

立法會

Legislative Council

LC Paper No. CB(2)1917/04-05

(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting held on Friday, 13 May 2005 at 10:45 am in the Chamber of the Legislative Council Building

- Members present** :
- Hon Tommy CHEUNG Yu-yan, JP (Chairman)
 - Hon TAM Heung-man (Deputy Chairman)
 - Hon Albert HO Chun-yan
 - Hon James TO Kun-sun
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon WONG Yung-kan, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon CHOY So-yuk
 - Hon Andrew CHENG Kar-foo
 - Hon Timothy FOK Tsun-ting, GBS, JP
 - Hon Albert CHAN Wai-yip
 - Hon LI Kwok-ying, MH
 - Dr Hon Fernando CHEUNG Chiu-hung
 - Hon CHEUNG Hok-ming, SBS, JP
 - Hon WONG Ting-kwong, BBS
- Members attending** :
- Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
 - Hon CHAN Yuen-han, JP
 - Hon Ronny TONG Ka-wah, SC
 - Hon CHIM Pui-chung
- Members absent** :
- Hon LAU Wong-fat, GBS, JP
 - Hon Daniel LAM Wai-keung, BBS, JP
 - Hon Patrick LAU Sau-shing, SBS, JP

Public Officers : Item V
attending

Mr Stephen FISHER
Deputy Secretary for Home Affairs (1)

Ms Esther LEUNG
Principal Assistant Secretary for Home Affairs (1)

Mr Ryan CHIU
Assistant Secretary for Home Affairs (1)1

Miss Erica NG
Principal Assistant Secretary for Financial Services &
the Treasury (Tsy) (R Division)

Item VI

Mr Stephen FISHER
Deputy Secretary for Home Affairs (1)

Miss Joanna CHOI
Principal Assistant Secretary for Home Affairs (Special
Duties) 2

Item VII

Mr Eddie POON
Principal Assistant Secretary for Home Affairs
(Recreation & Sports)

Mr Eddy YAU
Assistant Director (Leisure Services) 3, Leisure and
Cultural Services Department

Mr Peter KAN
Chief Executive Officer (Planning) 2, Leisure and
Cultural Services Department

Mrs Celina KWOK
Chief Project Manager 302, Architectural Services
Department

Clerk in : Miss Flora TAI
attendance Chief Council Secretary (2)2

Staff in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

Action

I. Confirmation of minutes

[LC Paper Nos. CB(2)1468/04-05 and CB(2)1489/04-05]

The minutes of the meetings of the Panel held on 21 March 2005 and 8 April 2005 were confirmed.

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

[LC Paper No. CB(2)1390/04-05]

2. Members noted that since the last regular meeting, the Panel had issued a submission made by a member of the public expressing opposition to enactment of legislation against discrimination on the ground of sexual orientation.

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)1488/04-05]

3. Members agreed to discuss the following items at the next regular meeting on Friday, 10 June 2005 –

- (a) funding proposal on hosting the 2009 East Asian Games;
- (b) public consultation on legislating against racial discrimination;
and
- (c) Concluding Observations made by the United Nations Committee on Economic, Social and Cultural Rights on the Second Report of the Hong Kong Special Administrative Region under the International Covenant on Economic, Social and Cultural Rights.

In order to allow adequate time for the discussion of the above items, members agreed to advance the next regular meeting to start at 9:30 am instead of 10:45 am.

[*Post-meeting note* : the regular meeting in June 2005 was subsequently re-scheduled to 21 June 2005 from 9:30 am to 12:30 pm.]

Action

IV. Proposed terms of reference of the Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils

[LC Paper No. CB(2)1520/04-05(01)]

4. At the invitation of the Chairman, Ms Emily LAU, Chairman of the Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils (the Subcommittee), said that members of the Subcommittee considered it necessary to look at the outstanding leisure and cultural services (LCS) projects of the former Municipal Councils (MCs) in the wider context of other LCS projects undertaken by the Leisure and Cultural Services Department (LCSD) and which were not among the 139 ex-MC LCS projects. She added that the proposed terms of reference of the Subcommittee had, therefore, included monitoring the Government in “implementing other relevant projects” as well. Members raised no objection to the arrangement.

