

立法會
Legislative Council

LC Paper No. CB(2)1278/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

LegCo Panel on Home Affairs

Minutes of meeting
held on Friday, 8 February 2002 at 10:45am
in the Chamber of the Legislative Council Building

- Members Present** :
- Hon IP Kwok-him, JP (Chairman)
 - Hon Andrew CHENG Kar-foo (Deputy Chairman)
 - Dr Hon David CHU Yu-lin, JP
 - Hon Cyd HO Sau-lan
 - Hon NG Leung-sing, JP
 - Hon James TO Kun-sun
 - Hon LAU Wong-fat, GBS, JP
 - Hon CHOY So-yuk
 - Hon Henry WU King-cheong, BBS
 - Hon Tommy CHEUNG Yu-yan, JP
 - Hon Michael MAK Kwok-fung
 - Hon Albert CHAN Wai-yip
 - Hon MA Fung-kwok
- Members Attending** :
- Hon CHAN Yuen-han, JP
 - Hon LAW Chi-kwong, JP
 - Hon LI Fung-ying, JP
- Members Absent** :
- Hon Albert HO Chun-yan
 - Hon Andrew WONG Wang-fat, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon Timothy FOK Tsun-ting, SBS, JP

Dr Hon TANG Siu-tong, JP
Hon WONG Sing-chi

**Public Officers:
Attending**

Item V

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

Mr Charles CHAN
Principal Assistant Secretary for Home Affairs (3)

Mr K K MOK
Deputy Government Property Administrator

Item VI

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

Mrs Nancy HUI
Principal Assistant Secretary for Home Affairs (2)

Mr Andrew CHEUNG
Assistant Secretary for Home Affairs (2)

Ms Juliana O Y CHAN
Senior Legal Aid Counsel
Legal Aid Department

Mr NG Wai-kuen
Senior Social Security Officer
Social Welfare Department

**Attendance by
Invitation**

: Item IV

Equal Opportunities Commission

Ms Anna WU Hung-yuk
Chairperson

Mr Federick TONG Kin-sang
Director (Disability)

Dr Priscilla CHUNG Ka-tak
Director (Gender)

Miss Alexandra PAPADOPOULOS
Legal Adviser

Mr Michael CHAN Yick-man
Director (Planning and Administration)

Mr George BISAS
Special Projects Manager

Ms Betty LIU Jia-shin
Head (Promotion and Education Unit)

Mr Joseph LI Siu-kwai
Chief Equal Opportunities Officer

Item V

Equal Opportunities Commission

Ms Anna WU Hung-yuk
Chairperson

Mr Michael CHAN Yick-man
Director (Planning & Administration)

Item VI

Women's Commission

Hon Mrs Sophie LEUNG Lau Yau-fun, SBS, JP
Chairperson

Ms KAO Ching-chi, Sophia
Co-convenor, Empowerment Task Force

Mr LEE Wai-man, Maurice
Member

Miss TSANG fung-yee, Mary
Secretary

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

Staff in Attendance : Miss Irene MAN
Senior Assistant Secretary (2)7

Action

I. Confirmation of minutes
[LC Paper No. CB(2)1078/01-02]

The minutes of the meeting held on 11 January 2002 were confirmed.

II. Information paper issued since the last meeting

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

III. Items for discussion at the next meeting
[Appendices I and II to LC Paper No. CB(2)1076/01-02]

3. Members agreed to the Administration's proposal that the following items be discussed at the next regular meeting scheduled for Friday, 8 March 2002 at 10:45am -

- (a) Review of the Government board and committee system; and
- (b) Review of licensing conditions under the Gambling Ordinance.

[Post-meeting note : The regular meeting has been re-scheduled for Tuesday, 12 March 2002 at 2:30 pm.]

Action

4. The Chairman informed members that the Leisure and Cultural Services Department had invited members to visit the Hong Kong Central Library, Hong Kong Heritage Museum and Hong Kong Arts Museum. Members agreed that the invitation be accepted and non-Panel Members should also be invited to join the visit.

IV. Briefing by the Equal Opportunities Commission (EOC) on its work
[LC Paper No. CB(2)1076/01-02(01)]

5. At the invitation of the Chairman, the Chairperson of EOC (the Chairperson) briefed members on the gist of the information paper with the aid of power-point on the work of EOC. She also briefly introduced the content of the information folder provided by EOC tabled at the meeting. The information folder which contained presentation materials had subsequently been issued to absent members vide LC Paper No. CB(2)1109/01-02.

