

立法會
Legislative Council

LC Paper No. CB(2)1012/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 12 January 2007, at 10:45 am
in the Chamber of the Legislative Council Building

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon CHEUNG Man-kwong
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Daniel LAM Wai-keung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Members absent** : Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
- Public Officers attending** : Item IV
Mr Thomas CHOW
Director of Leisure and Cultural Services

Mr Alan SIU
Deputy Director of Leisure and Cultural Services
(Leisure Services)

Miss Olivia CHAN
Assistant Director (Leisure Services)2
Leisure and Cultural Services Department

Mrs Karen YUEN Chau Oi-wah
CEO (Planning)1
Leisure and Cultural Services Department

Miss Janet WONG
Principal Assistant Secretary for Home Affairs
(Recreation and Sport)

Mrs Celina KWOK Wong Si-ling
Chief Project Manager 302
Architectural Services Department

Mr CHAN Wai-yan
Senior Project Manager 325
Architectural Services Department

Item V

Mr CHUNG Ling-hoi
Deputy Director of Leisure and Cultural Services
(Culture)

Mr LEE Yuk-man
Assistant Director (Libraries and Development)
Leisure and Cultural Services Department

Mr YAM Kin-pang
Chief Librarian (New Territories & Computerization)
Leisure and Cultural Services Department

Ms Angela LO
Information Technology Manager 2
Leisure and Cultural Services Department

Miss Polly KWOK
Principal Assistant Secretary for Home Affairs
(Culture)2

Item VI

Mr Donald TONG
Deputy Secretary for Home Affairs(1)

Mr Victor NG
Principal Assistant Secretary for Home Affairs(4)

Attendance by invitation : Item VI

Pakistan Islamic Welfare Union

Mr Khan Muhammad MALIK
Chairman

Mr Gulzar Sagar HUSSAIN
Senior Vice-chairman

Alliance of Returning Chinese from Overseas Against
Discrimination

Professor GU Minkang
Convenor

Dr WAN Sek-luen
Member

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Civic Party

Mr Francis AU YEUNG Man-bun
Equal Opportunities Group Convenor

Hong Kong Unison

Ms WONG Wai-fun
Executive Director

Civil Human Rights Front

Ms Valerie CHAN Wing-yin
Deputy Convenor
Human Rights Group

Christian Action

Ms Devi NOVIANTI
Manager

Ms Sharmila GURUNG
Manager

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

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

Ms Anna CHEUNG
Legislative Assistant (2)2

I. Confirmation of minutes

[LC Paper No. CB(2)794/06-07]

The minutes of the meeting held on 8 December 2006 were confirmed.

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

[LC Paper No. CB(2)801/06-07(01)]

2. Members noted that the Administration had provided an information paper on "Modification of Implementation Mode for Leisure and Cultural Facilities in Kwun Tong and Tseung Kwan O" after the last regular meeting.

III. Items for discussion at the next meeting

[Appendices I & II to LC Paper No. CB(2)796/06-07]

Regular meeting in February 2007

3. Members agreed to discuss the following items at the next regular

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meeting scheduled for Friday, 9 February 2007 -

- (a) protection of privacy;
- (b) examination of the existing human rights protection mechanisms; and
- (c) concluding comments adopted by the United Nations Committee on the second report of the Hong Kong Special Administrative Region (HKSAR) under the Convention on the Elimination of All Forms of Discrimination against Women.

Clerk

4. Members noted that as agreed at the regular meeting on 10 November 2006, deputations who wished to present views before the Panel on the item referred to in paragraph 3(c) above would be invited to attend the meeting. Members agreed that the next regular meeting should be advanced to start at 9:30 am in order to allow sufficient time for discussion.

Proposed item for inclusion in the list of outstanding items for discussion

Clerk

5. Referring to a letter dated 9 January 2007 from Mr Albert CHAN which was tabled at the meeting, the Chairman said that Mr CHAN proposed that the Panel should include the subject "nuisances caused by holiday flats to residents nearby" in its list of outstanding items for discussion and accord priority to discussing this item. As members raised no objection, the Chairman said that the subject would be added to the list, and the Panel would further consider the appropriate timing for discussion of the subject.

(Post-meeting note: the letter from Mr Albert CHAN was issued vide LC Paper No. CB(2)903/06-07.)