5. Ms Emily LAU said that at the last meeting of the Subcommittee held on 9 May 2005, the Administration had informed members that it had consulted respective District Councils (DCs) in deciding to accord some ex-MC LCS projects lower priorities. The Subcommittee had therefore issued letters to invite views from the 18 DCs on the implementation programme of the ex-MC LCS projects as well as those ex-MC LCS projects which were deferred, deleted or put under review. Ms LAU added that in order to facilitate gauging of DCs’ views on these issues, the Subcommittee had requested the Legislative Council (LegCo) Secretariat to arrange inclusion of the above issues on the agenda for future meetings between LegCo Members and DC members.

6. The Panel endorsed the proposed terms of reference of the Subcommittee.

V. Proposed reforms to betting duty system on horse racing bets

[LC Paper No. CB(2)1520/04-05(02)]

7. The Chairman and Mr Timothy FOK declared that they were the Voting Members of the Hong Kong Jockey Club (HKJC). In addition, Ms Emily LAU declared that she was the spouse of a Full Member of HKJC.

8. At the invitation of the Chairman, Deputy Secretary for Home Affairs (1) (DSHA(1)) briefed members on the salient points of the Administration’s paper. He said that a package of reforms were proposed to the betting duty system for the purposes of enhancing the effectiveness of authorised horse race betting in combating illegal gambling and maintaining the betting duty revenue at a

Action

steady level. The major proposals, as detailed in paragraph 13(a) to (d) of the Administration's paper, included –

- (a) conversion of betting duty on horse race bets from turnover-based to a tax on net stake receipts (gross margins);
- (b) reforms on the betting duty system on overseas bets;
- (c) guarantee of betting duty revenue; and
- (d) extension of racing season.

9. The Administration also proposed to take the opportunity to rationalise the regulatory regime of horse racing betting in order to bring it broadly in line with the authorised football betting and lotteries under the existing Betting Duty Ordinance (the Ordinance). Details of the relevant proposals were set out in paragraph 14(a) to (d) of the Administration's paper.

10. Mr Andrew CHENG said that the proposed package of reforms agreed between the Administration and HKJC was most regrettable. He considered that the Government's gambling policy should be conservative and should not encourage people to gamble. Referring to paragraph 15 of the Administration's paper, Mr CHENG expressed dissatisfaction that the proposed changes aimed to enhance the competitiveness of authorised horse race betting vis-à-vis the illegal and offshore bookmakers and enable HKJC to capture a larger share of the gambling market. He said that the Government's gambling policy should never be to compete with the illegal and offshore bookmakers for a larger share of the gambling market but, rather, to combat illegal gambling by law enforcement and not to encourage people to gamble. He further said that since illegal bookmakers could always offer more attractive odds to bettors, short-term credit and other incentives, HKJC would not be able to compete with them. He considered that the genuine purpose of the Administration in introducing the proposed reforms was to increase betting duty revenue. He added that, however, the Administration should also look at the consequential social costs, including family and loan sharking problems, in introducing the proposed reforms.

11. DSHA(1) responded that the illegal gambling market based on Hong Kong's horse races had been aided by low operating cost and improved communications technology. It had an inherent advantage over HKJC by offering various incentives. He said that while the Administration agreed that it would not be able to completely eradicate the problem of illegal bookmaking, it had to tackle the structural problems which had led to a shrinking share of authorised horse race betting in the overall gambling market. He pointed out that the turnover on horse race betting conducted by HKJC had declined significantly in recent years, from \$92.4 billion in 1996-97 to \$65 billion in

Action

2003-04, representing a decline of around 30%. According to HKJC's forecast, if no action was taken to tackle the decline, the betting turnover would decline by a further 30% by 2007-08, and given its overheads, HKJC's present mode of conducting business might not even be feasible any more by then. He added that the current proposals would serve the purposes of combating illegal gambling and diverting a large share of gamblers to the authorised channels of gambling.