6. The Director (Planning and Administration) of EOC (D(P&A)) then explained the changes to the organisational structure of EOC from 1999 to 2002 to members. He highlighted that by way of streamlining the staffing structure, EOC was able to increase its staff establishment by 14 from 1999 to 2002 without obtaining additional funding from the Government.

7. The Chairman invited questions from members on the work of EOC and the gist of the ensuing discussion was summarized in paragraphs 8-24.

Age discrimination

8. Mr Andrew CHENG enquired about EOC's view on introducing legislation against age discrimination. The Chairperson of EOC advised that EOC in principle welcomed the introduction of legislation to protect the public from all sorts of discrimination. EOC had received from time to time complaints about discrimination on the grounds of age and race which fell outside the scope of the existing anti-discrimination legislation, namely, the Sex Discrimination Ordinance (SDO), Disability Discrimination Ordinance (DDO) and Family Status Discrimination Ordinance (FSDO). EOC would refer those cases to the appropriate parties concerned and maintain statistics for future reference and planning. She added that some cases relating to family status and age discrimination could be handled under SDO.

9. In order to ascertain the need to introduce legislation against age discrimination instead of only promoting the concept by means of civic education, Mr Andrew CHENG requested EOC to provide the number of enquiries and

Action

complaints on age discrimination received so far. The Chairperson of EOC advised that the total numbers of general and specific enquiries up to 31 January 2002 received by EOC on age discrimination and racial discrimination were 850 and 443 respectively. In this connection, the Chairman pointed out that age discrimination fell under the policy purview of the Education and Manpower Bureau because it was often related to employment matters, it might be more appropriate for the Panel on Manpower to follow-up future discussion on the issue.

10. Mr Henry WU noted that EOC had appeared as Amicus Curiae in the appeal proceedings in a case of sex discrimination relating to retirement age. He asked and the Chairperson of EOC clarified that it was an individual case but did not carry any policy implications. She explained that the case was related to a company policy for retirement ages of male and female cabin crew.

Family Status Discrimination Ordinance

11. Mr Andrew CHENG expressed concern about the public awareness of FSDO. The Chairperson of EOC said that EOC would continue to enhance its promotional work to raise the public awareness of FSDO and to promote local equal opportunities culture through training and development of equal opportunities policy.

12. Ms Cyd HO enquired about the sex distribution of the complainants lodging employment-related complaints under FSDO in the past years. She was concerned whether most of these complainants were women. The Chairperson of EOC said that women often encountered discrimination in the recruitment process when prospective employers refused to hire them just because they had to look after their family members. She undertook to provide the information requested for Ms Cyd HO's reference (Information provided to Ms Cyd HO on 11 February 2002).

EOC

Disability Discrimination Ordinance

13. Mr Michael MAK expressed concern about the situation of persons with disabilities. The Chairperson of EOC pointed out that given the economic downturn, more persons with disabilities lost their jobs. Many persons with disabilities had also complained against public transport and insurance companies about their discriminatory practices. For example, they encountered difficulty in purchasing insurance coverage or they were charged very high premium. Those insurance policies included medical, travelling and life insurance etc.

14. Mr Michael MAK asked whether these complaints had been substantiated and whether assistance had been provided to these persons with disabilities. The

Action

Chairperson of EOC advised that there was only one complaint case on insurance policies in 2000 and nine in 2001. As insurance policies involved very complicated calculations and clauses, not all cases could be resolved through conciliation. Nevertheless, EOC was conducting a research regarding how local and overseas insurance practices adapted to equal opportunities legislation. Upon completion of the research in 2002, EOC might be able to draw up guidelines for the reference of local insurance companies in considering insurance packages for persons with disabilities.

Relationship with business sector

15. In response to Mr NG Leung-sing's enquiry about the partnership relationship between EOC and the business sector, the Chairperson of EOC said that EOC aimed at promoting the partnership relationship through positive means and market driven tools. For instance, EOC would approach internet service companies inviting their provision of services for persons with disabilities because this would enlarge their market share; it might also suggest to the Administration that in a tender evaluation, favourable consideration should be given to companies which upheld equal opportunities principle.

