

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1535/01-02  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/HA

**LegCo Panel on Home Affairs**

**Minutes of meeting**  
**held on Tuesday, 12 March 2002 at 2:30 pm**  
**in the Chamber of the Legislative Council Building**

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

**Public Officers:**        Item IV  
**Attending**

Mr Stephen FISHER  
Deputy Secretary for Home Affairs (2)

Mr Kevin YEUNG  
Principal Assistant Secretary for Home Affairs (4)

Item V

Mr Stephen FISHER  
Deputy Secretary for Home Affairs (2)

Ms Esther LEUNG  
Principal Assistant Secretary for Home Affairs (5)

Mr Vic YAU  
Assistant Secretary for Home Affairs (5)1

Mr P L PO  
Assistant Commissioner for Television and Entertainment  
Licensing (Entertainment)

Mr French CHOW  
Chief Executive Officer (Licensing), Television and  
Entertainment Licensing Authority

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

**Staff in**                    : Miss Lolita SHEK  
**Attendance**                Senior Assistant Secretary (2)7

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**I. Confirmation of minutes**  
[LC Paper No. CB(2)1278/01-02]

The minutes of the meeting held on 8 February 2002 were confirmed.

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## **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)1276/01-02]

3. Members agreed to discuss the following items at the next regular meeting scheduled for Friday, 12 April 2002 at 10:45 am -

- (a) Draft Code of Practice on Monitoring and Personal Data Privacy at Work issued by the Privacy Commissioner for Personal Data; and
- (b) Assistance to buildings with serious building management problems to deal with urgent repairs and maintenance works.

Ms Emily LAU suggested that the Panel should invite submission on the Draft Code from members of the public and relevant employee and employer organisations. Members agreed that an invitation for submissions would be placed on the website of the Council and invitation letters would be issued to relevant organisations.

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4. At Ms Cyd HO's suggestion, members agreed that the Administration be requested to provide an information paper on the promotion of equal opportunities on racial issues including details of the new team to be set up under the Home Affairs Bureau (HAB) to implement the promotion programmes; and members would decide whether the subject should be discussed at a future Panel meeting after perusal of the paper.

## **IV. Review of the Government board and committee system**

5. At the invitation of the Chairman, the Deputy Secretary for Home Affairs (2) (DS(HA)2) said that the Subcommittee on Payment of Honoraria to Government Boards and Committees (the Subcommittee) was set up under the House Committee in February 2000 to conduct a review of the current arrangements for remunerating non-official members serving on Government boards and committees. The Subcommittee had recommended, among other things, that the Administration should conduct a general review on the operation

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of the current Government boards and committees and the remuneration policy for non-official members. Members noted the paper on "Payment of honoraria to non-official members of Government boards and committees" for the House Committee on 20 October 2000 [LC Paper No. CB(1)5/00-01] which provided the background of the Subcommittee and reported on its recommendations. DS(HA)2 informed members that in the light of the Subcommittee's recommendation, HAB conducted a survey on the 634 government advisory and statutory bodies (ASBs) in 2001. DS(HA)2 then briefed members on the results of the survey and the improvement measures recommended by HAB, details of which had been included in the information paper [LC Paper No. CB(2)1276/01-02(01)].

Effectiveness of ASBs

6. Mr Tommy CHEUNG opined that the clientele of ASBs should be in a better position than the bureaux and departments to assess the effectiveness of ASBs objectively. He queried why the Administration had not consulted them in the survey. He also requested the Administration to disclose the name of the 9% of ASBs which were considered to have duplicated the role and functions of another ASB or body. DS(HA)2 explained that ASBs were appointed to give advice to Government on policies and issues under the purview of respective bureaux. The corresponding bureaux and departments should therefore be in the best position to comment on the performance of their ASBs. Since neither the ASBs nor their clientele had been consulted in this review, he considered it not appropriate to disclose the name of these ASBs. He assured members that the bureaux and departments concerned would be requested to critically review the need to revamp or abolish such ASBs.