12. Mr Andrew CHENG considered that the Administration should resort to strengthening enforcement measures in tackling illegal bookmaking. He asked if the Administration had assessed whether the proposed reforms to the betting duty system on horse race betting would give rise to a substantial increase in public participation in horse racing.

13. DSHA(1) pointed out that even if the Administration continued to curb the competitiveness of authorised horse race betting, the problem of gambling would still not be tackled. However, such a policy would only lead to more rampant illegal bookmaking activities on horse race betting in Hong Kong and a shrinking share of authorised horse race betting in the overall gambling market. He cautioned that the money derived by illegal bookmakers from turnover on horse race betting could be used to fund other illegal activities. The Administration considered that the proposed reforms would not lead to substantial increase in the number of gamblers but would achieve social benefits which included enhancing the effectiveness of authorised horse race betting in combating illegal gambling while maintaining the betting duty revenue at a steady level, tackling the structural problems leading to the decline of betting turnover, and rationalising the regulatory regime for the conduct of betting on horse races.

14. The Deputy Chairman agreed with Mr Andrew CHENG that the Government's gambling policy should not be one to encourage people to gamble. Regarding the package of proposed reforms to the betting duty system, she requested the Administration to provide the following information –

- (a) the amount of duty in respect of horse racing bets received by the Government in the past five years;
- (b) the payout rates that HKJC was going to set for horse racing bets under the new system and the basis on which the rates were determined;
- (c) whether the Administration had conducted any research studies to demonstrate that the proposed reforms would be able to effectively combat illegal gambling;

Action

- (d) the cost-effectiveness of extending the annual racing season by five days, given the persistent decline in betting turnover;
- (e) the Government's revenue from betting duty on horse race betting, football betting and lotteries in recent years; and
- (f) whether HKJC had conducted studies on the genuine reasons for bettors to have gambled less on horse racing in recent years.

15. DSHA(1) said that the Government's revenue from betting duty on horse race betting during each of the five years between 1999-2000 and 2003-04 were \$11.2 billion, \$10.95 billion, \$10.5 billion, \$9.52 billion and \$8.78 billion respectively. It was estimated that the revenue would be \$8.22 in 2004-05 and further drop to \$7.24 billion and \$6.45 billion by 2005-06 and 2006-07 respectively.

16. DSHA(1) said that depending on the changing market conditions and the odds offered to bettors by the illegal bookmakers, HKJC would adjust the payout rates for horse racing bets with a view to combating illegal bookmakers to capture the betting market. Due to shortage of time, the Administration would provide written response to the other questions yet to be answered.

Admin

17. Dr Fernando CHEUNG said that under the proposed system, if the payout rate was as high as 90% of the dividends, the turnover on horse race betting would have to increase by 60% or else the Government could not even maintain the present level of revenue from betting duty on horse race betting. He said that as he could hardly expect that the turnover would increase by 60%, he considered that the current proposal was tantamount to reducing the rate of betting duty on turnover.

18. DSHA(1) responded that the current package of reforms had contained a proposal that HKJC would guarantee that the duty receivable during each of the four years from implementation would be no less than \$8 billion plus the amount of duty in respect of any overseas bets. He said that the turnover on horse race betting conducted by HKJC was \$65 billion in 2003-04. Using this amount as the basis of calculation, in order that HKJC could pay the Government the guaranteed minimum of \$8 billion, it would be necessary for the turnover on horse race betting to increase by \$24 billion which were expected to come from the business of the illegal bookmakers under the new betting duty system. In addition, if the take-out rates for different bet types were around 13%, HKJC should be able to pay the Government the guaranteed minimum and get commission for itself.

19. Ms Emily LAU expressed concern that the guaranteed minimum of \$8 billion would be even less than the Government's revenue from betting duty on horse race betting in 2003-04, i.e. \$8.78 billion. DSHA(1) explained that

Action

according to HKJC's forecast, if no action was taken to tackle the decline in the betting turnover, it would decline by a further 30% by 2007-08 and the Government's revenue from betting duty on horse race betting would also correspondingly drop. At the request of Ms LAU, DSHA(1) agreed to provide the following information –

Admin

- (a) the existing turnover on horse race betting conducted by HKJC and the Government's revenue from betting duty on horse race betting under the current turnover-based duty system; and
- (b) the expected turnover on horse race betting conducted by HKJC under the new system based on the net stake receipts, and the Government's revenue from betting duty on horse race betting under the new system.

