

Panel on Home Affairs

**List of outstanding items for discussion
(as at 11 April 2007)**

**Proposed timing
for discussion**

1. Grant of land at a nominal land premium to private groups or organizations for sports and recreational uses

An oral question was raised at the Council meeting on 13 November 2002 about the grant of government land at a nominal land premium to private groups or organisations for use as clubs or clubhouses. The Administration has been asked to review the criteria for the grant of land for sports and recreational uses.

Not suggested for discussion in the near future
(Note)

Note: The Administration has advised that the grant of government land at a nominal land premium to private groups or organisations for use as clubs or clubhouses has a long history, in some cases dating back to 100 years ago. The original justification for this policy was to facilitate the promotion of sports and recreational pursuits by providing land to sports associations and non-profit making bodies to develop sports and recreational facilities for the benefit of the community at large. With the extensive provision of public leisure facilities over the past decades, any similar applications for such land grants cannot be readily justified. However, a review of land grants or leases that are still in force would inevitably involve complex legal and financial issues. With competing priorities, the Home Affairs Bureau (HAB) has advised that it has no plan to conduct a comprehensive review on the matter. Leases for such associations or clubs that are due for renewal will be considered on a case-by-case basis taking into account of all relevant factors.

**Proposed timing
for discussion**

2. Enforcement of maintenance order

a. Setting up an intermediary body for the collection of maintenance payments

Item proposed by Hon CHOY So-yuk. This issue was last discussed by the Panel on 8 February 2002. The Bills Committee on Interest on Arrears of Maintenance Bill 2001 has requested this Panel to discuss the setting up of such an intermediary body.

Not suggested for discussion in the near future
(Note)

Note: The Administration has advised that it remains of the view that improving the existing system of collecting maintenance payments and enforcing maintenance orders is more effective than setting up a maintenance board. Over the years, the Administration has amended the law, and improved the court procedures and administrative measures affecting maintenance payees to facilitate enforcement of maintenance orders and timely collection of maintenance payment. Details of these measures are set out at Annex.

b. Streamlining the relevant court procedures

The Bills Committee on Interest on Arrears of Maintenance Bill 2001 has requested the Panel on Administration of Justice and Legal Services (AJLS Panel) to follow up with the Administration on ways to streamline court procedures in relation to enforcement of maintenance order and address the problem of evasion of service of summons by maintenance payers who have defaulted on their maintenance payments. Some members of the Bills Committee have suggested that the summons should be considered to have been served so long as the summons has been served to the address provided by the payer.

Around end
2007/early 2008
(Note)

AJLS Panel suggests that as the item falls under the policy area of the Home Affairs Bureau (HAB), it is more appropriate for it to be followed up by this Panel.

Note: The Administration has advised that to combat the

**Proposed timing
for discussion**

problem of maintenance payers deliberately trying to evade service of judgment summons, HAB is working on legislative amendments to relax the requirement for judgment summonses to be served personally.

c. Proposed amendments to the Attachment of Income Order Legislation

The Administration has proposed to discuss this subject at the Panel meeting on 13 April 2007. The proposed amendments are aimed to plug existing loopholes in legislation affecting the enforcement of maintenance order.

13 April 2007

3. Future development of public libraries

The Panel received the Administration's briefing on the consultancy report on the future development of public libraries on 13 December 2002. Members requested the Administration to consult the Panel before finalising its recommendations and provide an interim report to the Panel when it was available.

May/June 2007
(Note)

Note: The Administration has advised that the Committee on Libraries will shortly submit its findings and recommendations to the Secretary for Home Affairs (SHA). HAB will consult the Panel on the Report before finalising its response for implementation.

