

立法會

Legislative Council

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Report of the Panel on Home Affairs for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Home Affairs during the 2006-2007 Legislative Council (LegCo) session. It will be tabled at the Council meeting on 4 July 2007 in accordance with Rule 77(14) of the Rules of Procedure.

The Panel

2. The Panel was formed by resolution of the Council on 8 July 1998 and as amended on 20 December 2000 and 9 October 2002 for the purpose of monitoring and examining Government policies and issues of public concern relating to district, community and rural matters, human rights, civic education, data protection, press freedom, building management, youth and women matters, the provision of leisure and cultural services as well as matters relating to the development of arts and culture, public entertainment, sport and recreation.

3. The terms of reference of the Panel are in **Appendix I**.

4. The Panel comprises 19 members, with Hon CHOY So-yuk and Hon Albert HO Chun-yan elected as Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

Major work

Culture and heritage

Built heritage conservation

5. The controversies over the reprovisioning arrangements for Star Ferry Pier and Queen's Pier aroused wide public concern about built heritage

conservation. The Panel requested the Administration to report on the latest progress of the built heritage conservation policy review as well as the measures to preserve some historic buildings which had been classified by the Antiquities and Monuments Office, on the advice of the Antiquities Advisory Board (AAB), as having heritage significance. The Panel also received views from deputations on the policy review.

6. Members were dissatisfied with the slow progress of the policy review and the lack of concrete proposals to preserve built heritage. They pointed out that many of the views and comments received in the current round of public consultation conducted by the Administration on built heritage conservation policy review, such as those regarding inadequacies of the existing heritage conservation legislation, the need for formulating financial options to support built heritage conservation initiatives and for including "collective memories" as a criterion for assessing heritage value, had already been raised in the public consultation exercise in 2004. They considered it a waste of time for the Administration to collect public views on these broad issues again.

7. The Administration informed members that it was in the course of formulating a package of improvement measures on built heritage conservation for announcement in the latter half of 2007. These would include concrete proposals, such as options of financial incentives, legislative amendments, and corresponding support from the town planning mechanism in an effort to conserve built heritage. The Administration also briefed members on the measures to prevent non-government graded historic buildings from dilapidation due to the lack of incentives of owners concerned to maintain these buildings.

8. The Panel stressed to the Administration that central to built heritage conservation work was the need to give priority consideration to the conservation of monuments and cultural heritage in town planning and urban renewal. The Panel expressed grave concern that, before the formulation of an integrated policy on built heritage conservation, buildings or sites with unique heritage value which had not been declared as monuments, particularly those which had been included as redevelopment projects, e.g. the Nga Tsin Wai Village, would be damaged or even destroyed amidst rapid redevelopment. The Panel decided to set up a Subcommittee on Heritage Conservation to review the planning for redevelopment and/or preservation projects relating to buildings or sites with unique heritage value. The Panel would visit these buildings or sites so that members would have a better understanding of their heritage value. The Panel also planned to conduct duty visits to Macau and several European cities to learn from their experience on built heritage conservation.

9. When the Public Works Subcommittee (PWSC) was due to consider a public works project to preserve Queen's Pier, the Secretary for Home Affairs (SHA), as the Antiquities Authority, announced one day before the PWSC meeting his decision not to declare the Pier as a statutory monument. The Panel requested SHA to explain in person at a special meeting the basis of his decision.

10. SHA explained that, in the light of the AAB's decision to accord Grade I historical building status to the Pier, and in response to calls from some quarters of the public for declaring the Pier as a monument under the Antiquities and Monuments Ordinance (the Ordinance), he had instructed the Antiquities and Monuments Office (AMO) to review the position. Having carefully and personally considered relevant papers and the review by AMO, which was not completed until the day before the PWSC meeting, he decided that Queen's Pier did not possess the requisite historical, archeological or palaeontological value for it to be declared a monument under the Ordinance. He stressed that, as the Antiquities Authority, he was empowered under the Ordinance to consider these three criteria, and Grade I historical buildings as determined by AAB would not necessarily be declared monuments.