20. Mr James TO opposed the proposed reforms and expressed grave concern about the possibility that the proposed reforms would give rise to a large increase in public participation in horse racing or lure bettors to gamble more for the more attractive odds that would be offered. He pointed out that with the implementation of authorised football betting, the Government's overall revenue from betting duty actually had not significantly dropped in recent years. He added that the decline in turnover on horse race betting was inevitable given the economic downturn over the past few years.

21. DSHA(1) explained that the proposed reforms to the betting duty system aimed at diverting bettors into the authorised channels of horse race betting. The Administration considered that the proposed reforms would only give rise to a slight increase in public participation in horse racing, and the people targeted were those who were all along gamblers but had been placing bets with illegal bookmakers.

22. Mr WONG Ting-kwong considered that the Administration should combat illegal bookmaking by strengthening enforcement measures and increasing penalties against the relevant offences in order to enhance the deterrent effect and increase the operating costs of illegal bookmaking activities. He further suggested that HKJC should explore the feasibility of providing incentives, such as discounts on losing bets and short-term credit, as well as new horse racing products/games in order to boost betting turnover and the Government's revenue from betting duty. Mr Andrew CHENG agreed with Mr WONG that the Administration should consider introducing heavier penalties to combat illegal bookmaking activities.

23. DSHA(1) responded that the Police had been taking enforcement actions against illegal bookmaking activities and recent enforcement experience indicated that an increasing number of illegal bookmakers had adopted new modes of operation. He pointed out that the problem of illegal bookmaking

Action

could not be tackled merely by relying on law enforcement, and the main attractiveness of the illegal gambling market was their offer of more attractive odds to bettors.

24. Miss CHOY So-yuk said that as a result of the enforcement actions taken against local illegal bookmakers a few years ago, many of them had moved to the Pearl River Delta and at present, they only got a small market share of the turnover on horse race betting conducted by HKJC. She considered that the reason given by the Government did not stand, i.e. the proposed reforms to the betting duty system were introduced for combating illegal bookmakers to capture the betting market. She considered that the Government was actually reducing the rate of betting duty on turnover through the proposed reforms and that was debatable. She also considered that the guaranteed minimum of \$8 billion was too little.

25. Miss CHOY So-yuk further said that as recently reported by the mass media, many bettors had expressed the opinion that the decline in the turnover on horse race betting conducted by HKJC was mainly due to the lack of attractiveness of HKJC's horse racing products and the presence of large offshore bookmakers. She suggested that HKJC should explore how to enhance the attractiveness of its horse racing products.

26. DSHA(1) responded that illegal bookmakers who had moved out from Hong Kong could still accept bets, through electronic means, from local horse racing bettors who betted on Hong Kong races. He said that the current proposals aimed at tackling this problem. As regards horse racing products, DSHA(1) said that at present the "standard bets" were defined in the existing Ordinance and HKJC would be allowed flexibility in introducing any new changes after the Ordinance had been amended.

27. Mr Andrew CHENG considered that the proposed reforms were irrational and inconsistent with the Government's gambling policy. He stressed that he was not opposing the current proposals from a moral point of view but was concerned that the proposals would attract many people who did not gamble to become gamblers. He anticipated that in order to pay the Government the guaranteed minimum of \$8 billion, HKJC would explore new horse racing products/games to boost the turnover. He suggested that the Administration should commission a tertiary institution to conduct an independent study on whether or not the proposed reforms would give rise to a substantial increase in public participation in horse racing. He also queried whether the Football Betting and Lotteries Commission would be able to effectively regulate the conduct of betting on horse racing, under the current proposal to rationalise the regulatory regime of horse racing betting. DSHA(1) agreed to provide a written response to the views and suggestion raised by Mr CHENG.