IV. Further discussion on the upgrading works for venues of the 2009 East Asian Games

6. Director of Leisure and Cultural Services (DLCS) briefed members on the salient points of the supplementary information paper [LC Paper No. CB(2)796/06-07(01)] on the upgrading works for the venues of the 2009 East Asian Games (EAG) and the Government's support for sports development. He noted that the sports sector had sent letters to members to appeal for their support for the proposed upgrading works [LC Paper No. CB(2)796/06-07(02)]

Project estimate and venue upgrading works

7. Referring to paragraphs 4 to 8 of the Administration's paper, Mr CHEUNG Man-kwong queried whether there was a genuine need for the replacement of the seats of Hong Kong Coliseum (HKC) and whether the

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Administration was bound to use such expensive seats that each was estimated to cost \$2,300. He considered that the unit cost was unacceptable, and the total cost would be a large sum of money as a total of 10 500 seats were to be replaced. Referring to paragraph 7 of the Administration's paper, Mr CHEUNG queried why the Administration assumed that the new seats would be used for another 23 years and would not be replaced again a few years later.

8. DLCS responded that the information on the unit cost was only an estimate, as the actual cost would be subject to quotations in tender returns. He explained that the estimated cost of replacing each seat had included the cost of removal of the old seats and installation of the new ones as well as the incidental refurbishment work. The information about the durability of the new seats was provided in response to members' concern raised at the last meeting. He pointed out that, as the existing seats had been used for 23 years, the seats were worn-out due to heavy utilisation and maintenance of the seats would not be cost-effective. The Administration therefore intended to take this opportunity to replace the aged seats once and for all to avoid closure of HKC again for seat replacement which should be unavoidable given the condition of the existing seats.

9. Mr CHEUNG Man-kwong, however, considered that the Administration had not provided adequate justifications for proposing to use such expensive seats. The Chairman expressed concern whether the estimated high cost of the seats might induce tenderers to quote a price higher than they originally planned to.

10. DLCS responded that, as the selection of tender would mainly be based on the price quotations, it would not work to the advantage of a tenderer if he deliberately quoted a higher price for the seats. He further pointed out that in estimating the price, the Administration had first studied the prevailing price range of seats of the required quality quoted by different suppliers. He added that the Administration considered the estimated price range realistic having regard to seats used at facilities of a similar nature, e.g. town halls, civic centres or lecture theatres of universities.

11. The Chairman noted that, compared with the previous proposal on the improvement works submitted to the Panel for discussion on 8 December 2006, while the amount of project estimate had remained unchanged, the unit cost of some of the works items had already been reduced. The Administration had, however, used the savings to implement other additional works for the venues. The Chairman said that she had no strong view on this.

12. Mr CHEUNG Hok-ming expressed support for the proposed upgrading works. In response to Mr CHEUNG's enquiry, Deputy Director of Leisure and Cultural Services (Leisure Services) (DDLCS(LS)) said that it was the Tseung Kwan O Sports Ground, and not Hong Kong Stadium (HKS), to be the venue for holding athletic events of the 2009 EAG. Therefore, the improvement

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works for HKS did not include improvements of athletic facilities.

Accessibility of the EAG venues to persons with disabilities

13. Dr Fernando CHEUNG requested the Administration to confirm whether it would ensure that the EAG venues would comply with the requirements of the Design Manual: Barrier Free Access 1997 (the Design Manual) after the upgrading works. He further suggested that the Administration should put in place a standing mechanism for persons with disabilities to reflect their views on the design of the venue upgrading projects.

14. Senior Project Manager 325 (SPM325) of the Architectural Services Department said that the Administration would ensure compliance with the requirements of the Design Manual as far as feasible in implementing the venue upgrading works. He, however, pointed out that, given the structural constraints of the EAG venues which mostly had been built a long time ago, the Administration could not give an undertaking that it could ensure complete compliance with requirements of the Design Manual.

15. SPM325 informed members that Wan Chai District Council had conducted a review on the facilities in the Queen Elizabeth Stadium (QES) and had made suggestions on enhancing the accessibility of the venue to persons with disabilities. SPM325 said that the Administration would take on these suggestions as far as possible. He also informed members that a ramp would be provided at the main entrance of HKS to provide barrier-free access. As regards HKC, SPM325 said that stairlifts, toilet facilities and more seats for the use of persons with disabilities would be provided.