4. Membership of the Full Council and Executive Committee of Heung Yee Kuk (HYK)

At the meeting of the Duty Roster Members (DRMs) with representatives of the Association of the New Territories (NT) Indigenous Residents on 16 December 2002, the latter expressed dissatisfaction with the Heung Yee Kuk (HYK) Ordinance (Cap. 1097) under which the NT Justices of the Peace (JPs) served as Ex Officio Councillors of the Full Council and Ex Officio Members of the Executive Committee of HYK. They considered that the NT JPs, and Special Councillors and Co-opted Councillors of HYK could not represent and protect the interests of the villagers and indigenous inhabitants of NT and requested that the HYK

4th Quarter 2007
(Note)

**Proposed timing
for discussion**

membership should be reviewed. Their views were referred to this Panel for consideration on 24 December 2002.

The Administration has proposed to discuss this item along with item 7 on traditional rights and interests of indigenous villagers of NT.

Note: The Administration has advised that traditional rights and interests of indigenous villagers of the NT are enshrined in the Basic Law. Rural matters of mutual concern to HYK and the Administration are discussed in two separate forums led by HPLB and HAB respectively. The Administration would first need to consult the HYK in the appropriate forum mentioned above. Separately, the Administration has indicated its plan to review rural elections after the current round of Village Representatives/Rural Committees/HYK elections to be completed by mid 2007. An information note on the subject will be issued.

5. Promotion of youth development

At the policy briefing held on 15 January 2003, members noted that the Commission on Youth (COY) had submitted a draft report on unemployment problems of young people to the Chief Executive. The Panel requested to be briefed on how HAB would cooperate with COY in tackling youth problems. At the informal meeting between the Chairman and SHA on 13 November 2006, the Administration said that as this was employment-related, HAB would liaise with the Economic Development and Labour Bureau (EDLB) to provide an update.

3rd Quarter 2007
(Note)

Note: The Administration is preparing an information paper on the subject of youth employment and intends to seek the input of the COY which, under its new Chairman, is mapping out a new action plan on youth development. The Administration has also indicated that the new Centre on Youth Development to be commissioned in 2008 may have a useful role to play in providing youth employment. The Administration plans to consult the Panel on its detailed proposals for the Centre on Youth Development later in the year after COY has deliberated on the matter.

6. Policy on long-term sports development

**Proposed timing
for discussion**

The Panel discussed the new administrative structure for sports development on 14 and 29 July 2003 and the operation problems of National Sports Associations on 3 July 2006.

13 April 2007
(Note)

At the meeting on 21 June 2005, Hon Andrew CHENG suggested that the Panel should discuss the policy on long-term sports development, including the development of the Hong Kong Sports Institute and elite sports training.

Note: The Administration briefed Members on initiatives on sports development at the special meeting of the Panel on 16 October 2006. Since October 2006, the Administration has consulted stakeholders on these initiatives, including in particular support for elite athletes and redevelopment of the Hong Kong Sports Institute. Two separate papers have been submitted to the Panel for discussion at its meeting on 13 April 2007.

7. Traditional rights and interests of indigenous villagers of NT

At the Legislative Council (LegCo) Members' meetings with HYK Councillors on 10 June 2003 and 2 March 2004, issues relating to the enactment of legislation to implement Article 40 of the Basic Law and exemption from payment of Government rent were discussed. Members agreed that the issues involving policy consideration about the traditional rights and interests of indigenous villagers in NT should be referred to this Panel for follow-up. Members also suggested that HYK Councillors should be invited to attend the relevant meeting(s) of this Panel to give views when the issues were discussed.

See item 4 above
(Note)

The Administration has proposed to discuss this item together with item 4 on membership of the Full Council and Executive Committee of HYK.

Note: See item 4 above.

8. Impact of authorised football betting and measures to address gambling-related problems

**Proposed timing
for discussion**

During the scrutiny of the Betting Duty (Amendment) Bill 2003, the Administration undertook to review the impact of authorised football betting against benchmarks, such as changes in the intensity of illegal gambling activities and prevalence of problem and pathological gamblers, and to report the findings to this Panel after authorised football betting had been implemented for two years.

Mid 2008
(Note)

After its scrutiny of the Betting Duty (Amendment) Bill 2006, the Bills Committee agreed that issues concerning measures to address gambling-related problems and the scope of services financed by the Ping Wo Fund be referred to this Panel for discussion in 2007.

