. SHA responded that the comprehensive review of the role of DCs would commence following the “District Councils Day” to be held on 18 November 2000. The HAB had no pre-determined views on the scope of powers of DCs. Since assuming office, he himself had called at 16 DCs to listen to the views of DC members directly. Apart from carefully considering the views of DC members, the Administration would also conduct extensive public consultations. As regards the proposal of transferring the functions and powers of the former MCs in respect of district administration to DCs, SHA pointed out that it was inappropriate to transfer certain executive powers such as the vetting and approving of applications for liquor licence to the 18 DCs. In order to ensure that the views of DC members could be fully reflected in the review, the HAB and HAD would continue to gauge DCs’ views. Given that the new DCs had been in operation for more than 10 months, the Administration would welcome further submissions from organizations which had previously expressed their opinions on how the functions of DCs could be enhanced. He added that as the BL was the constitutional document of Hong Kong, the review of the role and functions of DCs should be conducted within the scope as laid down therein. SHA pointed out that the District Councils Ordinance was only one of the statute laws of Hong Kong. If there was a wider consensus among the community that the powers and responsibilities of DCs should be enhanced, the Administration would consider amending the relevant legislation to entrust DCs with the appropriate powers and responsibilities in respect of district administration.

30. Mr TANG Siu-tong said that as the Chairman of the Yuen Long District Council, he had never felt that DCs had any real power in the provision of cultural, recreational, environmental hygiene services, etc.

31. SHA responded that he appreciated Mr TANG Siu-tong’s feeling. He pointed out that the views of DCs had always had much bearing on the Government’s policy on district administration. Therefore, it was not entirely true to say that DCs merely played an advisory role.

32. The Chairman pointed out that many DC members expected the Administration to transfer the powers vested in the former MCs to DCs as undertaken in dissolving the former. He urged the Administration not to lose sight of DC members’ dissatisfaction at their lack of real powers.

33. Mr Albert CHAN and Miss Cyd HO asked whether the Administration could state the responsibilities and powers of the former MCs that could and could not be transferred to DCs. Mr Andrew WONG considered that while he agreed it might not necessarily be appropriate to transfer all the powers of the

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former MCs to DCs, the Administration should transfer to DCs those responsibilities and powers requiring no central coordination. It was only when DCs became district organizations having real powers and responsibility that improvements could be made to district administration. Mr WONG said that if the outcome of the review indicated that the role of DCs should remain at the advisory level, there should be no need to maintain the operation of DCs.

34. SHA responded that it was inappropriate for the Administration to comment on the powers that could or could not be transferred to DCs when the review was under way for fear of having any undue influence on it. He did not agree with the remarks that DCs should be abolished if they did not have any real executive powers and responsibilities. He pointed out that DBs/DCs had been in operation for over a decade and it was beyond doubt that their advisory role had a bearing on Government policies and people's livelihood. In fact, many people would turn to DC members for assistance whenever they met problems in their daily lives. As most of these problems were related to the living environment and transport arrangements in individual districts, it would be, theoretically speaking, difficult to resolve such problems through other channels such as the LegCo. He cited the attendance of the chairmen and deputy chairmen of DCs in respective DMCs, as well as the allocation of funds for DCs to implement or sponsor community building activities and minor environmental improvement projects, to illustrate the increasingly important role of DCs in district administration.

35. Miss Cyd HO expressed concern about the scope of the comprehensive review on the role of DCs. She was of the view that the Administration should prepare a consultation document to allow sufficient time for the public to understand the scope and key issues of the review. The Chairman also enquired whether the Administration had set a timeframe for completing the review and submitting a report on the review.

36. SHA responded that the Administration would take into account the views expressed by all parties including the LegCo, the academics and representatives of other sectors of the community. The Administration had yet to work out a timetable for the comprehensive review on the role of DCs. Mr Albert CHAN suggested that the Administration should conduct the consultation in two stages. The Administration should first gauge the opinions received and after analysis, propose a number of options for people to discuss in greater detail. The Chairman requested the Administration to consider Mr CHAN's views.

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Honorarium and allowance for DC members

37. The Chairman declared interest as incumbent DC members for himself as well as the following members attending the meeting: Mr James TO, Mr Andrew WONG, Mr LAU Wong-fat, Mr TANG Siu-tong, Mr Albert CHAN and Mr IP Kwok-him.

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38. Mr IP Kwok-him expressed concern about DC members' honorarium and accountable allowance as well as the revision mechanism. He pointed out that DC members were currently granted an accountable allowance of up to \$10,000 per month which was hardly enough to cover the costs for hiring sufficient staff to discharge DC duties. Mr IP also expressed concern about the current practice of revising the rates of DC members' honorarium and accountable allowance annually with reference to the movement of the Consumer Price Index (CPI). Given the downward adjustment in the CPI this year, he was concerned that the Administration would reduce the already insufficient honorarium and accountable allowance from January 2001. Such reductions would put DC members into greater financial difficulties and was contrary to the Administration's undertaking to strengthen support for DC members.