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16. DLCS undertook to explore with ArchSD and relevant departments the establishment of a mechanism for organisations concerned to give suggestions on how to meet the needs of persons with disabilities, and incorporating such suggestions in the design of the venue upgrading projects as far as possible.

Greening enhancement measures for the EAG venues

17. The Chairman considered that the Administration should adopt environmentally-sound designs, such as green roofs and vertical greening, for all the EAG venues. She requested the Administration to give an undertaking in this regard. DLCS undertook that the Administration would incorporate such greening measures into the designs of the venue upgrading projects as far as technically permissible. At the Chairman's request, DLCS agreed to give an undertaking in this regard in its submission made to the Public Works Subcommittee (PWSC) on this funding application.

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Financial support to elite athletes

18. Mr Andrew CHENG said that the Administration must not neglect the

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development of elite athletes who had devoted themselves to compete for Hong Kong in the international sports arena. He requested the Administration to give an undertaking that it would enhance funding support for elite athletes and for their career development. He said that, as recently reported by the media, the general level of financial subsidy received by elite athletes was found to be lower than the general income level of employees in Hong Kong. He suggested that reference should be made to the amount of monthly stipend of research postgraduate students, which was about \$10,000, in setting the level of financial subsidy for elite athletes.

19. Principal Assistant Secretary for Home Affairs (Recreation and Sport) (PASHA(R&S)) referred members to the supplementary information paper [LC Paper No. CB(2)866/06-07(01)] on the financial support provided to athletes of different categories by Hong Kong Sports Institute. She pointed out that each Elite A athlete could receive at least \$10,000 per month on average. She invited members to note that the Administration would provide additional funding of \$40 million annually from 2007-2008 for formulating a more systematic and comprehensive support scheme for elite athletes.

20. Noting that some elite athletes received a monthly stipend of only \$5,000 and the great discrepancies in the amounts of financial subsidy being provided to Elite A athletes and Elite C athletes, Mr Andrew CHENG asked about the categorisation of elite athletes and whether it was possible to raise the level of monthly stipend of those who were receiving only \$5,000 per month to a much higher level.

21. PASHA(R&S) responded that the criteria for the amounts of monthly stipend provision were set out in Annex 4 to the supplementary information paper. Referring to Annex 1 to the same paper, PASHA(R&S) said that the Administration aimed at increasing both the number of elite athletes eligible to receive monthly stipends as well as the current amounts of the monthly stipends.

22. The Chairman reminded members that the subject "Policy on long-term sports development " was already on the list of outstanding items for discussion of the Panel. She suggested that the Panel could follow up the issue at its regular meeting in April 2007.

Development of community recreational facilities

23. Mr Albert CHAN expressed concern that the implementation of sports facilities projects for the 2009 EAG would further delay the implementation of the outstanding ex-Municipal Council leisure and cultural services (LCS) projects, especially those planned for Tin Shui Wai and Tung Chung, due to competition for resources. He requested the Administration to give an undertaking that it would not neglect the need to expedite the implementation of LCS projects to meet district needs.

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24. DLCS assured members that the implementation of the venue upgrading projects would not cause any delay to the delivery of the 25 priority projects announced in the Chief Executive's Policy Address in 2005 and the 21 LCS projects which the Administration had undertaken to take forward following a review of the outstanding LCS projects conducted in early 2006. He invited members to note that 69 LCS projects scheduled for implementation in the next five years involved a total capital cost of \$11 billion. Therefore, the cost of \$1 billion on sports facilities for the 2009 EAG only took up less than 10% of the overall budget for LCS facilities.

Ticket sale for the 2009 EAG

25. Mr CHEUNG Man-kwong reiterated his concerns about ticket sale for the 2009 EAG as elaborated at the last meeting on 8 December 2006. He asked whether the Administration had considered reducing the ticket price, especially that for the less popular competition events, and how to boost the audience figure.