Note: In the course of examination of the Betting Duty (Amendment) Bill 2006, similar questions were raised by the Bills Committee, and the Administration's response was issued vide LC Paper No. CB(2)2155/05-06(01). The Administration has proposed to delete the first paragraph of this item. As regards the scope of services financed by the Ping Wo Fund, HAB plans to review, in 2008, the effectiveness of the four pilot gambling counselling and treatment centres, and decide the way forward having regard to the operational experience gathered from the two new centres which were commissioned in early 2007, the findings of the review and advice from the Ping Wo Fund Advisory Committee. HAB will report to the Panel on this item in 2008.

9. Built heritage conservation

At the Panel meeting on 9 November 2004, the Administration reported on the major findings of the first stage public consultation on the review of built heritage conservation policy (the Review) conducted from February to May 2004. Following discussion on the progress of the Review at its meeting on 9 March 2007, the Panel will hold a special meeting on 20 April 2007 to receive public views on Hong Kong's built heritage conservation policy.

20 April 2007

The Panel on Planning, Lands and Works has requested that its members should be invited to join the discussion on this subject.

**Proposed timing
for discussion**

10. Safeguarding Hong Kong's core values

Item proposed by Hon TAM Heung-man on 12 October 2004. A group of professionals and academics initiated a declaration on safeguarding Hong Kong's core values around May/June 2004. In June 2004, the Chief Executive met with the group to hear their views.

To be advised
(Note)

Note: The Administration has requested a clarification by the Panel or the Honourable Member before an appropriate response may be given.

11. Submission of reports by the Hong Kong Special Administrative Region Government to the United Nations under international human rights treaties

The second report of the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Economic, Social and Cultural Rights (ICESCR) was submitted to the United Nations (UN) in June 2003. The related hearing was held in Geneva between 27 and 29 April 2005. The concluding observations, issued on 13 May 2005, were discussed by the Panel on 21 June 2005. China is required to submit its second periodic report before 30 June 2010.

As and when those reports are submitted by China to UN and published
(Note)

The initial report of the HKSAR under the Convention on the Rights of the Child (CRC) was submitted to UN in June 2003. The Panel discussed the report on 11 June 2004 and 20 July 2005. The related hearing was held in Geneva on 19 and 20 September 2005. The concluding observations, issued on 30 September 2005, were discussed by the Panel on 8 November 2005 and 10 February 2006. The second report of HKSAR under CRC is due for submission by 31 March 2009 as part of China's combined third and fourth report.

The Panel discussed the preparation of the second report of HKSAR under the International Covenant on Civil and Political Rights (ICCPR) on 11 April 2003. The report was submitted to the UN Committee on 14 January 2005. The report was discussed by the Panel on 10 March 2006. It was heard by the UN Committee on 20 and 21 March 2006. The

**Proposed timing
for discussion**

Panel discussed the concluding observations on the second report on 9 June 2006. The third periodic report is due in 2010.

The HKSAR's second report under the International Convention in the Elimination of All Forms of Racial Discrimination (ICERD) will form part of China's 10th to 13th combined periodic report to be submitted to UN in 2007. The 10th and 11th reports of China were due to be submitted by 28 January 2003. The Panel discussed the preparation of the second report of HKSAR under ICERD on 13 December 2002. The Panel discussed the outline of HKSAR's second report under ICERD on 12 January 2007.

The Panel discussed the preparation of the second report of HKSAR under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 8 November 2002. The report was submitted as part of China's combined 5th and 6th reports in early 2004. The Panel discussed the HKSAR's second report on 9 June 2006. After conducting its hearing on China's report (including the HKSAR's second report) at its 36th session in August 2006 in New York, the UN Committee published its concluding comments on 31 August 2006. China is required to submit its combined 7th and 8th reports in September 2010. The Panel discussed the concluding comments on 9 February 2007.

The Administration's second report on implementation of international human rights treaties in Hong Kong in 2004 was issued vide LC Paper No. CB(2)2403/04-05(01) dated 1 August 2005.