Admin

Action

28. Mr Albert CHAN expressed regret that the Secretary for Home Affairs (SHA) had not attended this meeting to present the proposed reforms which were controversial. Referring to the proposal of extending the annual racing season by five days, Mr CHAN suggested that the additional five racing days should not fall on Sundays in order to minimise any adverse impact on family days. DSHA(1) responded that the Administration would convey this suggestion to HKJC and follow it up.

Admin

29. The Chairman said that the Liberal Party was supportive of the proposed reforms. He requested the Administration to provide the following supplementary information –

Admin

(a) information and data on the duty rates applied to horse race betting in overseas jurisdictions, e.g. Japan, Australia, the United Kingdom (UK) and the United States; and

(b) timetable for introducing the Bill into LegCo.

30. DSHA(1) said that the betting duty systems in UK and Singapore had been changed and the Administration would provide, in writing, the duty rates applied to the net stake receipts under their respective betting duty systems. He added that as far as he understood, the proposed duty rate of 75% for the net stake receipts exceeding \$15 billion would be the highest in the world.

31. DSHA(1) further said that the Administration intended to introduce a Bill to amend the Ordinance to give effect to the proposals later in the current year and drafting of the Bill was underway. He informed members that the Administration would strive to introduce the Bill into LegCo before the summer recess and, if not, it would be introduced afterwards. He agreed to provide the above requisite information after the meeting.

32. Ms Emily LAU asked whether the Administration had conducted any public consultation on the proposed package of reforms. DSHA(1) responded that after consultation with this Panel, the Administration would meet with concern organisations to collect their views. He added that if a Bills Committee was formed to scrutinise the Bill to be introduced into LegCo later, collection of public views could be further conducted at that stage. Ms LAU said that the Administration's usual practice had been conducting public consultation on a proposal first before submitting the proposal to this Panel for discussion. She considered that the Administration should stick to this practice.

Admin

33. As suggested by Mr James TO, the Panel agreed to hold a special meeting on Thursday, 16 June 2005 at 8:30 am to further discuss the proposed reforms to the betting duty system on horse racing bets. The Panel also agreed that deputations be invited to the meeting to present views on the subject. At

Action

the request of the Chairman, DSHA(1) agreed to provide the information requested by members at this meeting as soon as possible.

Admin

VI. Review of advisory and statutory bodies

[LC Paper No. CB(2)1488/04-05(01)]

34. At the Chairman's invitation, DSHA(1) briefed members on the salient points of the Administration's paper provided for this item.

The 6-year and 6-board rules

35. Referring to paragraph 4 of the Administration's paper, Mr Ronny TONG queried whether the Administration had really respected the 6-year rule as he noted that as at 31 March 2005, 1 408 and 461 non-official posts of the advisory and statutory bodies (ASBs) were taken up by appointed members who had served in the same post for over six years and for over 10 years respectively.

36. DSHA(1) responded that speaking from the appointment experience of the Home Affairs Bureau (HAB), he noted that the nature of some ASBs, such as the Chinese Temples Committee and the Board of Management of the Chinese Permanent Cemeteries, had rendered it necessary in the past for the Administration to re-appoint some serving members of these board/committee because the members had particular work experience or skills essential to the effective and efficient functioning of the board or committee. He said that however, in the past two to three years HAB had managed to replace members of the two said committees by new ones already.

37. DSHA(1) further said that as regards other ASBs, such as Area Committees, DC members were usually appointed to the Area Committees of their constituency. He explained that if a member of an Area Committee, who was also a DC member, was re-elected in DC elections, the Director of Home Affairs very often re-appointed the same DC member to the relevant Area Committees again. He said that the Administration would have to replace existing members of district-based advisory committees who had served in the same posts for over six years on a gradual basis, because the number of such members was quite large and it was necessary to have some "kaifongs" who were familiar with local issues to serve on those committees. He added that the Administration had been making improvements in replacing members of these committees who had served in the same posts for over six years.

38. Mr Ronny TONG requested the Administration to provide a breakdown, by boards/committees, on the 461 non-official posts taken up by appointed members who had served in the same post for over 10 years. DSHA(1) agreed to follow up. Mr TONG considered that in the example of Area Committees,

Admin

Action

the Administration did not have to appoint the same DC member to the Area Committee concerned, if that DC member had already served on that Area Committee for more than six years. He felt that should the Administration have really respected the 6-year rule, it would not have come up with such large numbers of cases of non-compliance.