16. Mr NG Leung-sing asked how EOC would handle discrimination complaints arising from the recruitment exercise conducted in Hong Kong by overseas companies. The Chairperson of EOC replied that application of the existing anti-discrimination legislation did not cover employees who were recruited in Hong Kong but working abroad. However, EOC would appreciate the organisations concerned to take follow up actions on the complaints received. In fact, EOC had proposed to extend the application of the relevant Ordinances to Hong Kong permanent residents working overseas under specified circumstances. The proposal was being studied by the Administration.

Organisational structure

17. Both Mr Michael MAK and Mr Henry WU expressed concern about the reasons for deleting the post of Chief Executive in early 2000. Mr WU pointed out that the move seemed to be contrary to the Administration's recent position that the functions and duties of the chairman and the chief executive of an organisation should not be performed by one person. The Chairperson of EOC explained that as the duties of the Chief Executive could be shouldered by herself and D(P&A), she preferred saving the resources for other purposes such as publicity, education, and research work. She also believed that such arrangement was to the best interest of EOC. The Chairperson of EOC further pointed out that chairpersonship of EOC was a salaried position and she considered that she should take up administrative duties as well.

Action

18. Mr Henry WU asked whether EOC enjoyed complete discretion to change its organisational structure. The Chairperson clarified that any major organisational changes proposed by EOC would have to pass through its Administration and Finance Committee and the Commission before seeking approval from the Home Affairs Bureau (HAB). Moreover, EOC was also accountable to HAB in respect of EOC's financial situations as HAB was the fund controlling officer.

EOC's proposals to amend anti-discrimination legislation

19. As EOC had already submitted its proposals to amend SDO and DDO to HAB in early 2001, Ms Cyd HO enquired about the progress of the matter. The Chairperson of EOC advised that the Administration was already actively working on the EOC's proposals agreed to by the Administration. However, EOC would welcome members to follow up with the Administration on other proposals which the Administration did not agree or had reservations.

20. Ms Cyd HO remarked that the Administration should be invited to brief the Panel on the progress of the matter. The Chairman said that Ms HO might wish to suggest including the matter in the list of discussion items for future meetings.

Performance of EOC

21. Mr NG Leung-sing asked whether EOC considered that the increase in the number of complaints since 1997 was due to the enhanced publicity of equal opportunities culture or the deterioration of discrimination situation. The Chairperson of EOC responded that the upsurge in sex discrimination complaints in 2001 was mainly attributed to the large number of complaints regarding the Secondary School Place Allocation (SSPA) system. Concurrently, the number of disability discrimination complaints was also on the rise. She considered that EOC's education and publicity effort certainly helped enhance public awareness of equal opportunities culture and bring along more enquiries and complaints. For example, more enquiries and complaints would normally be received after the broadcasting of TV programmes on equal opportunities matters.

22. Mr NG Leung-sing expressed concern that the public might abuse the complaints mechanism. The Chairperson of EOC responded that it was unavoidable that a complaint mechanism would be abused by some people. She pointed out that some complainants might have misunderstood the application of the relevant Ordinances or had missed the 12-month time limit to initiate a complaint. Others might be misconceived or lacking in substance, etc. In the above cases, EOC would discontinue investigation. In 2001, there were 813 such

Action

cases (including all discontinued cases on SDO, DDO and FSDO), among which over 300 arose from the SSPA system, and the complainants of over 480 cases had resolved the matters through other means or did not want to pursue further. As such, she considered that the mechanism had not been abused.

23. Mr MA Fung-kwok asked whether EOC had any mechanism to assess the effectiveness of its work. The Chairperson of EOC responded that EOC had its own performance pledges which had set out in quantitative terms the service standard and performance target it aimed to achieve. Moreover, a survey conducted in the past had reflected that the public had a general awareness of the work of EOC. She supplemented that by observing the trend of the types of complaints received, EOC could set long-term education plans on specific areas by, for example, conducting training and providing consultancy services for the Government in the hope of enhancing equal opportunities culture and value.

24. Mr MA Fung-kwok further asked whether it was feasible to set targets or criteria to assess the achievements of EOC. The Chairperson of EOC admitted that it would be a difficult task, saying that EOC would aim at enhancing the public's awareness of equal opportunities culture. Taking the Kowloon Bay Health Centre case as an example, she considered that the public's awareness of equal opportunities culture had been increased over the past years and such a change of attitude could also be considered as a target of assessment. She said that EOC would consider Mr MA's suggestion and hopefully would come up with some ideas when it briefed the Panel on its work next year.