39. Mr Albert CHAN considered that the current arrangement of reducing the honorarium for DC members with multiple membership in different tiers of the representative government was definitely unreasonable. He pointed out that each existing LegCo geographical constituencies (GC) covered an extensive area. For example, the New Territories West GC encompassed a total of five DC districts and a population of about 2 million. The honorarium and allowance for LegCo Members basically were insufficient for them to hire enough staff and run their offices. Therefore, he was of the view that the Administration should not deduct one-third from the DC members' honorarium simply because they were holding multiple membership.

40. In response, DS(HA)2 explained that the levels of DC members' honorarium and accountable allowance as well as the revision mechanism were examined and approved by the Finance Committee in 1992. As a result, revisions to the remuneration package for DC members were pegged to those for LegCo Members and Members of the Executive Council. Given the downward adjustment of CPI due to deflation this year, there might be a reduction in the levels of the remuneration for DC members, LegCo Members and Members of the Executive Council. As such, the Administration was reviewing the operation of the revision mechanism and had yet to establish its stance and formulate a policy in this respect. She pointed out that if LegCo Members had reached a consensus on changing the current revision mechanism, the Administration would surely take into consideration the views of LegCo Members. She added that as proposed in the paper submitted to the Finance Committee by the Administration on 2 July 1999, the Secretary for the Treasury could only revise the levels of DC members' honorarium and allowance with reference to the movement of the CPI (C) and the Administration could not initiate changes to the revision mechanism unilaterally.

41. Mr IP Kwok-him pointed out that to help LegCo Members to consider whether the existing mechanism was reasonable, the Administration should provide statistics explaining how the levels of DC members' honorarium and accountable allowance were computed. He was also of the view that the Administration should consult LegCo Members and DC members on revision of

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honorarium and accountable allowance and put forward proposals for improving the computation and revision mechanism.

42. DS(HA)2 explained that the Administration had yet to work out a formula for calculating the honorarium and the maximum accountable allowance for DC members. However, the annual adjustment according to the movement of CPI(C) was based on preset formulae. She informed members that whether the levels of DC members' honorarium and accountable allowance were reasonable would be examined within the scope of the review of DCs' role and functions.

43. Mr Andrew WONG suggested that to avoid reduction in DC members' honorarium as a result of deflation, the mechanism for revising the honorarium and accountable allowance for DC members should be in line with that for revising the remuneration for civil servants. He pointed out that a reduction in DC members' honorarium and accountable allowance would lead to salary reductions of DC members' assistants, which would adversely affect the good employment relations between DC members and their assistants. He also suggested that the Administration should consider providing permanent offices for DC members to help reduce their expenses in rents. The Chairman added that the Administration should consider providing DC members with well-equipped offices to facilitate their discharge of duties with reference to the mode of operation of LegCo Members' offices.

44. SHA responded that if it was concluded upon the completion of the review of DCs' role and functions that there was considerable room for revising the honorarium and allowance for DC members, the Administration would readily consider relevant proposals in detail. He pointed out that as the nature of work of DC members and civil servants were basically differed, he personally did not agree to the suggestion of pegging the revision of the honorarium and accountable allowance for DC members to that of the remuneration for civil servants.

**VII. Gambling (Amendment) Bill 2000**  
[Paper No. CB(2)207/00-01(05)]

45. At the invitation of the Chairman, DS(HA)2 briefed members on the main points of the Administration's paper.

46. Mr Albert CHAN expressed concern over the purpose of amending the Gambling Ordinance. He pointed out that the Government's proposals included the prohibition of television or radio stations to broadcast any odds or tips in relation to any unauthorized horse and dog races within 12 hours before the conduct of such races. He asked whether the amendment aimed at protecting the interests of the Hong Kong Jockey Club and preventing the proliferation of gambling activities which would as a result adversely affect the ethical standards

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of the community at large. He queried whether prohibiting such broadcasts would ultimately lead to an increase in unlawful bookmaking activities.

47. SHA responded that the purpose of amending the Gambling Ordinance was mainly to combat activities of offshore bookmakers in Hong Kong. He pointed out that all unauthorized gambling activities were explicitly outlawed under the existing Gambling Ordinance. However, with the advance in technology, the existing legislation was grossly inadequate to deal with offshore bookmakers receiving bets from Hong Kong as well as providing betting services and promoting their business in Hong Kong. The Government had to take decisive actions and assert its stance clearly for fear that more offshore bookmakers would adopt similar modes of operation in Hong Kong. He emphasized that instead of protecting the interests of the Hong Kong Jockey Club or other institutions, the Bill was intended to prohibit illegal offshore bookmaking activities to safeguard the integrity of the gambling policy, as well as to indirectly help protect the betting revenue and the donations for charity work for the benefit of the community as a whole.