39. Ms Emily LAU considered that the Administration had been making very slow progress in improving non-compliance with the 6-year and 6-board rules. Dr Fernando CHEUNG expressed concern that the number of non-official posts of ASBs taken up by appointed members who had served in the same post for over 10 years had even increased from 272 (as at 31 March 2004) to 461 (as at 31 March 2005). Miss CHOY So-yuk suggested that a central vetting mechanism should be put in place to monitor whether any appointments to be made by a bureau/department would be in breach of the 6-year/6-board rules so that the bureau/department concerned would be advised to appoint another person.

40. DSHA(1) explained that given the diverse circumstances of ASBs, in the past bureaux had been allowed discretion to adopt measures (including not to strictly comply with the 6-year and the 6-board rules) which they considered to be necessary and appropriate for the boards and committees under their purview. However, any exception to the rules was required to be reasonable and proportionate to the special circumstances of the case. In October 2004, HAB had issued a circular memorandum to all bureaux and departments reminding them of the need to comply with the rules in the appointment of non-official members to ASBs. The situation of non-compliance had since been improving, and bureaux were required to give justifications for not complying fully with the rules.

Admin

41. DSHA(1) further said that in view of members' concern, HAB would consider issuing another circular memorandum to remind all bureaux and departments of the need to comply with these rules. He added that a coordinating mechanism similar to that suggested by Miss CHOY was already in place to ensure new appointments made to ASBs would not breach the rules.

Admin

42. The Deputy Chairman asked whether the Administration had a timetable for achieving 100% compliance with the 6-board and 6-year rules. DSHA(1) responded that these rules had been used as guiding principles in making appointments/reappointments of non-official members to ASBs and he agreed that the numbers of non-compliance cases were large. He added that the Administration would take active measures to enforce the rules more strictly with a view to reducing the numbers of non-compliance cases to a reasonable level.

Action

Gender balance

43. Referring to the Administration's working target of gender balance, Ms Emily LAU pointed out that the 25% gender benchmark was low as compared with that adopted by the international community. She suggested that the Administration should make reference to the gender benchmark adopted in Norway, which was at least 40% for each gender. In response to Ms LAU, DSHA(1) said that the Administration planned to raise the gender benchmark in the longer term in line with international norms, i.e. between 30% and 35%.

Admin

44. Miss CHOY So-yuk said that she was happy to see that the women participation rate had been raised to 24.3% of the 7 761 appointed non-official post holders. She asked whether the Administration had ensured that the present female membership of ASBs had not been taken up by only a small group of women. In response to Miss CHOY's concern, DSHA(1) said that the Administration would provide aggregate statistics on the number of boards/committees served by the existing non-official female members of ASBs after the meeting.

Admin

45. Miss CHAN Yuen-han shared the concern of Miss CHOY and pointed out that the Administration rarely appointed grass-roots women to important ASBs, such as the Equal Opportunities Commission, the Urban Renewal Authority and the Women Commission, etc. In response to Miss CHAN, DSHA(1) agreed to provide aggregate statistics on the occupation/profession of the existing non-official female members of ASBs and how many of them were serving on "important" boards/committees.

Admin

46. Miss CHAN Yuen-han also requested information on the number of grass-roots men appointed to be members of ASBs. DSHA(1) agreed to provide the information along the lines as agreed for grass-roots women.

Appointees' affiliations to political parties/political groups

47. Referring to SHA's reply to her question raised on the various district-based advisory committees at the Council Meeting on 11 May 2005, Ms Emily LAU pointed out that a majority of existing members of such committees were members of the Democratic Alliance for the Betterment and Progress of Hong Kong. She queried whether the Administration's policy was still to ensure, as it had claimed, broad representation in the existing ASBs.

