

立法會
Legislative Council

LC Paper No. CB(2)761/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Thursday, 20 October 2005 at 5:40 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon TAM Heung-man (Deputy Chairman)
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH
Dr Hon Fernando CHEUNG Chiu-hung
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Albert HO Chun-yan
Hon Margaret NG
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS

Public Officers attending : Dr Patrick HO
Secretary for Home Affairs

Mr Stephen FISHER
Acting Permanent Secretary for Home Affairs

Ms Lolly CHIU
Deputy Secretary for Home Affairs (3)

Mr Eddie POON
Acting Deputy Secretary for Home Affairs (Special Duties)

Mrs Pamela TAN
Director of Home Affairs

Ms Anissa WONG
Director of Leisure and Cultural Services

Ms Linda LAI
Deputy Secretary (Family & Women), Health, Welfare
and Food Bureau

Miss Dora FU
Principal Assistant Secretary (Women), Health, Welfare
and Food Bureau

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

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

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- I. Briefing by the Secretary for Home Affairs on the Chief Executive's Policy Address 2005-06**
[LC Paper Nos. CB(2)45/05-06(01) – (02), the 2005-06 Policy Address booklet entitled “Strong Governance For the People” and the 2005-06 Policy Agenda booklet]

Briefing by the Secretary for Home Affairs (SHA)

SHA briefed members on the initiatives affecting the Home Affairs Bureau (HAB) in the 2005-06 Policy Agenda and highlighted those in the following four major areas –

- (a) enhancing work in districts : including strengthening the role of District Officers (DOs), enhancing the coordination function of District Management Committees to better provide cross-departmental services in districts, and expanding the role of District Councils (DCs), which would be allowed to assume responsibility for the management of some district facilities;

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- (b) promoting children's rights and eliminating racial discrimination: including the establishment of Children's Rights Forum and the introduction of a Children's Rights Education Funding Scheme, planning for the adoption of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in Hong Kong, and legislating against racial discrimination;
- (c) facilitating the development of creative industries and the promotion of major arts and cultural events and festivals in Hong Kong: including facilitating the conversion of an empty factory building in Shek Kip Mei into a creative arts village, and organising the Asia Cultural Cooperation Forum 2005 from 9 to 12 November 2005; and
- (d) staging of the 2008 Olympic and Paralympic Equestrian Events: including the setting up of the Equestrian Committee to make policy decisions and the setting up of an executive body in the form of a limited company to implement the organisation work for the Events, and reprovisioning the Hong Kong Sports Institute to YMCA Wu Kwai Sha Youth Village on a temporary basis.

Role and functions of DCs

2. Mr Andrew CHENG considered that with the publication of the Fifth Report of the Constitutional Development Task Force which in his view had significant implications for the role of DC members, the public consultation on the review of the functions and structure of DCs should commence immediately alongside public discussion of the Fifth Report. He pointed out that in fact, the timeframe for consideration of the proposals put forth in the Fifth Report was also very tight, as Members were required to vote on the relevant motions in December 2005. Mr CHENG further said that DC members had high expectations about the outcome of the above review, and they wished that DCs could play a role in planning for the provision of district facilities, e.g. recreational and sports facilities and public markets, and their management. He pointed out that DC members in general were dissatisfied with the Administration's failure to live up to its promise that DCs would be given more power and responsibilities after the abolition of the former Municipal Councils (MCs). He said that DC members did not expect that the review would only come up with a recommendation that DCs should assume responsibility for the management of community halls only.

3. SHA responded that the review of the functions and structure of DCs had already started and was expected to complete in early 2006. The formal public consultation on the review would be conducted in the first quarter of 2006. SHA further informed members that in order to follow up the proposal for the expansion of the role of DCs, work had commenced within the

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Government in devising the implementation plan for the proposal in the context of the on-going review of the functions and structure of DCs.

4. Ms Emily LAU said that DC members in general hoped that they would be given some real powers in district administration as well as resources for their deployment. They also hoped that on certain district matters, DCs could direct Government Departments to carry out the decisions of DCs. She asked whether the Administration was moving in this direction in its plan to expand the role of DCs. The Chairman also asked whether the Administration would consider allowing DC members the same level of participation in the management of district facilities as that of former MC members. He pointed out that, former MC members had e.g. the power to decide on the planning for the provision of leisure and cultural services (LCS) facilities, allocation of resources and even on staff establishment matters.