7. Mr Andrew CHENG considered that the Administration should disclose the information requested by Mr Tommy CHEUNG and other relevant statistics so that members could monitor the operation of ASBs. He expressed concern that the effectiveness of ASBs might have been over-assessed in the survey in the absence of any objective assessment criteria. Mr CHENG opined that the Administration should critically review the performance of ASBs on the basis of objective indicators such as the number of meetings held, attendance rate, and the impact of the advice of ASBs on the policy formulation and planning of the bureaux and departments concerned. He considered that the number of ASBs should be trimmed down by revamping the ASB system. Ms Cyd HO and Ms Emily LAU expressed a similar view. Ms HO added that more objective criteria such as the extent to which ASBs had reflected public opinion and how their advice had affected policy and decision making in the Government should be used. Ms LAU pointed out that the ASB system was first developed under the circumstances when there was a complete lack of democracy in the political system. Given the introduction of directly elected seats in the legislature, the

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Administration should review the whole system and reduce the number of ASBs. To facilitate members to review the system, she urged the Administration to disclose statistics on the effectiveness of ASBs including the attendance rate of members. DS(HA)2 undertook to provide the Panel with relevant statistics of the survey. He stressed that given the different nature of work of ASBs, it would be difficult to apply objective criteria to assess their effectiveness across the board. The Administration considered that individual bureaux should be in the best position to assess the effectiveness of respective bureaux.

Appointment of non-official ASB members

8. *On the "six-board" and "six-year" rules*, Mr NG Leung-sing enquired about the rationale behind these rules and whether a designated bureau would coordinate the appointment of ASB members to ensure compliance with these rules. Miss CHOY So-yuk said that while she did not object to the "six year" rule, she considered that ASB members should sit on a maximum of four ASBs only so that they could involve more in the work of these ASBs. She also suggested that a mechanism be devised to ensure that an individual's public service record would be collected and referred to before his/her appointment as ASB member. The Chairman also expressed concern that the ASB system would not be able to perform its functions effectively if members were serving on too many ASBs at the same time. The Chairman quoted a few examples in which some members were serving on 10 ASBs and in one extreme case, an incumbent Legislative Council Member was a member of 18 ASBs. He further informed members that 180 ASB members were serving more than 6 committees.

9. In response, DS(HA)2 explained that the rules were general guidelines for appointment derived from past experience to ensure a reasonable distribution of workload and a gradual turnover of membership. He clarified that the appointment authority did not lie with HAB but with the relevant Policy Secretaries or other higher ranking officials. However, upon request from bureaux and departments, HAB would make nominations based on the "six-board" and "six-year" rules. He stressed that the rules had generally been observed except in special circumstances and that flexibility was necessary to facilitate the formation and operation of ASBs. DS(HA)2 informed members that approximately 10 000 posts in the existing 634 ASBs were filled by 5 500 individuals and on average each ASB member was sitting on two ASBs only.

10. *On composition of membership*, Mr NG Leung-sing suggested that consideration should be given to appoint the 800 members of the Election Committee to ASBs as they possessed a wide range of knowledge and expertise as well as represented different sectors of the community. Ms Emily LAU expressed reservation on the suggestion saying that she did not consider necessary to give

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special rights to members of the Election Committee to influence the Government. However, she considered that the Administration should appoint more women as ASB members. Ms LAU said that the ratio of women members which was confirmed to be around 20% by DS(HA)2 was too low. She suggested that the Administration should adopt the recommendation of the United Nations Committee on the Elimination of Discrimination against Women and follow the standard adopted by some Northern European countries that the proportion of either sex in ASBs should not be smaller than 40%.

11. In addition to increasing the number of women members, Miss CHOY So-yuk opined that the Administration should also ensure that representatives from the grass roots were included in ASBs. To ensure a balance of representation, she suggested that a fixed membership ratio, say 25%, which could be applied with flexibility be set for different sectors of the community. Mr Albert HO said that he did not consider necessary to impose a fixed ratio of membership. However, the Administration should ensure that the interests of the ethnic minorities and the disabled would be represented in ASBs. Mr HO also enquired whether there was a policy against the appointment of individuals with political background to ASBs. Ms Cyd HO asked whether the Administration would ensure that individuals with dissenting opinion from the Government would be included in ASBs.