11. Some members expressed strong dissatisfaction at SHA's decision given his statutory duty to preserve historical buildings. These members were of the view that SHA should not have made such hasty decision just before the relevant PWSC meeting as this had deprived LegCo of the time to consider whether Queen's Pier should be declared a statutory monument. They considered that, given the historical value of Queen's Pier and the strong wish for its preservation expressed by some quarters of the public, the community as a whole should be given more time in considering such a controversial issue. Some members also urged the Administration to preserve Queen's Pier by in-situ re-provisioning as its historical value was related primarily to its unique position.

Arts and culture

12. The Panel discussed the funding proposal to inject \$80 million (\$40 million for the arts and \$40 million for sport) into the Arts and Sport Development Fund (ASDF) and \$20 million into the Arts Development Fund respectively. While members in general welcomed the additional support for arts development, some members expressed concern whether artists and arts groups would directly benefit from the proposed \$80 million injection.

13. The Administration responded that artists and arts groups would also benefit from projects supported by ASDF, such as those relating to research and arts promotion. The Administration explained that funding from the arts portion of ASDF was only an additional funding source to support projects for the further development of arts in the community. The bulk of the annual recurrent subvention provided to the Hong Kong Arts Development Council was also used

to support the development of artists and arts groups. In addition, the Leisure and Cultural Services Department offered rental concessions to artists/arts groups and provided some of them with assistance in publicity as well as subsidies in production costs.

14. The Committee on Museums and the Committee on Libraries tasked to advise SHA on the provision of public museum services in Hong Kong and the strategies and plans for betterment of Hong Kong's public library facilities and services respectively submitted their reports in May 2007. The Administration briefed the Panel on its plans to take forward the recommendations contained in these two reports. Members stressed that the Administration must proactively consult all staff members concerned on any institutional changes.

Leisure and cultural facilities

15. Since its appointment in May 2005, the Subcommittee set up under the Panel to monitor the Administration in following up the outstanding leisure and cultural services (LCS) projects of the former municipal councils (ex-MCs) and implementing other relevant projects held nine meetings to discuss with the Administration the implementation schedule of the 139 outstanding LCS projects of ex-MCs. The Subcommittee received views from District Councils (DCs) on the priorities and implementation schedules of these projects. The Subcommittee also held a discussion with representatives of professional bodies in the construction sector on possible measures to rationalise the procedures and shorten the lead time for implementing these LCS projects.

16. In response to the repeated requests of the Subcommittee, the Administration had advanced the implementation schedules for 12 of the 25 priority projects identified in the Chief Executive's Policy Address in 2005. At the suggestion of the Subcommittee, the Administration had reviewed contract strategies for further advancement of the implementation schedules. The Administration agreed to adopt a fast-track programme for 19 outstanding LCS projects and another two new projects to expedite their implementation. The Administration further undertook to conduct annual reviews with DCs to examine the priorities of the remaining 55 projects.

17. The Panel continued to monitor closely the overall provision of leisure and cultural facilities, and considered relevant public works projects and financial proposals including the proposal to replace the Library Automation System of the Hong Kong Public Libraries with a new system, and the "Tin Shui Wai Public Library cum Indoor Recreation Centre" project, before their submission to PWSC/Finance Committee.

18. The Administration consulted the Panel on its proposal to take forward two projects, i.e. a leisure and cultural centre in Kwun Tong; and a town park and indoor recreation centre in Tseung Kwan O, under the Public Works Programme. These two projects were originally planned as Private Sector Finance (PSF) initiatives in 2003. Some members expressed strong dissatisfaction with the delay in implementation. They considered that, given the nature of public services to be provided at the proposed Centres, the Administration should have understood that it would be difficult to have private sector involvement. As a result, a lot of time was wasted in exploring the feasibility of implementing these projects through the PSF approach.

19. The Administration explained that the idea of private sector involvement was not intrinsically wrong but detailed planning and wide consultation was required. The Administration decided not to implement these two projects through the PSF approach but undertook to try its best to expedite the implementation of the projects. The Administration further informed the Panel that, in view of a large number of LCS projects scheduled for implementation in the next five years involving a total capital cost of over \$10 billion, the Permanent Secretary for Home Affairs and the Permanent Secretary for the Environment, Transport and Works (Works) would co-chair meetings for smoothing out any difficulty envisaged in their implementation.