48. DSHA(1) responded that policy bureaux/departments gave consideration to different factors in making appointments to ASBs. These factors included the needs of the boards/committees concerned, the need to appoint people from different sectors, and suitability of appointees. He said that the Administration had no such a policy to appoint people of a particular category or of a particular

Action

Admin

political party/affiliation to ASBs, and the principle of merit had remained to be the overriding principle in making appointments. Nevertheless, he agreed to relay the concern of Ms LAU to the Administration for consideration. Miss CHOY So-yuk took the view that the numbers of members belonging to various political parties serving on the district-based advisory committees were directly related to the membership sizes of respective political parties.

Admin

49. Referring to paragraph 7 of the Administration's paper, Dr Fernando CHEUNG said that it was unacceptable for the Administration to allow persons serving on public sector ASBs not to disclose their affiliations to political parties/political groups. He pointed out that without such information, the public would not be able to monitor whether the Government was fair and impartial in making appointments to ASBs. He further requested the Administration to disclose the affiliations to political parties/political groups of the 21 non-official members appointed to ASBs serving on more than six boards/committees.

Admin

50. DSHA(1) responded that the Administration would explain, in writing, factors that the Administration had taken into consideration in concluding that the Administration should not require an appointee to disclose, on a compulsory basis, sensitive personal data relating to his/her affiliations to political parties/political groups.

Public Affairs Forum

51. Noting that there had been only some 400 messages posted on the dedicated website of the Public Affairs Forum since its launch on 10 March 2005, Dr Fernando CHEUNG expressed doubt on the effectiveness of the Forum in gauging public views. He further asked how the Administration would ensure grass-roots participation in the discussion of the issues over which Forum members had been consulted, as these issues were also impacting on grass-roots people.

52. DSHA(1) responded that as the Public Affairs Forum had been launched only for a short period of time, it would operate more smoothly later. He explained that the Forum was aimed at providing an additional channel to canvass the views of professional and middle class people who would like to contribute to the discussion of public issues. He added that the Administration had also made available channels for gauging grass-roots people's views and comments on public issues.

Action

VII. Works project on “Local Open Space in Areas 25, 25A and 25B, Tin Shui Wai, Yuen Long”

[LC Paper No. CB(2)1488/04-05(04)]

53. At the Chairman’s invitation, Principal Assistant Secretary for Home Affairs (Recreation & Sports) (PASHA(R&S)) briefed members on the salient points of the Administration’s paper. He said that subject to members’ support, the proposed Local Open Space in Areas 25, 25A and 25B, Tin Shui Wai (the Project) would be submitted to the Public Works Subcommittee on 25 May 2005 for upgrading to Category A. He also took the opportunity to inform members that when the Culture, Recreations and Sports Committee (CRSC) of Yuen Long DC (YLDC) was consulted again on the Project on 10 May 2005, members of CRSC reiterated their support for the Project and urged for its early implementation.

54. Mr Albert CHAN expressed strong dissatisfaction with the Administration’s failure to prioritise the leisure and cultural services (LCS) projects planned for Tin Shui Wai in accordance with the pressing needs of the local communities. He pointed out that there was already extensive planting in Area 25, Tin Shui Wai, and he queried why priority should be given to implementing the Project instead of the “District Open Space Area 107 Tin Shui Wai” and the “Tin Shui Wai Public Library cum Indoor Recreation Centre” projects. He pointed out that there were already some 100 000 residents in Tin Shui Wai north and yet no sports facilities were provided there. Pending the completion of the “District Open Space Area 107 Tin Shui Wai” project, the Administration was only going to provide a temporary 7-a-side soccer pitch first and a few basketball courts later. He also invited members to note that the Administration had been spending about \$7 million each year to rent premises at a private shopping mall in Tin Shui Wai to serve as a temporary library. He requested members to press the Administration to expedite the implementation of the “District Open Space Area 107 Tin Shui Wai” and the “Tin Shui Wai Public Library cum Indoor Recreation Centre” projects while supporting the Project.

55. PASHA(R&S) responded that the Administration also recognised the urgent needs for LCS facilities in Tin Shui Wai north and had, therefore, planned to provide a temporary 7-a-side soccer pitch and, later, four basketball courts. He added that such a concurrent two-pronged approach would not delay the scheduled implementation of the “District Open Space Area 107 Tin Shui Wai” project.