48. The Chairman asked whether the Administration had considered the implications of the proposal concerned on the preservation of freedom of access to information and a liberal broadcasting and telecommunications policy, as well as its impact on lawfully licensed broadcasting institutions. He also doubted the effectiveness of preventing illegal gambling activities by way of the legislative amendments.

49. SHA explained that in devising the proposed amendment, the Administration had been mindful of the need to strike a balance among the different policy objectives of combating unauthorized gambling activities, preserving freedom of expression and access to information as well as maintaining a liberal broadcasting and telecommunications policy. Accordingly, the Administration had adopted a narrow and focussed approach in constructing the offence. Firstly, the Administration proposed to prohibit the broadcast of odds relating to horse and dog races rather than the races themselves. Secondly, the proposed offence only applied to means capable of broadcasting odds to the broadest audience in the most direct and effective manner, namely television and radio broadcasts. Given the limited use of the printed media in disseminating up-to-date odds instantly, it was excluded from the application of the offence.

50. Mr Albert CHAN pointed out that offshore bookmakers might make use of offshore radio stations to lawfully broadcast odds relating to any horse and dog races, and local television stations providing live broadcasts of such races to promote their businesses and induce Hong Kong people to place bets with them.

51. DS(HA)2 shared Mr Albert CHAN's views that the Administration would not be able to prohibit offshore bookmakers to promote their business by other means such as the setting up of offshore websites to receive bets and broadcasting odds relating to relevant races via non-domestic television licensees.

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However, she pointed out that upon the passage of the Bill, offshore bookmakers would be deprived of the most popular means of disseminating odds relating to horse and dog races, hence reducing the attractiveness and ease of betting with such bookmakers.

52. Referring to “an unlawful lottery” in the section substituted under clause 6, Miss Cyd HO asked whether unlawful lotteries existed in Hong Kong. She also expressed concern about the implications of the provision on fundraising activities of charitable organizations involving the sale of lottery tickets.

53. DS(HA)2 responded that the purpose of the Bill was to combat unauthorized bookmaking activities and the Bill would not have any bearing on fundraising activities of charitable organizations involving the sale of lottery tickets. Assistant Commissioner of Police (Crime) supplemented that according to the information obtained by the Police, unlawful lotteries did not exist in Hong Kong.

54. Miss Cyd HO sought an explanation from the Administration on the inclusion of a reference to “an unlawful lottery” in the clause given that unlawful lotteries did not exist in Hong Kong. DS(HA)2 explained that according to the legal advice given by the Department of Justice, retaining the concept of “assisting” in the section concerned would render the concept of “aiding, abetting, procuring or counselling” under common law inapplicable. The clause on Section substituted was intended to reinstate the concept under common law in the new section 9 by removing the concept of “assisting” from the principal Ordinance.

Admin 55. As the explanation given by the Administration still failed to address Miss Cyd HO’s concern, the Chairman suggested and DS(HA)2 agreed that the Administration should provide a paper explaining the need for the new section 9 to facilitate the deliberation of the Bills Committee to be formed.

56. Mr James TO expressed concern about the implications of the Bill on the right of individuals to access information. He pointed out that as a fundamental principle, Hong Kong people should enjoy the right to choose from different gambling activities. Moreover, the media should be given the freedom to disseminate information of all kinds. He asked whether it would be unlawful for Hong Kong people to bet on all offshore gambling activities upon the passage of the Bill. He was concerned that the offence proposed under the Bill would set a precedent of restricting by way of legislation the freedom of Hong Kong people to choose from gambling activities. This would enable the Administration, on a selective basis, to decide the offshore gambling activities where bets could be received locally.

57. The Chairman also asked whether the Administration had provided an interpretation of the term “internationally prestigious horse races”. He was concerned that the proposed exemption of broadcasts of some internationally

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prestigious horse races to be specified by the Administration by notice published in the Gazette might eventually empower the Administration to manipulate and set the ethical standards of the horse racing and gambling culture.

58. In response, SHA said that whether the passage of the Bill would enable the Government to set the ethical standards of the gambling culture and regulate people's choice on the forms of gambling was a very complicated issue which should be thoroughly examined by the relevant Bills Committee. He pointed out that extensive consultation had been conducted on the drafting of the Bill and legal experts of the Department of Justice also confirmed that the Bill complied with the provisions of the Basic Law on human rights. He pointed out that the operation of the electronic media, particularly on issues relating to ethical standards and libels, were subject to regulations under the existing Broadcasting Ordinance. He added that providing exemptions for broadcasts of some internationally prestigious horse races was in line with the existing practice of the Hong Kong Jockey Club to deliver overseas horse racing events. Generally speaking, enthusiasts of the sport of horse racing could name a dozen of the more important international horse races.