Note: The Administration has advised that the report on ICERD is being finalized. It will be published and made available to Members when the consolidated China Report is submitted by China to UN. Meanwhile, there are no immediate matters for discussion.

12. Review of advisory and statutory bodies

The item was last discussed on 13 January 2006. The Panel discussed 14 interim reports and a progress report on the

Second half 2007
(Note)

**Proposed timing
for discussion**

review during the 2003-2004 and 2004-2005 sessions, and the interim report No. 15 on 13 January 2006. The Administration will continue to submit interim reports on various topics concerning the review to the Panel.

When the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2005 discussed a proposed amendment to the Legal Aid Services Council (LASC) Ordinance (Cap. 489) on extending the deadline for LASC to submit its annual report, some members expressed concern that there should be consistency in the time limit within which statutory bodies should submit their annual reports. HAB has then agreed to include review of the time limit for submission of annual reports by statutory bodies in its current review of advisory and statutory bodies.

Note: The Administration has advised that it has completed internal consultations on the time limit for submission of annual reports by statutory bodies and will report to the Panel shortly.

13. Central Police Station Compound Project (the Project)

The item was proposed by Hon CHOY So-yuk at the meeting on 13 October 2005. She expressed concern whether the Administration had already finalised the tender arrangements for the Project. Members noted that the subject fell under the purview of EDLB and the Panel on Economic Services had taken the lead in following up the Project. Members were of the view that this Panel and the Panel on Economic Services should discuss the item at a joint meeting.

To be confirmed
(Note)

According to EDLB, the Bureau is examining the public views received during the public consultation exercise in considering the way forward and the timetable for the tender is not yet available at this stage.

Note: HAB has undertaken to liaise with EDLB to follow up on this item.

14. Functions taken up by the Secretary for Home Affairs upon the abolition of estate duty for probate administrative purpose

**Proposed timing
for discussion**

During the scrutiny of the Revenue (Abolition of Estate Duty) Bill 2005, the relevant Bills Committee discussed the functions to be taken up by SHA upon the abolition of estate duty for probate administrative purpose and whether fees should be charged for the functions to be taken up by SHA. HAB informed the Bills Committee that it did not propose to charge any fees on the functions to be performed by SHA. However, it would review the situation after the system had been in operation for one year and to consult this Panel in due course.

13 April 2007

The Administration advised on 5 October 2006 that the Home Affairs Department (HAD) would take over the delivery of support services for estate beneficiaries from the Inland Revenue Department (IRD) with effect from 1 April 2007.

Note: The Administration provided an information paper [LC Paper No. CB(2)1230/06-07(01)] in March 2007 and the Panel has agreed to discuss it at the regular meeting on 13 April 2007.

15. Review of the Personal Data (Privacy) Ordinance (Cap. 486)

The Panel on Information Technology and Broadcasting (ITB Panel) discussed the subject of “Information Security” with the Administration and the Privacy Commissioner for Personal Data at its meeting on 17 March 2006. Members of the ITB Panel shared the Privacy Commissioner’s view that since the Personal Data (Privacy) Ordinance (the Ordinance) had been in force for a decade, a thorough review of the Ordinance should be conducted. It was agreed at the meeting that this Panel should be requested to follow up with the Administration and the Privacy Commissioner on the review of the Ordinance.

To be confirmed
(Note)

The Administration has informed the Secretariat that as the Privacy Commissioner is conducting a review on the Ordinance, and any proposal put forward by the Privacy Commissioner will need to be further examined by the Administration, the Administration is not in a position to propose a date for discussion of this item.

**Proposed timing
for discussion**

Note: The Administration has advised that the Privacy Commissioner is undertaking a comprehensive review of the Ordinance and will examine, among others, whether the existing provisions of the Ordinance still afford adequate protection to personal data having regard to the developments (including technological advances) in the last decade. HAB has yet to receive the review proposals from the Commissioner and hence is not in a position to propose timing for discussion at this stage.