26. DDLCS(LS) said that the ticket price \$100 was only the average price. He pointed out that the ticket price would be higher for some competition events but would be lower for those less popular competition events. He further said that this average price had been set taking into account local experience in organising international sports events. He pointed out that as the Administration had previously reported to the Finance Committee (FC), the gross revenue to be generated from ticket sales had been estimated on the assumption that only 40 to 50% of the audience watching the competition events purchased tickets at an average price of \$100. In other words, there would be much room for distributing complimentary tickets to students and the elderly so that attendance could be boosted. DDLCS(LS) added that the Administration had been undertaking active promotion work in schools through the School Sports Programme to enhance students' interest about the 2009 EAG.

27. Mr Timothy FOK declared that he was the Chairman of Sports Federation and Olympic Committee of Hong Kong, China. He pointed out that the venue upgrading works had the support of the sports sector and would also be beneficial to the community. He echoed the concern of Mr CHEUNG Man-kwong about the attendance of the competition events. He also considered that the interest and participation of the community, especially students, in the 2009 EAG was most important and urged the Administration to step up the promotion work especially in schools.

28. The Chairman reminded members that the Administration would submit the funding application for the EAG venue upgrading works to PWSC for consideration at its meeting on 24 January 2007. Dr Fernando CHEUNG said that, unless the Administration undertook that it would thoroughly consult persons with disabilities for their views on what should be included in the

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design of the venue upgrading projects to cater for their needs, he would oppose submission of the funding application to PWSC. DLCS undertook that the Administration would follow up Dr CHEUNG's request. The Chairman suggested that Dr CHEUNG could seek further information on what had been done by the Administration in consulting the views of persons with disabilities at the relevant PWSC meeting. Mr CHEUNG Man-kwong said that he might oppose the relevant upgrading project if the Administration insisted on proposing using such expensive new seats that cost \$2,300 each. The Chairman requested the Administration to take note of Mr CHEUNG's view.

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29. As no further comments were raised, the Chairman concluded that the Panel did not object to the submission of the funding application to PWSC for further consideration.

V. Replacement of Library Automation System for Hong Kong public libraries

[LC Paper No. CB(2)796/06-07(03)]

30. Deputy Director of Leisure and Cultural Services (Culture) (DDLCS(C)) briefed members on the salient points of the Administration's paper on a proposed project to replace the Library Automation System (LAS) of the Hong Kong Public Libraries (HKPL) with a new system, and to launch a pilot run of an add-on Radio Frequency Identification (RFID) sub-system.

Proposed LAS replacement

31. Professor Patrick LAU asked whether the new LAS would enable HKPL to network with any other libraries. Assistant Director (Libraries and Development) (AD(LD)) of the Leisure and Cultural Services Department (LCSD) responded in the affirmative. He pointed out that the existing LAS of HKPL already networked with libraries in the Pearl River Delta Region, including Shen Zhen Library, Sun Yat-Sen Library of Guangdong Province and Macau Central Library, which had made online concurrent searching of catalogues of all these libraries possible. AD(LD) also informed members that the University of Hong Kong (HKU) was conducting a research study on RFID in collaboration with HKPL which aimed at integrating technologies and information resources. In response to Professor LAU's further enquiry, AD(LD) confirmed that the project estimate set out in the Administration's paper had included the costs of providing the necessary networking functions by the new LAS and relevant research cost.

32. Mr LAU Wong-fat asked whether the Administration had a plan to promote the new functions of the proposed new library system to the public after replacement. He also asked whether the Administration would consider setting up mechanisms for monitoring the usage rate and effectiveness of the new functions of the new LAS.

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33. DDLCS(C) responded that LCSD would take the opportunity of its current regular meetings with each District Council (DC) to introduce the new functions of the proposed LAS. As regards the monitoring of the new library system in future, DDLCS(C) said that library users' views on the new library system could be sought through the regular Customer Liaison Group meetings conducted by HKPL. LCSD officers would also collect feedback on the new library system through meetings with DCs. In response to the suggestion of Mr LAU Wong-fat, DDLCS(C) said that the enhancement of LAS would also be introduced to community organisations including students' and teachers' associations.