12. DS(HA)2 responded that the guiding principle was to appoint ASB members who were of the right calibre and who had the relevant experience. Their political background or difference in views from the Government should not be considered as a barrier to appointment. To his knowledge, many members of the Election Committee had been appointed as ASB members on the basis of this guiding principle. The Government, however, recognised the need to encourage and promote the participation of women, younger people and District Council members and had therefore urged bureaux and departments to do so. DS(HA)2 undertook to encourage bureaux and departments to ensure that the interests of ethnic minorities and the disabled were duly represented in related ASBs.

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Remuneration

13. Mr NG Leung-sing asked how the level of remuneration for ASB members was determined and whether it was timely to review the level. The Chairman also remarked that while he appreciated that the nature of ASBs varied widely, a review might be necessary as the current remuneration system was quite confusing with a large discrepancy in the remuneration amount among ASBs. For example, the Chairman of the Kowloon-Canton Railway Corporation was remunerated at \$220,000 per annum while members of the Curriculum Development Council \$90 per meeting.

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14. DS(HA)2 responded that the basic principle was that the service of non-official members was voluntary and, as a general rule, un-remunerated. However, at the same time, no individual should suffer a pecuniary embarrassment through public service nor should the Government be obtaining the services of highly qualified, professional persons "on the cheap". It was therefore not unusual to have a disparity in the level of remuneration, bearing in mind the considerable variation among ASBs in terms of their functions and operation as well as the expertise and workload of members required. He further explained that under the existing policy, the bureaux and departments decided whether the chairman and members of an ASB under their purview should be remunerated according to the guidelines issued by the Finance Bureau. The Secretary for the Treasury had been delegated authority by the Finance Committee of the Legislative Council to approve the remuneration, subject to a certain ceiling (currently at \$735 per member per attendance) if the remuneration arrangements were not stipulated in legislation. Any higher rate of remuneration would require the approval of the Finance Committee on a case-by-case basis. The remuneration of board members of financially-autonomous non-government-funded public bodies, on the other hand, was governed by the respective Ordinances of these public bodies. The current system had allowed for exceptions under special circumstances and it would not be appropriate to standardise the rate for all ASBs. If necessary, ASB members might request the bureaux to adjust the rate of remuneration.

15. Mr Tommy CHEUNG declared interest as a member of the Liquor Licensing Board. He considered the current ceiling of \$735 disproportionately low for the time and effort ASB members spent on the work of the committees such as the Liquor Licensing Board. Mr CHEUNG opined that the respective bureau should be in the best position to review the need to adjust the rate of remuneration given the fact that it had a full picture of the work of the ASB.

Measures to increase transparency

16. Referring to paragraph 14 of the information paper, Mr Andrew CHENG expressed concern over the absence of a system of declaration of interest in 25% of ASBs. He pointed out that as many ASB members would be allowed access to confidential information in the Government, they should be required to declare any conflict of interest to prevent possible abuse of their official duties. He requested the Administration to disclose the name of these ASBs, the remedies to be taken and the implementation schedule. Referring to paragraph 15 of the information paper, Mr Tommy CHEUNG also requested the Administration to disclose the name of the 1% of ASBs which had not adopted any measure to increase the transparency of their operation.

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17. Ms Emily LAU echoed the concern expressed by Mr Andrew CHENG and Mr Tommy CHEUNG about the need to increase transparency. She sought clarification whether records on the declaration of interests made by ASB members were kept and available for public scrutiny. Ms LAU further suggested that ASBs should enhance their transparency by opening meetings to the public. She requested the Administration to release statistics on ASBs which conducted open meetings. To increase their transparency, Miss CHOY So-yuk considered that information on ASBs such as the attendance record of their members should be released to the public.

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18. Responding to members' concerns about the lack of transparency of ASB operation, DS(HA)2 pointed out that the lack of a formal declaration system did not necessarily imply that the ASB members concerned had not declared their interests. He assured members that all ASB members were aware of the need to declare any possible conflicts of interests over a particular issue at a meeting before the issue was discussed. The Administration recognised the importance of establishing such a formal system in every ASB and would request all of them to maintain formal records of declaration of interests by members. The Administration undertook to provide relevant statistics from the survey on this subject in an information paper.

19. As regards the suggested measures to increase transparency, DS(HA)2 said that members of the public might not be interested in all the records of interests declared by ASB members. Similarly, not all meetings of ASBs would attract public attention. He added that there were practical difficulties in conducting open meetings such as the availability of venue of suitable size and simultaneous interpretation service. Ms Emily LAU remained of the view that records of declaration of interest should be made available for public scrutiny and meetings of ASBs should be opened to the public and it was a matter for the public and the media to decide whether to have sight of the information and to observe the meeting.