56. Mrs Selina CHOW pointed out that YLDC had strongly supported the Project for early implementation. She said that while she agreed that there were pressing needs for early implementation of the “District Open Space Area 107 Tin Shui Wai” project, the implementation of the Project should not be deferred. Referring to the implementation plan in paragraph 13 of the

Action

Administration's paper, Mrs CHOW asked if it was possible to expedite the implementation of the Project.

Admin

Admin

57. Chief Project Manager of the Architectural Services Department responded that the construction works was expected to start in November 2005 for completion in August 2007. She explained that since the Project involved the development of open space, the construction works would be very much affected by inclement weather. She informed members that if no delay was caused to the construction by inclement weather, the construction works could actually be completed within 18 months, i.e. around May 2007. At the request of Mrs CHOW, PASHA(R&S) agreed that the Administration would explain to YLDC that the construction period could be reduced to 18 months if the works was not delayed by inclement weather. Mrs CHOW further suggested that the Administration should make every effort to further reduce the construction period to less than 18 months. PASHA(R&S) agreed that the Administration would follow up the suggestion.

58. Dr Fernando CHEUNG echoed Mr Albert CHAN's views and queried why the Administration gave higher priority to implementing the Project in an area which was already provided with well developed passive leisure facilities. He suggested that the Administration should review the priorities of the implementation of all the LCS projects planned for Tin Shui Wai.

59. PASHA(R&S) clarified that the Administration had not expedited the implementation of the Project at the expense of other works projects. This project was submitted to LegCo according to the scheduled programme of public works. He reiterated that the Administration was making every effort to expedite the provision of LCS facilities in Tin Shui Wai north. Assistant Director (Leisure Services) 3 supplemented that the Administration would first provide a 7-a-side soccer pitch and subsequently four basketball courts in Tin Shui Wai north, which would all be funded by resources allocated under the minor works programmes to meet the needs of local residents.

60. Ms Emily LAU said that given limited resources, whenever the Administration was going to provide LCS facilities for a certain area, it should first look at the distribution of such facilities in the entire district and should ensure that the facilities were always provided to the neediest area. She considered that this principle should also be applied to Tin Shui Wai. She suggested that in submitting a paper to seek the Panel's support for the development a LCS project in a certain area, the Administration should set out in the paper information on the availability and distribution of such facilities in the district concerned to facilitate members' deliberations.

Admin

61. PASHA(R&S) responded that the Administration would give consideration to Ms LAU's suggestion. As to the 25 projects recommended for priority implementation which included the "District Open Space Area 107 Tin

Action

Shui Wai” project, he said that it would be more appropriate for the Subcommittee to re-examine their priorities.

62. Mr CHEUNG Hok-ming said that he supported the Project provided that its implementation would not cause any delay to the implementation of the “District Open Space Area 107 Tin Shui Wai” project. Mr WONG Yung-kan agreed with Mr CHEUNG Hok-ming and Mrs Selina CHOW that the implementation of the Project should not be deferred as it had also been long awaited by local residents. In response to Mr WONG, PASHA(R&S) said that the “Tin Shui Wai Public Library cum Indoor Recreation Centre” project was one of the 25 projects recommended for priority implementation.

63. Mr Albert CHAN moved the following motion which was seconded by Dr Fernando CHEUNG –

‘That, while supporting the “Local Open Space in Area 25, Tin Shui Wai” project, this Panel urges the Government to expedite the implementation of the project for the development of recreation and sports facilities in Area 107 of Tin Shui Wai as well as the Tin Shui Wai public library project.’

64. The Chairman said that the Liberal Party supported the motion and agreed that the implementation of the “District Open Space Area 107 Tin Shui Wai” and the “Tin Shui Wai Public Library cum Indoor Recreation Centre” projects should be expedited.

65. The Chairman put Mr Albert CHAN’s motion to vote. Members present unanimously voted in favour of the motion. The Chairman declared that the motion was carried.

66. There being no other business, the meeting ended at 1:00 pm.