34. Mr WONG Ting-kwong asked whether contingency measures would be devised to cope with teething problems that might arise during system installation of the new LAS and data migration. Mr Albert CHAN echoed Mr WONG's concern. AD(LD) responded that the Administration would carefully plan for the implementation of the new LAS and conduct frequent system testing before its full implementation in order to ensure smooth launching of the new system. He said that the Administration had also accumulated experience in this regard as the systems of ex-Urban Council Public Libraries and ex-Regional Council Public Libraries had undergone a merging process in 2000 upon the abolition of the two former municipal councils. He added that reference would be made to the experience of libraries in other places which had also replaced their systems with the new LAS.

35. Mr Albert CHAN expressed concern whether the new LAS was user-friendly. He said that it was reported by the press that the Social Welfare Department (SWD) had scrapped its plan of launching a new computer programme as its frontline staff had great difficulties in using the new programme, thus resulting in a waste of over \$100 million that had been spent on the development and installation of new programme. He urged the Administration to learn from the experience.

36. AD(LD) responded that the new LAS was proposed to be a commercial off-the-shelf library package that was based on open standards and best practices of the information technology and library industries. He said that the new system would bring many benefits through the new customer-focused features for the provision of public library services in Hong Kong as detailed in paragraph 12 of the Administration's paper. The Administration was confident that library users and frontline staff would also find the new system user-friendly and effective.

RFID Pilot Study

37. Referring to paragraph 15 of the Administration's paper, Mr CHEUNG Man-kwong expressed concern whether it was an appropriate timing to implement the RFID Pilot Study in parallel with the LAS replacement and

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launch it in mid-2010, given that there were still some technical limitations with RFID technology and the cost of RFID applications was anticipated to drop over the course of time. He also expressed concern about the cost-effectiveness of adopting RFID as the LAS replacement together with the RFID Pilot Study would bring about notional savings of only about \$5 million but would require a non-recurrent expenditure of about \$200 million over a six-year period. He added that the expenditure would increase substantially if RFID was fully implemented in the existing 66 HKPL.

38. AD(LD) responded that RFID technology was developing very rapidly in recent years. He explained that by launching the pilot study, major library operations would be tested out with RFID technology. Feedback of library users on the use of the new technology would be closely monitored whilst more cost-effective solutions would be explored. AD(LD) said that the cost of RFID applications was expected to drop by mid-2010 and improvements to the technical limitations (e.g. lack of open standards for RFID technology for the library industry) were expected in coming years. AD(LD) further said that the experience gained from the pilot study would be analysed in drawing up plans for the full implementation of RFID in HKPL. He added that consultation with the Panel would be necessary if the Administration intended to recommend full implementation of RFID in HKPL.

39. Mr CHEUNG Man-kwong said that the Polytechnic University of Hong Kong (HKPU) was also undertaking a research study on RFID. He suggested that the Administration should also obtain information from HKPU on their research study. AD(LD) agreed to follow up.

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Further enhancement of library services in Hong Kong

40. Mr WONG Ting-kwong asked whether the Administration would consider requesting local universities to permit Hong Kong citizens who had no library cards issued by their libraries to borrow books from them.

41. AD(LD) responded that LCSD was currently exploring with HKU the feasibility of launching a scheme under which the Hong Kong Central Library would make referral of library users who had a need to use the HKU Library by issuing temporary library cards to these users. Details of the scheme would be published after they had been worked out.

42. The Chairman asked if it was possible to let Hong Kong citizens to have the option of using the Smart ID Card for library services of all HKPL and libraries of local universities in order to facilitate their use of library services. AD(LD) responded that after the launch of the Smart ID card in June 2003, Hong Kong citizens had been able to use their Smart ID cards for library services by submitting applications to HKPL. Successful applicants would no longer need to carry a separate library card. He added that further collaboration between HKPL and local university libraries would be explored in the long-

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term development of library services in Hong Kong.

43. As no further comments were raised, the Chairman concluded that the Panel supported submission of the funding application to FC at its meeting scheduled for 9 February 2007 for the replacement of the LAS together with the RFID Pilot Study.

VI. Outline of topics for preparing the second report of the Hong Kong Special Administrative Region (HKSAR) under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

[LC Paper No. CB(2)796/06-07(04)-(08)]

Meeting with deputations

Pakistan Islamic Welfare Union

44. Mr Khan Muhammad MALIK said that ethnic minorities in Hong Kong encountered many problems in their daily lives, e.g. in housing and acquisition of goods and services, and the proposed anti-racial discrimination legislation would be important to them. He considered that the Government should eliminate the language barrier and ensure that the use of English and Chinese were both catered for in all public services. He highlighted that children ethnic minorities studying in Hong Kong were disadvantaged in their studies by their weaknesses in Chinese, and additional assistance and support should be provided to them to resolve their language problem.