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20. Mr Albert HO suggested that a convenient way to increase transparency was to release information on ASB such as membership, agenda of meetings and members' attendance on their websites. DS(HA)2 responded that not all ASBs had websites of their own but HAB might request respective bureaux to include in their own websites information on ASBs under their purview. He supplemented that all ASBs had been requested to make available the agenda of their meetings to the public upon request. Mr HO requested that the bureaux should make known to the public the ASBs under their purview by including information on relevant ASBs on their websites.

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Improvement measures

Adm 21. Miss CHOY So-yuk said that the Administration should have conducted the review of the ASB system earlier since the Chairman of the House Committee of the Legislative Council had already made such a request in June 2000. She expressed concern that the improvement measures recommended in paragraph 16 of the Administration's paper were not concrete enough and would not be strictly followed by bureaux and departments. Miss CHOY considered that HAB should take on a more proactive role to ensure the implementation of the recommended improvement measures. She further requested that the Administration should provide information on the improvement measures recommended for individual ASBs.

Way forward

Adm 22. The Chairman said that he felt strongly that there was a need to rationalise the ASB system and its policy of remuneration. Members considered that the review conducted by the Administration too general because the nature of ASBs varied widely from committees with considerable powers to those with pure advisory functions. They were of the view that the Administration should undertake a comprehensive review of the ASB system including the functions of each committee, the method of appointing non-officials, the involvement of these non-officials as well as the rationale for the level of remuneration. DS(HA)2 undertook to provide a detailed report on the review for future discussion. Members stressed that and the effectiveness and operation of each ASB should be reviewed according to its nature. They suggested that the Administration should categorise ASBs according to their nature and group them under respective bureaux in the future report. Members agreed that the Panel should follow up the issue when the detailed report was available.

**V. Review of licensing conditions under the Gambling Ordinance**

[LC Paper No. CB(2)1276/01-02(02)]

23. At the invitation of the Chairman, DS(HA)2 briefed members on the background and details of the proposed amendments to the Gambling Regulations (Cap.148 sub. leg. A) to revise the licensing arrangements for lotteries, trade promotion competitions and mahjong/tin kau parlours.

24. Referring to the proposal to extend the time limit for publishing draw results of a lottery from seven to ten days, Mr MA Fung-kwok questioned the rationale behind since this requirement did not affect the cost of the event. He was concerned that patrons might forget to check the results with so long a wait after

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the draw. In response, DS(HA)2 explained that for smaller scale events, the organisers might not have the manpower to make the arrangements for the publication of the results within seven days. The Assistant Commissioner for Television and Entertainment Licensing (Entertainment) (AC for TEL(E)) supplemented that for large scale events, the organisers might also need more time to organise the draw results before publication. He added that under normal circumstances, the organisers concerned would usually publish the results as soon as possible after the draw.

25. Referring to the same proposed amendment, Mr Tommy CHEUNG suggested that, in order to reduce cost, organisers should be allowed to publish the draw results in both Chinese and English in a Chinese newspaper. He also proposed that electronic newspapers should be accepted. AC for TEL(E) replied that since non-Chinese people normally did not read Chinese newspapers, they would not be able to check the draw results if they were published in Chinese newspapers only. He believed that the required number of newspapers needed not be further reduced as it had already been cut from four to two and the organisers would accept the proposed amendment readily. He confirmed that electronic newspapers were acceptable. Ms Cyd HO, however, pointed out that the low income families might not have access to internet and hence electronic newspapers. She therefore insisted that the results should be published in at least one printed newspaper. Otherwise, the organisers should be obliged to notify individual winners of the draw results. Members indicated no objection to the proposed amendments.

**VI. Any other business**

26. The Chairman informed members that the visit to the library and museum facilities of the Leisure and Cultural Services Department on 13 March 2002 would be postponed since only two members were able to join the event. Ms Emily LAU, Mr NG Leung-sing and Mr WONG Sing-chi indicated their interest to join the visit. Members agreed that the visit should be re-scheduled.

27. There being no other business, the meeting ended at 4:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
11 April 2002