16. Amendments to the Sex Discrimination Ordinance (SDO) and the Disability Discrimination Ordinance (DDO) proposed by the Equal Opportunities Commission (EOC)

This item is proposed by Hon Margaret NG. The Administration informed the Secretariat on 11 May 2006 that one of the amendments proposed by EOC was to extend the definition of sexual harassment in SDO to cover conduct which created a sexually hostile or intimidating environment at an educational establishment. The Administration pointed out that since the Race Discrimination Bill would also deal with racial harassment in a similar manner, the Administration would incorporate this proposed amendment to SDO in the Bill.

To be confirmed
(Note)

As regards the other amendments proposed by EOC, the Administration pointed out that some of them were technical amendments and the others might have read-across implications to other anti-discrimination ordinances. The Administration would consider the most appropriate way to take forward these proposed amendments after the enactment of the Race Discrimination Bill and would further report progress to the Panel accordingly.

Note: The Administration will as a consequential amendment to the Race Discrimination Bill (RDB) extend the definition of sexual harassment in SDO to cover conduct which creates a sexually hostile or intimidating environment at an educational establishment. The Administration will consider the most appropriate way to take forward the other proposed amendments after the enactment of RDB.

**Proposed timing
for discussion**

17. Update on the 2008 Olympic and Paralympic Equestrian Events (Equestrian Events)

This item was last discussed on 20 July 2005. The Administration intends to update the Panel on the latest progress regarding the planning and organisation of the Equestrian Events.

May/June 2007
(Note)

At the informal meeting between the Chairman and SHA on 13 November 2006, the Administration agreed to provide an information paper in due course to facilitate the Panel's consideration as to whether further discussion would be required.

Note: The Administration has undertaken to provide a comprehensive update on preparation for the 2008 Olympic and Paralympic Equestrian Events before the Panel's regular meeting in May 2007.

18. Nuisances caused by holiday flats to residents nearby

As proposed by Mr Albert CHAN at the meeting on 12 January 2007, the Panel agreed to discuss this subject in due course with the relevant licensing authority, i.e. HAD.

3rd Quarter of
2007

19. Upgrade of Film/TV Production and Post-production Equipment in the Hong Kong Academy for Performing Arts

The Administration has proposed to brief members on the above upgrading works project to be implemented for the Hong Kong Academy for Performing Arts at the regular meeting in May 2007.

June 2007

20. Tin Shui Wai Public Library cum Indoor Recreation Centre

The Administration has proposed to brief members on the capital works project at the regular meeting in May 2007.

May 2007

**Proposed timing
for discussion**

21. Research study on built heritage conservation policy in selected places conducted by the Research and Library Services Division

The Panel endorsed the outline of the above research study on 9 March 2007 and agreed that the research report should be completed by May/June 2007.

May/June 2007

Council Business Division 2
Legislative Council Secretariat
11 April 2007

Measures to facilitate enforcement of maintenance orders and timely collection of maintenance payment

- *Improvements to the Attachment of Income Order (AIO) Scheme, which enables a maintenance payee to receive punctual maintenance payment, were introduced on 25 January 2002 through legislative amendments. The circumstances in which an AIO can be made have been relaxed so as to enable more maintenance payees to benefit from the Scheme. The court is also given the discretion to dispense with certain steps in the court procedures and shorten time limits specified in the law so as to speed up the processing of AIO applications.*
- *The Interest and Surcharge on Arrears of Maintenance Ordinance 2003 was enacted to combat the problem of default in maintenance payment. With effect from 1 May 2005, interest will be levied on arrears of maintenance to compensate the maintenance payee for monetary loss due to default by the maintenance payer. To deter repeated default without reasonable excuse, a defaulter is liable to a surcharge of up to 100% of the total arrears of maintenance.*
- *The complicated and time-consuming procedures in processing applications for Comprehensive Social Security Assistance and legal aid have been streamlined to reduce the number of visits required of applicants to the Social Welfare Department, Legal Aid Department and their lawyers.*