Alliance of Returning Chinese from Overseas against Discrimination
[LC Paper No. CB(2)796/06-07(08)]

45. Professor GU Minkang presented the views of Alliance of Returning Chinese from Overseas against Discrimination as detailed in its submission. He said that the definition of "race" contained in the Race Discrimination Bill should not be the same definition adopted under ICERD as the latter was rather narrow in scope. He further said that Alliance of Returning Chinese from Overseas against Discrimination supported that the Bill should be extended to cover discrimination on the grounds of language, accent and cultural background. They were of the view that discriminatory acts against new arrivals from the Mainland in Hong Kong would be encouraged if such discrimination was excluded from the scope of the Bill.

Hong Kong Human Rights Monitor

46. Mr LAW Yuk-kai said that, in submitting reports to the UN Committee under ICERD, the Administration should include detailed breakdown of statistics on the socio-economic conditions of the ethnic minority population in

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Hong Kong to enable the UN Committee to have a full picture of their situations in Hong Kong. He also suggested that reference should be made to the English Race Relations Act under which the UK Government had an obligation to make policy assessment regarding impact on the ethnic minorities.

47. Mr LAW also expressed concern particularly about education problems faced by Nepalese children in Hong Kong and the language barrier encountered by ethnic minorities in seeking public medical services. He said that many complaints had been received from the ethnic minorities that they had not been provided with necessary interpretation services while seeking consultation at public hospitals even though they had requested for the service at the time of making the appointment. Mr LAW suggested that the Hospital Authority should make available information on the number of occasions on which interpretation services had been arranged for ethnic minorities seeking consultation at public hospitals.

Civic Party

[LC Paper No. CB(2)866/06-07(03)]

48. Mr Francis AU YEUNG presented the views of Civic Party as detailed in its submission. He expressed concern about the exclusion of new arrivals from the Mainland from the scope of the Race Discrimination Bill. He said that the Bill could also apply to new arrivals from the Mainland by expanding its scope to cover discrimination on the ground of a person's (former) immigrant status or a person's origin from any territory outside HKSAR. He also expressed concern that the Government had not done enough in helping the ethnic minorities to resolve the problem of language barrier especially in seeking public medical services.

49. In relation to Articles 2 and 5 of ICERD, Mr AU YEUNG pointed out that the problem of discrimination on the ground of religion should be tackled and that the equality in the enjoyment of political rights should be guaranteed. However, under the existing political system, the Chief Executive of HKSAR had to be Chinese and this was different from the Mainland where persons who were members of the ethnic minority groups were allowed to be members of the National People's Congress or even to hold office at the senior level in the government.

Hong Kong Unison

[LC Paper No. CB(2)914/06-07(01)]

50. Ms WONG Wai-fun presented the views of Hong Kong Unison as detailed in its submission. She said that, in submitting reports to the UN Committee under ICERD, the Administration should explain why the Race Discrimination Bill had provided for so many exceptions, in particular, the exception for use or failure to use particular languages in any circumstances. Ms WONG urged the Administration to provide statistics on the number of

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ethnic minority students who were able to be admitted to Form Six and to universities. She also raised concern about the quality of some schools that traditionally admitted a large number of Nepalese students. She pointed out that, while ethnic minority students were encouraged to take the General Certificate of Secondary Education (GCSE) (Chinese), it remained doubtful as to whether the GCSE results were officially recognised. She also expressed dissatisfaction with the Administration's failure in resolving the problem of language barrier which had hindered ethnic minorities in gaining access to public services. She cited the example of the webpage of the Labour Department on job vacancies which was largely presented in Chinese and there was no service counters with interpretation service to cater to the needs of the ethnic minority job seekers.

Civil Human Rights Front

[LC Paper No. CB(2) 866/06-07(02)]

51. Ms Valerie CHAN presented the views of Civil Human Rights Front as detailed in its submission. She raised a series of questions on the following areas affecting the ethnic minorities and their children -

- (a) education and vocational training; and
- (b) public health, medical care, social security and social services.