5. SHA said that the Administration was going to actively consult DC members on the possible ways for DCs to participate in the management of district facilities, especially LCS facilities. He pointed out that the Government's plan was that the executive departments would follow the decisions of DCs in managing some district facilities, within the limits of their existing statutory powers and resources available, as laid down in paragraph 20 of the 2005-06 Policy Address. SHA added that it would be necessary for HAB to allocate funds to support the additional functions to be performed by DCs under the Government's plan.

6. Ms Emily LAU further asked whether the Administration would consider reviewing the boundaries for the 18 DCs as there were comments that the district area covered by some DCs was too small. SHA responded that the matter fell outside the scope of the current review and might be covered in the future review of the Constitutional Development Task Force.

7. Miss CHOY So-yuk considered that unless the current proposal to expand the role of DCs included allocating additional resources to DCs, transferring some powers to them, and redeploying staff to carry out decisions of DCs and making the staff so redeployed to be responsible to DCs, the current proposal would not bring about any substantial changes to the role of DCs. She added that the current proposal would only result in a situation that DCs would have no real powers but would have to shoulder the responsibility for any management problems with those district facilities overseen by them.

8. SHA stressed that the Government was sincere in proposing to expand the role of DCs and would seek to strengthen the power of DCs in the management of some district facilities. He added that as a result of this, DCs would, however, inevitably have to bear more responsibility in their work.

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Admin 9. Mr Patrick LAU suggested that the Administration should enhance the coordinating role of DCs in district planning and urban renewal issues, so as to facilitate the development of urban designs and community planning which could feature local characteristics, as this would be conducive to fostering tourism and local community economy. SHA responded that the Administration would give thought to Mr LAU's suggestion in its consideration of the additional functions and responsibilities to be given to DCs.

10. Director of Home Affairs (DHA) supplemented that she had taken the opportunity of her monthly meeting with chairmen/deputy chairmen of the 18 DCs held that morning to collect their preliminary views on the current proposal to expand the role of DCs. She said that the Administration would further work out proposals for public consultation in the first quarter of 2006, and in the process of drawing up the proposals, the Administration would also sound out various community groups and organisations and stakeholders. She added that in the light of the public feedback received, the Administration would then draw up proposals on a package of support measures to be implemented for enhancing the role of DCs and support for DC members/DC Secretariats.

Recommendations made in the Report of the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission (EOC) and in two other reports of internal review conducted by EOC

11. The Deputy Chairman declared that she was a member of EOC. She asked about the progress made in taking forward the recommendation contained in the above Report that the posts of Chairperson and the Chief Executive Officer should be separated, and that the Chairperson should have a non-executive function, in order to avoid the concentration of power in the full-time executive Chairperson and to enhance corporate governance for EOC. She requested the Administration to provide a timetable for implementing the recommendation.

12. SHA responded that EOC was an independent statutory body with its powers and functions clearly stipulated in the legislation. He further said that HAB played the following roles in its relationship with EOC –

- (a) recommending suitable appointees for appointment as the EOC Chairpersons by the Chief Executive and appointing EOC members;
- (b) providing resources for the operations of EOC;
- (c) handling the introduction and amendment of discrimination laws; and

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- (d) being the policy bureau held accountable to the public for any problems associated with the internal operations of EOC.

13. SHA explained that it was stipulated in the law that the EOC Chairperson should be appointed on a full-time basis. Hence, if it was decided that the EOC Chairperson should change to be a non-executive position appointed on a part-time basis, the relevant legislation would have to be amended to remove the requirement for the EOC Chairperson to be appointed on a full-time basis. SHA said that the Administration was conducting research on this matter making reference to overseas experience. He undertook that the Administration would report to the Panel once it had worked out concrete details on the way forward.

14. Ms Emily LAU expressed concern about the lack of details provided by the Administration and EOC on any progress made by them in implementing the recommendations contained in the above reports. She said that this was a matter of concern as the operations of EOC could be adversely affected. She further suggested that should the Administration and EOC fail to provide a detailed report on the implementation of the recommendations, the Panel might need to consider setting up a subcommittee for monitoring the implementation of the recommendations. The Chairman reminded members that the Panel would discuss this subject in December 2005, and the Administration and EOC would be required to provide their respective detailed reports.

15. SHA said that the Independent Panel of Inquiry had made 70 recommendations in its report. More than half of these recommendations were related to the operations of EOC and had been separately considered by the EOC. He said that HAB accepted most of the remaining recommendations, and had implemented most of them as far as possible. He pointed out that there were about 10 recommendations which either required further consideration and/or involved legislative amendments before they could be taken forward.