V. Office accommodation for the Equal Opportunities Commission
[LC Paper No. CB(2)1076/01-02(02)]

Acquisition of permanent office accommodation

25. Miss CHOY So-yuk observed that there seemed to be a trend for statutory bodies to purchase permanent office premises. She queried the grounds for doing so. She was concerned that once the office premises was purchased, there would be less flexibility to adjust the office space according to operational needs. Deputy Secretary for Home Affairs (1) (DS(HA)1) advised that since EOC had a genuine need for a permanent office premises, purchasing a permanent premises would be more economical in the long run. Given that the current property market was soft, the Administration believed that office premises could be purchased at a relatively low price. Government Property Agency reckoned that under the current market conditions, the payback period (i.e. purchase price/current annual market rent) would be in the region of 15 to 16 years. Additionally, Government would be able to acquire an asset.

Action

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26. Mr Henry WU asked how many statutory bodies had purchased permanent office premises within seven years since their establishment. Deputy Government Property Administrator (DGPA) undertook to provide the information as requested.

Location and grade of premises

27. Mr Albert CHAN expressed concerned about the location and the grade of the permanent office premises to be purchased for EOC. As two-third of the population lived in Kowloon and the New Territories, he asked whether EOC would consider acquiring Grade B permanent office premises in districts like Mongkok and Shamshuipo. Mr CHAN stressed that the purchase must be cost-effective.

28. The Chairperson of EOC said that EOC remained open to the choice of location and the grade of the office premises to be purchased. Districts like North Point, Sheung Wan and places in Kowloon had been considered. Above all, EOC's major concern was the accessibility of persons with disabilities to the office premises. DGPA supplemented that the main difference between Grades A and B office premises hinged on the construction materials. He pointed out that barrier-free access for persons with disabilities could often be found in new buildings as they had been built according to the guidelines issued by the Buildings Department (BD) in 1997.

29. Mr Albert CHAN stressed that the location of the premises should be easily accessible to the public at a low transportation cost. He suggested EOC to consider districts in Kowloon such as Mongkok, Shamshuipo and Cheung Sha Wan. He also objected to setting up the permanent office premises in districts like North Point for it would be inconvenient to most Hong Kong people. Mr Henry WU shared similar concern and asked whether EOC had already identified a location. The Chairperson of EOC said that EOC had not made a final decision on the location yet but would consider Mr CHAN's suggestions.

30. The Chairman remarked that the choice of premises would be limited if it had to be on a single floor. The Chairperson of EOC emphasised that the premises would not need to be on a single floor but it should be convenient enough for persons with disabilities to go to different areas within the premises.

31. Mr MA Fung-kwok enquired whether the requirements, such as having 1.5m as the corridor width and maintaining 15% of circulation space within the whole office premises, were necessary. D(P&A) advised that EOC had proposed those requirements to the Administration in accordance with the standards and

Action

guidelines issued by BD in 1997 for the design of new buildings. Those guidelines included the requirement of providing ramp passages for buildings at the front door entrance; certain width for corridors and elevators; and making braille characters on elevator buttons etc.

Cost estimates

32. Mr Henry WU enquired whether the ceiling unit price of \$83,240 per net square metre was justifiable. DGPA emphasised that it was only a ceiling unit price being set for budget purpose among the current market unit prices ranging from \$60,000 to \$100,000 per net square metre.

33. Ms Cyd HO noted that the current rental plus management expenditure was \$5.9 million, while purchasing a premises would represent an average of \$8.4 million of rental expenditure a year plus \$1.9 million of management expenses amounting to a total of \$10.3 million. She considered that this total sum was not proportionate to the 40% increase in floor area.

34. DGPA explained that both the \$8.4 million and the \$1.9 million were only estimates and the actual expenditure would depend on the office premises purchased. Ms Cyd HO cautioned that over-estimation would undermine the chance of the proposal being approved. The Chairman shared Ms HO's view. He urged the Administration to provide a more reasonable estimation in the paper to be submitted to the Public Works Subcommittee (PWSC).

35. The Chairman concluded the discussion by saying that members did not raise objection in principle to EOC's purchase of permanent office premises but had expressed concerns about the cost-effectiveness of the proposal. He asked the Administration to consider members' views expressed in respect of the location and cost of the premises before submitting the proposal to PWSC for consideration.