52. Ms CHAN urged the Administration to provide answers to the list of questions set out in its submission and all relevant information.

Christian Action

[LC Paper No. CB(2) 903/06-07(01)]

53. Ms Devi NOVIANTI presented the views of Christian Action as detailed in its submission. She raised the following concerns for the Administration's responses -

- (a) why the Government had not introduced any regulation in respect of minimum working hours for foreign domestic helpers who were vulnerable to exploitation due to the live in requirement;
- (b) domestic helpers from Southeast Asia had indicated that they had been pressurised by the Presiding Officers of the Labour Tribunal to accept settlements from their employer that were far below their rightful claims;
- (c) what the Government had done to ensure that the frontline officers of the Immigration Department had no racial bias in the performance of their official duties; and

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- (d) the absence of interpretation services in public hospitals and the Labour Department had seriously hindered the ethnic minorities in gaining access to relevant services.

Other submission received
[LC Paper No. CB(2)866/06-07(04)]

54. Members noted a joint submission made by Hong Kong Human Rights Commission, Society for Community Organisation, New Immigrants Mutual Aid Association, and Voices of the Rights of Asylum Seekers and Refugees, which had not sent any representatives to attend the meeting.

The Administration's response

55. The Chairman requested the Administration to provide written response to the views and concerns raised by the deputations. She invited the Administration to make an initial response. Deputy Secretary for Home Affairs (1) (DSHA(1)) said that he would only provide preliminary response at this meeting and more detailed information would be provided in the HKSAR's report on the implementation of ICERD to be submitted to the UN Committee. He further said that, as many of the concerns raised by deputations were relating to the content of the Race Discrimination Bill, the Administration would provide detailed response during discussions held by the relevant Bills Committee which would probably discuss the same concerns. He added that individuals' complaints concerning difficulties encountered by ethnic minorities in areas, such as education, immigration and public medical services, could be separately examined if and when more details could be made available.

Education and vocational training

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56. Mr CHEUNG Man-kwong requested the Administration to give a detailed account of the concerns and comments raised by concern organisations on the issue of education and vocational training in HKSAR's report to be submitted to the UN Committee under ICERD.

57. Referring to paragraph 24 of the outline of the topics to be covered in the report (Appendix to the Administration's paper), Mr CHEUNG said that he did not see the measures taken by the Education and Manpower Bureau (EMB) in enhancing non-Chinese speaking (NCS) ethnic minority children's learning of the Chinese language could enable them to seek development in education. He pointed out that even after the central Chinese Language Curriculum Guide had been issued in 2008, it still remained uncertain whether individual schools would develop their school-based Chinese curriculum by making adaptations to the central Guide. He noted that, in helping NCS students to attain alternative qualifications in Chinese, EMB was discussing with the relevant examination authorities the arrangements for administering GCSE (Chinese) examination in Hong Kong for these students beginning 2007. He, however, pointed out that it

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also remained uncertain whether a student could get admitted to Form Six with GCSE (Chinese) results and, in fact, local universities had still not recognised the qualifications. Mr CHEUNG said that the lack of avenue provided to NCS students to attain qualifications in Chinese for admission to local universities had explained why it was so rare for ethnic minority students to get admitted to universities. He further said that this was a serious problem and was related to race discrimination that had to be resolved. He considered that affirmative action should be taken to ensure that a certain percentage of NCS students could be admitted to universities through a quota system.

58. Mr CHEUNG Man-kwong also said that the Vocational Training Council (VTC) should offer courses using English as the medium of instruction. He further said that the ethnic minorities had raised that, other than the field of security guards and other labour work, they had little choice in occupation due to the lack of vocational training.

59. DSHA(1) pointed out that the Hong Kong Institute of Vocational Education (IVE) of VTC used English as the medium of instruction for some of its training courses, and NCS students might apply for admission to IVE programmes. In addition, VTC offered additional craft and foundation level courses specifically targeted at NCS students in the 2006-2007 school year. Due to shortage of time, Mr CHEUNG requested the Administration to give more detailed response to his concerns in the HKSAR's report to be submitted to the UN Committee under ICERD.