16. The Deputy Chairman said that as far as she knew, EOC's implementation of the recommendations made in the three reports was far from satisfactory. She urged the Administration to actively consider the recommendation of separating the posts of Chairperson and the Chief Executive Officer of EOC. Acting Permanent Secretary for Home Affairs (PSHA(Atg)) said that EOC had been implementing those recommendations which were related to its operations. He added that he would relay the Deputy Chairman's concern to EOC and request EOC to provide detailed information in its report on implementation of the recommendations for submission to this Panel.

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Guidelines for conducting duty visits outside Hong Kong proposed to EOC and the Office of the Privacy Commissioner for Personal Data (PCO)

17. Ms Emily LAU expressed concern that the new vetting mechanism as set out in the above proposed guidelines would adversely affect the autonomy of EOC and PCO, which were independent statutory bodies. She urged the Administration to carefully re-consider the proposal. PSHA(Atg) explained that in order to address public concern and to ensure accountability, the Administration had proposed that the Chairperson of EOC and the Privacy Commissioner had to seek the approval of SHA, who was the Principal Official responsible for EOC and PCO under the accountability system, before embarking on any overseas duty visit. He said that the Administration was still discussing with these two bodies as to how best to put this into effect. In response to Ms LAU, PSHA(Atg) briefed members on the criteria for approval as proposed in the guidelines.

[*Post-meeting note* : a copy of the letter dated 1 November 2005 from SHA to the Deputy Chairman on this subject was issued vide LC Paper No. CB(2)352/05-06 on 10 November 2005.]

Sports development

18. Mr Timothy FOK expressed concern about the lack of detailed information on the long-term sports development policy, such as on the provision of a multi-purpose stadium complex in South East Kowloon. He further asked whether the Administration would consider allocating some of the revenue derived from authorised football betting to subsidise the sports development in Hong Kong.

19. SHA responded that when the Betting Duty (Amendment) Bill 2003 was passed, the Administration had made it clear that the revenue derived from authorised football betting would go to the General Revenue Account. As regards the proposed stadium, SHA said that it formed part of the South East Kowloon development, and its implementation would need to be coordinated with the overall planning and development of the South East Kowloon area. He pointed out that due to the judgment of the Court of Final Appeal on the draft Wan Chai North Outline Zoning Plan handed down in January 2004, the South East Kowloon development had to be reviewed on the presumption against harbour reclamation. As a result, the area available for development would be reduced. He pointed out that subject to the outcome of the Kai Tak Planning Review, the Administration would work out a revised timetable for the multi-purpose stadium project in South East Kowloon.

20. Acting Deputy Secretary for Home Affairs (Special Duties) supplemented that the second round of public consultation on the planning of the South East Kowloon area would be conducted in November 2005 to collect

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public views on the multi-purpose stadium project, such as its scale and location. In addition, a consultancy study would be launched on the viability of the stadium project, which was scheduled for completion in the first half of 2006.

Building management

21. Miss CHOY So-yuk asked whether the Administration would consider introducing a licensing regime for property management companies. DHA responded that the Housing, Planning and Lands Bureau was currently studying the matter in collaboration with the Home Affairs Department. A report would be made to the Panel after details had been worked out.

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Central Police Station Compound Project

22. Mr Patrick LAU asked about the current position of the above project. Deputy Secretary for Home Affairs (3) responded that the project was overseen by the Tourism Commission, which was still examining the public views received in considering the way forward.

Greening programme

23. Referring to page 17 of the discussion paper [LC Paper No. CB(2) 45/05-06(01)] provided by HAB, Miss CHOY So-yuk considered that the Administration's greening programme should also include promoting the implementation of green roof projects on buildings as well as greening works on the external walls of buildings, especially Government buildings throughout the territory.

24. Director of Leisure and Cultural Services said that the Leisure and Cultural Services Department (LCSD) had been organising various greening and horticultural activities to promote greater public awareness and support for a green environment. She added that how far the suggested greening enhancement measures could be implemented in LCSD-managed venues could be further explored in consultation with the respective DCs.

Rural public works and urban minor works projects

25. Referring to paragraph 56 of the 2005-06 Policy Address, Mr Patrick LAU requested the Administration to provide more information on the above works projects. DHA responded that between the present and the end of 2006, the Government would invest about \$160 million and \$30 million to carry out over 120 Rural Public Works and Urban Minor Works projects respectively. She also briefed members on the actual maintenance works that had been planned for 30 community halls and centres.

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26. There being no other business, the meeting ended at 6:53 pm.

Council Business Division 2
Legislative Council Secretariat
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