VI. Intermediary body for the collection of maintenance payments
[LC Paper Nos. CB(2)1076/01-02(03) and (04)]

36. Members noted that the Administration had provided a progress report on implementation of legislative and administrative measures affecting divorcees and children who are eligible for alimony [LC Paper Nos. CB(2)1076/01-02(03)]. DS(HA)1 highlighted that all the recommendations of the Inter-departmental Working Group on Review of Law and Administrative Measures affecting Divorcees and Children who are Eligible for Alimony (Working Group) which did not require legislative amendments and some which required legislative

Action

amendments had already been implemented. The Administration would follow up on other legislative proposals in pursuance of relevant recommendations.

37. At the invitation of the Chairman, the Chairperson of Women's Commission (C/WoC) informed members that since the establishment of the Women's Commission (WoC) in January 2001, WoC had been advising Government on policies and initiatives which were of concern to women. WoC had identified three priority areas of action, namely, public education, gender mainstreaming and empowerment of women. Although WoC had not yet discussed in detail the issue of collecting maintenance payments, it had given close attention to the issue. In fact, an Empowerment Task Force (ETF) was established under WoC to focus on issues relating to empowerment of women and collection of maintenance payments was one of the issues of concern to ETF.

38. C/WoC said that WoC would adopt a macro-perspective to tackle the issue of maintenance payment collection. She explained that WoC would consider the issue at the following three levels -

- (a) to identify the reasons for the large percentage of divorcees not applying for maintenance orders, for example, whether the complicated legal procedures or costly legal fees had deterred them from making the application;
- (b) to understand the difficulties encountered by maintenance payees in the process of recovering maintenance arrears and to encourage more divorcees to apply for maintenance orders; and
- (c) to urge the Government to enhance its educational work.

39. The Co-convenor of ETF (C/ETF) said that WoC had been maintaining frequent contacts with women groups and had visited some 40 of them since WoC's establishment. WoC understood that collection of maintenance payments was one of the problems faced by women and it had caused much financial difficulties and mental stress to women. ETF therefore had followed up the issue with HAB and considered various means to safeguard women's interests. C/ETF informed members that according to the survey on enforcement of order for payment of alimony conducted by the Census and Statistics Department (C&SD) [Appendix to the progress report refers], over 70% of divorcees had not applied or intended to apply for maintenance orders; and 90% of those who had applied for maintenance orders but failed to receive maintenance in full had not taken action to recover the maintenance arrears. As such, WoC urged the Administration to work out an effective, convenient, time-saving and economical mechanism for applying for maintenance orders or recovery of maintenance arrears.

Action

40. C/ETF further said that WoC would review and evaluate the effectiveness of the legislative and administrative improvement measures implemented by the Administration a year later. HAB had been invited to provide relevant information including cost and benefit information to WoC. If the measures were found ineffective, WoC would assess if any other improvements, including the idea of setting up a maintenance board, should be considered. She was of the view that more public education measures should be mounted to enhance the awareness of an individual about the responsibility to one's family even after divorce.

Discussions on the setting up of a maintenance board

41. Miss CHAN Yuen-han referred to the background paper prepared by the LegCo Secretariat [LC Paper No. CB(2)1076/01-02(04)] which had reflected clearly Legislative Council (LegCo) Members' support for setting up a maintenance board over the past years. Miss CHAN asked how the Administration would balance the supporting views from LegCo Members and the opposing views taken by the Working Group.

42. DS(HA)1 responded that ever since the publication of the Working Group's report in June 2000, the Administration had not changed its position regarding the setting up of a maintenance board. The Administration considered that sufficient evidence must be produced to prove that setting up a maintenance board would be more effective than implementation of the improvement measures currently introduced. At present, there was no evidence showing that similar bodies in overseas countries had performed very effectively.

43. DS(HA)1 pointed out that it was essential to identify the causes of the problems and improve the existing mechanism in order to assist the divorcees who were unable to recover maintenance arrears. The Administration would also assess the effectiveness of the existing mechanism in due course. Referring to the C/ETF's remarks about the survey in paragraph 39, DS(HA)1 clarified that among those who had applied for maintenance orders, 42.8% had received the maintenance payment in full while 57.2% reported otherwise.

44. Miss CHAN Yuen-han expressed strong dissatisfaction that the Administration had in the past undertaken to consider the setting up of a maintenance board but the Administration had now indicated in its paper that it would not pursue the proposal further. She sought the Administration's clarification on the matter.