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Race Discrimination Bill and support measures for ethnic minorities

60. Miss TAM Heung-man expressed concern that the effectiveness of protection afforded by the Bill might be undermined by the many exceptions it provided for. She asked what measures were adopted by the Administration to resolve the problems encountered by ethnic minorities living in Hong Kong. The Chairman said that these exceptions should be discussed by the relevant Bills Committee in the course of its scrutiny of the Bill. DSHA(1) said that the Administration had taken a number of support measures in different areas, e.g. education, employment and vocational training, to assist ethnic minorities and some of these could only be offered if there were exception clauses. It would give a detailed account of such measures in its report to be submitted to the UN Committee under ICERD.

61. Mr Albert HO reminded the Administration that the numerous exceptions provided for in the Race Discrimination Bill would be a major concern of the UN Committee during its hearing on HKSAR's second periodic report. He considered that the Administration would probably be asked to provide detailed justifications for every exception included in the Bill. DSHA(1) pointed out that the LegCo Brief issued on the Bill contained a separate annex setting out briefly the explanations for the exception clauses in the Bill.

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62. Mr Albert HO said that discrimination on the ground of language often gave rise to indirect racial discrimination. He also noted that the common major problem mentioned by the deputations was the problem of language barrier. He expressed concern whether ethnic minorities were given equal treatment at public hospitals and at immigration control points, and whether the provision of any emergency services to them had ever been delayed due to the problem of language barrier. He requested the Administration to conduct surveys and obtain information from non-governmental organisations on the number of complaints on racial discrimination received and present the information to the UN Committee. He suggested that these complaints should be divided into categories and the Administration should explain what actions had been taken in dealing with the complaints.

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63. DSHA(1) responded that pre-arranged interpretation service could be provided at public hospitals to cater for the needs of ethnic minorities, if they had informed the hospital of their need for interpretation service at the time of making the appointment. He undertook to follow up with the Health, Welfare and Food Bureau to explore if there was room for improvements.

Admin

64. Mr Albert HO also requested the Administration to assess what improvements would be brought about to the situations of the ethnic minorities in Hong Kong by the enactment of the Bill. DSHA(1) agreed to provide the information on racial discrimination complaints later.

General profile of the ethnic minorities in Hong Kong

65. Dr Fernando CHEUNG suggested that the Census and Statistics Department should conduct surveys on the general profile of three ethnicities (Pakistani, Nepalese and Indian) in Hong Kong, including their educational attainment, employment rate, income level, occupations, etc., as well as in-depth topical research studies on foreign domestic helpers and new arrivals from the Mainland, as he found that official information in these regards was lacking. DSHA(1) responded that he could not give an undertaking at the present moment that these surveys would be launched but he undertook to liaise with relevant departments to explore how to take forward the suggestion. At the request of the Chairman, DSHA(1) agreed to give a written reply on the outcome of liaising with the relevant departments.

Admin

Discrimination against new arrivals from the Mainland

66. The Chairman asked whether the HKSAR's second periodic report would cover discrimination against new arrivals from the Mainland and measures for tackling the problem. DSHA(1) said that the Administration would explain in the report why it did not include new arrivals from the Mainland within the coverage of the Bill. He said that the Administration was committed to offering that these new arrivals enjoyed opportunities in gaining

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access to public services and it would take necessary measures for dealing with their problems.

67. The Chairman stressed that, while she agreed with the Administration's view that new arrivals from the Mainland did not constitute a racial or ethnic group in Hong Kong, the problem of discrimination against them did exist and it was a new form of discrimination unique to Hong Kong. She considered that it was imperative for the Administration to address the problem. The Chairman also reminded the Administration that it had originally agreed that legislation against racial discrimination in Hong Kong would cover new arrivals from the Mainland as well. She requested the Administration to provide details on the measures for tackling the problem of discrimination against Mainland new arrivals in the HKSAR's report to be submitted to the UN Committee under ICERD.

Admin

Public response to the consultation on the implementation of ICERD in respect of the outline of topics

68. In response to the Chairman's enquiry, DSHA(1) said that the Administration had received about 10 written submissions during the public consultation, and the concerns raised in the submissions were more or less the same as those raised by the deputations at this meeting.

69. There being no other business, the meeting ended at 1:02 pm.