59. The Chairman and Mr James TO agreed that the contents of the Bill should be examined in detail by the Bills Committee to be established. They urged the Administration to put forward more justifications for the legality of regulating betting with offshore bookmakers so as to address members' concern that the Bill might set a precedent of restricting the rights of an individual and the freedom of access to information. The Chairman also asked the Administration to further explain the definition of "internationally prestigious horse races".

60. Mr Andrew WONG expressed support for the Bill. He enquired about the actual situation of illegal bookmaking activities on horse and dog races in Hong Kong. He also asked whether the Bill was intended to pave the way for legalizing betting on football matches.

61. Assistant Commissioner of Police (Crime) advised that while illegal bookmaking activities on horse and dog races did exist in Hong Kong, the situation was not serious. SHA added that if the Administration failed to take early actions to plug the loopholes of the existing Gambling Ordinance, offshore bookmaking organizations would develop business in Hong Kong one after another eventually undermining the interests of the Hong Kong society as a whole. He pointed out that the Administration allowed the existence of controlled legal gambling outlets as it was aware of the demand of the public for gambling activities. Lawful operators of gambling business as authorized by the Administration were required to pay a betting duty and allocate part of their income for charitable purposes. The purpose of this policy was to strike a balance between the needs to restrict gambling activities and to meet the public's demand for gambling. He stressed that the Administration at present had no intention to revise the gambling policy for introducing other forms of gambling such as betting on football matches.



Action

62. The Chairman enquired whether the harmonious relationship between Hong Kong and Macau would be affected upon the passage of the Bill. SHA responded that the Administration had been committed to maintaining good economic ties and cooperation with Macau. However, the existing Gambling Ordinance had explicitly outlawed all unauthorized gambling activities including the placing of bets in Hong Kong on horse races taking place in Macau. He did not consider that the passage of the Bill would have any effect on the economic ties and cooperation between Hong Kong and Macau.

**VIII. Any other business**

Proposed terms of reference of the Panel on Home Affairs  
[Appendix III to LC Paper No. CB(2)207/00-01]

63. Members endorsed the proposed terms of reference of the Panel.

Proposed visit to the Leisure and Cultural Services Department's facilities  
[Appendix IV to LC Paper No. CB(2)207/00-01]

Secretariat

64. The Chairman informed members that the Leisure and Cultural Services Department had invited Panel members and other LegCo Members to visit its cultural facilities. Members agreed that a visit could be scheduled for the morning of 5 December 2000. The Secretariat would issue a notice inviting members and all other LegCo Members to join the visit.

Visit to the Equal Opportunities Commission

Secretariat

65. The Chairman informed members that the Equal Opportunities Commission had invited LegCo Members to visit it. Members agreed that a visit could be scheduled for the morning of 8 December 2000. The Secretariat would issue a notice inviting members and all other LegCo Members to join the visit.

Overseas visits

66. The Chairman informed members that funds would be earmarked by the LegCo Commission each year for Panels to conduct overseas duty visits.

67. The Chairman remarked that sports venues and facilities in Hong Kong were always not as adequate as those in other countries. He suggested that if an overseas duty visit was to be conducted, consideration might be given to visiting sports venues and facilities in overseas countries. Miss Cyd HO said that should the Panel decide to visit sports venues and facilities overseas, the programme of visit should include sports facilities in schools and cultural facilities in the overseas countries concerned.

Action

68. Mr Andrew WONG said that as the terms of reference of the Panel covered a wide range of items, it would be difficult to organize an overseas duty visit for each item. He emphasized that the Panel should from a policy perspective decide overseas duty visits which would enhance understanding of the modes of operation and facilities of the items concerned.

69. Members agreed that the Panel should put forward a bid for acquiring the necessary funds for conducting an overseas duty visit after detailed consideration in the future.

Scrutiny of the Administration's forthcoming legislative and financial proposals

70. Given the broad terms of reference of the Panel, members discussed whether all legislative and financial proposals to be introduced by the Administration shortly should be included in the agenda of the Panel. After discussion, the Chairman suggested that depending on the controversy over the legislative and financial proposals concerned, they might be considered by circulation of relevant papers to Panel members. The Chairman supplemented that members might notify the Clerk to make arrangement if they considered it necessary to discuss the proposals at Panel meetings. Members agreed to the Chairman's suggestion.

71. There being no other business, the meeting ended at 5:15 pm.

Legislative Council Secretariat

8 December 2000