45. DS(HA)1 responded that the Working Group had considered the proposal of setting up a maintenance board but did not support the proposal. The

Action

Administration accepted the Working Group's recommendation and had been focusing on the implementation of improvement measures to facilitate the collection of maintenance payments. According to the survey conducted by C&SD, among those who had not taken any legal actions to recover maintenance arrears, the most commonly cited reason was that "the amount of maintenance was too little". He said that the maintenance so charged was probably a nominal amount. Another commonly cited reason was that "the ex-spouse was unable to pay maintenance". In these cases, even if a maintenance board was set up, it might still be impossible to recover the maintenance arrears. However, the Administration would assess the effectiveness of the various legislative and administrative measures with WoC. Should there be evidence showing that setting up a maintenance board would be more effective, the Administration would give further consideration.

46. Miss CHOY So-yuk said that LegCo Members had clearly indicated their support for setting up a maintenance board and women groups had also expressed strong aspiration for setting up such a body. She considered that the Administration had used the introduction of the Attachment of Income Order (AIO) Scheme to justify its inaction on setting up a maintenance board. However, Miss CHOY pointed out that according to the C&SD's survey, the reasons for over 70% of divorcees not taking action to recover maintenance arrears also included "unable to contact the ex-spouse" and "application procedures for prosecution too complicated". These reasons given actually reflected the ineffectiveness of the AIO Scheme.

47. Miss CHOY So-yuk said that she was greatly disappointed that the Administration had maintained its inaction on the issue and the discussion had been dragged on for so long. She urged WoC to actively follow up the setting up of a maintenance board with the Administration as early as possible. Miss CHAN Yuen-han echoed Miss CHOY's view. She pointed out that the social cost incurred should not be neglected for many payees had suffered from tremendous frustration and hardship in the process of recovering maintenance arrears. Miss CHOY urged the Administration to listen to views from the public about the problems of collecting maintenance payments. She added that setting up a maintenance board could save a lot of welfare expenditure.

48. Mr LAW Chi-kwong pointed out that the statistics in the survey conducted by C&SD could be subject to different interpretations depending on the perspective so adopted. For example, one might consider that payees did not take legal action to recover the maintenance arrears because the maintenance was of a nominal amount. On the other hand, those who had received the payment in full might also have received nominal amount only. Moreover, the charts shown in the survey report did not differentiate the sex of the divorcees and it was possible that

Action

those not receiving maintenance payments were mostly women while those not taking action to seek maintenance payments were men. He considered that the Administration had not interpreted the statistics in an objective manner.

49. Mr LAW Chi-kwong further said that he had raised a question at the Council Meeting on 17 October 2001 about the public money spent on recovering maintenance arrears by relevant government departments. On the basis of the figures provided by the Administration, about ten dollars had to be spent in order to recover one dollar of maintenance arrears. Moreover, a huge sum of public money had been spent in the whole legislative exercise to introduce the AIO Scheme but very small amount of maintenance arrears had been recovered. He considered that the Administration was wasting time, money and manpower by introducing remedial measures to the existing mechanism instead of setting up a maintenance board. Mr LAW reiterated that he was unconvinced that the costs spent on legal proceedings would be lower than the administrative cost of a maintenance board. He suggested that WoC should focus on the consideration of cost-effectiveness in its review to be conducted. Miss CHAN Yuen-han shared the same view.

(Post-meeting note : According to the figures provided by the Administration at the Council meeting on 17 October 2001, the estimated cost incurred by the Judiciary is about \$6,000 on average per case of recovering maintenance arrears. In the case of the Legal Aid Department, the estimated cost for one case is \$12,000 for judgement summons, \$17,200 for AIO and \$14,600 for charging order.)

50. In response, DS(HA)1 clarified that he only meant that a proportion of those who quoted "the amount of maintenance was too little" were probably those who claimed a nominal amount. He pointed out that a maintenance board must also act according to the law in order to discharge its function of collecting maintenance payments. When the merits of setting up a maintenance board were evaluated, careful considerations should also be given to the powers which needed to be granted to such a body and the justifications for granting such powers instead of relying on the existing mechanism.

51. DS(HA)1 said that at present, the Administration was improving the legal procedures to facilitate payees in recovering maintenance arrears. In the case where the defaulting maintenance payers could not be traced, even a maintenance board would not be able to render much assistance. The Administration was tackling the problem by enlisting the relevant departments and authorities to assist in ascertaining the whereabouts of the payers concerned.

Action

52. Ms Cyd HO said that experience had proved that legislative means was not cost-effective in tackling arrears of maintenance payments. She pointed out that according to a research report entitled "Child Support Agencies in Overseas Countries" prepared by the LegCo Research and Library Services Division, every US\$1 spent on the operational cost of child support agencies under study would lead to the collection of maintenance amounting to US\$7 to \$1. She enquired whether WoC would support setting up of a maintenance board if the improvement measures to the existing mechanism were found to be ineffective a year later.

53. C/WoC reiterated that although arrears of maintenance payments was only one of the many areas of concern of WoC, WoC would attach importance to the issue and maintain an open mind towards the setting up of a maintenance board. Meanwhile, WoC would work with the Administration for the development and advancement of women in partnership and in a co-operative manner. For example, WoC had devised a checklist of questions on gender mainstreaming which would be piloted on several policy initiatives, the results of which would be evaluated in August 2002. In the long run, it was the intention of the Commission that all policy initiatives put forward by bureaux would be requested to undergo a gender mainstreaming evaluation.

54. Ms Cyd HO noted that HAB was not one of the bureaux being evaluated at the moment. She suggested that priority should be given to including HAB in the gender mainstreaming evaluation since many policy initiatives which carried gender implications fell within the HAB's purview. Ms HO also said that she was concerned that as WoC was not a statutory body, HAB was not obliged to adopt WoC's recommendations.

(Post-meeting note : The Administration has subsequently advised that HAB in fact is included in the gender-mainstreaming pilot test.)

55. C/WoC responded that according to her experience, the Administration was very co-operative and was willing to adopt WoC's suggestions. In case there were problems, LegCo would be informed in the first instance. DS(HA)1 added that since WoC was set up by the Government to give advice on a strategic overview of women's issues and develop a long-term vision and strategies for the development and advancement of women, there was no reason for the Administration to ignore WoC's views and recommendations. He emphasised that HAB and WoC had frequent discussion sessions to exchange views on issues relating to collection of maintenance payments on a partnership basis. So far there was no incident that HAB had refused to adopt WoC's recommendations.

Action

56. Ms Cyd HO asked whether the Administration would consider providing legal resources and support to WoC so that it could initiate litigation if necessary. DS(HA)1 replied that as WoC was under the responsibilities of the Health and Welfare Bureau (HWB), Ms HO's suggestion should be referred to the Secretary for Health and Welfare for consideration. In this connection, C/WoC clarified that while WoC was supported by staff of the HWB, it gave independent advice on women issues and was concerned more about policies and strategies related to the development and advancement of women in Hong Kong. She further informed members that WoC conducted a lot of brainstorming sessions among its 18 non-official members with a view to measuring the effectiveness of its work.

57. C/ETF pointed out that during the meetings with HAB, WoC had also raised questions on the cost-effectiveness in respect of recovery of maintenance payments. While the Administration had made reference to the cost-effectiveness of overseas child support agencies, data had yet to be obtained if a maintenance board was set up in Hong Kong. She considered that such data would be important to assess whether setting up a maintenance board would be more cost effective than the existing mechanism.

58. The Member of ETF said that it seemed that the Administration had simply regarded recovery of maintenance arrears as a civil claim. Such an angle might not be appropriate because recovery of maintenance arrears involved family relationship and social costs. He considered that great importance should be given to humanity considerations in dealing with cases regarding recovery of maintenance arrears. However, he observed that the legal sector such as the Judiciary, lawyers and Legal Aid Department seemed to adopt a similar angle in dealing with these cases. He therefore considered that education was equally important so that the legal sector would give priority to dealing with these cases instead of treating them simply as civil claims.

59. C/WoC said that she appreciated members' concerns. Although collection of maintenance payments was only one of the many issues to be dealt with by WoC, WoC would study the problem in depth and assess whether setting up a maintenance board would be the best means to address the problem. In this connection, C/WoC assured members that WoC would work closely with the Administration with a view to developing an effective mechanism for the collection of maintenance payments. She also called for members' support to WoC's work.

60. The Chairman thanked the representatives of the Administration and WoC for attending the meeting.

Action

VII. Any other business

61. There being no other business, the meeting ended at 1:15 .m.

Council Business Division 2
Legislative Council Secretariat
11 March 2002