Sport and recreation

Funding proposal on upgrading works for venues of 2009 East Asian Games

20. In December 2006, the Administration sought members' support for the upgrading works to be carried out at 13 existing Government sports venues at a total estimated cost of \$797 million (at September 2006 price level) for holding the 2009 East Asian Games (EAG). Apart from the construction of the Tseung Kwan O Sports Ground (TKOSG), the Administration intended to make use of the existing sports venues as far as possible and carry out the upgrading works as necessary to meet the international standards for holding the competitions of the event.

21. Some members queried whether the face-lifting works of the venues were essential and whether the Administration had explored room for cost reduction for the non-essential items of the upgrading works. These members urged the Administration to make its best endeavours to economise on its expenditure in holding the 2009 EAG.

22. The Administration explained that except for the TKOSG project, no new sports facilities were proposed solely for holding the 2009 EAG. The Administration assured members that the bulk of the estimated cost would be spent on upgrading works for meeting essential competition requirements.

Preparation for staging the 2008 Olympics and Paralympic Equestrian Events

23. In July 2005, the International Olympic Committee accepted the proposal of the Beijing Organising Committee for the Games of XXIX Olympiad to co-host with the Hong Kong Special Administrative Region (HKSAR) the 2008 Olympics and Paralympic Equestrian Events in Hong Kong. The Administration briefed the Panel on the progress regarding the planning and organisation of the Events. A majority of members welcomed the opportunity for Hong Kong to co-host the Events and were pleased with the preparation work made by the relevant parties. Members, however, expressed concern about the security, quarantine and traffic arrangements during the Events. The Administration assured members that adequate security and quarantine measures would be put in place to ensure that the Events would be a success. The Administration would consult relevant DCs in finalising the transport and traffic arrangements to minimise the inconvenience caused to residents in the districts. Some members also urged the Administration to provide financial support to facilitate the participation of qualified local athletes in the Events.

Redevelopment of Hong Kong Sports Institute

24. The Panel received a briefing by the Administration and the Chairman of Hong Kong Sports Institute (HKSI) on the redevelopment proposal of the Institute. The Panel held a further discussion with the Administration and deputations on the redevelopment proposal. While the Panel was generally supportive of the proposal, some members stressed that the Administration should ensure that the training needs of elite athletes during the redevelopment of HKSI would be met, and that the supporting facilities at the redeveloped HKSI would fully comply with the revised Design Manual: Barrier Free Access 1997. The Administration undertook to address these concerns in redeveloping HKSI.

Policy on sports development

25. The preparation work for the 2008 Beijing Olympic and Paralympic Equestrian Events and the 2009 EAG to be staged in Hong Kong had triggered more discussion about the sports development policy by the Panel. The Panel was of the view that, while increasing investment in sports venues, the Administration should take active measures to promote a sporting culture in the community and enhance funding support to elite athletes in order to give them a financially stable environment to undergo training and compete in major games. At the Panel's request, the Administration briefed members on its plans to promote sports development, particularly elite sports, and to enhance collaboration with all sectors to promote wider participation in sports.

26. The Administration informed the Panel that it would provide additional funding of \$40 million annually from 2007-2008 onwards to enhance the support for elite athletes in key areas. \$20 million of this additional annual recurrent provision would be used to improve direct financial support for athletes. As from 2007-2008, the total resources for providing direct financial support for athletes would be increased to \$35.5 million per year. The Administration would also launch a comprehensive athlete retirement scheme to enhance the well being of elite athletes.

27. Members made a number of suggestions for the Administration to enhance support for elite athletes including the provision of university places by public funding or sponsorship, inviting corporations to provide professional training to young athletes and offer employment opportunities to retired elite athletes, and setting up a trust fund to provide grants to elite athletes who had achieved excellent results in international competitions in recognition of their efforts and achievements. The Administration explained that there were separate Government and non-government sources of funding for elite athletes. The Administration also provided an annual recurrent subvention of some \$90 million to HKSI for the provision of training programmes and essential facilities and equipment. The Administration undertook to consider members' suggestions and explore feasible options to enhance support for elite athletes.

28. As regards promoting public participation in sports, some members expressed concern about the inadequate supply of community sports venues during peak periods. They urged the Administration to step up its efforts in cultivating the interest of the younger generation in sport and facilitate schools in utilising public sports facilities. The Administration explained that it had taken various measures to promote wider participation in sports which included intensifying the scope of School Sports Programmes, staging territory-wide "Hong Kong Games", and launching of a Recreation Facilities Free Use Scheme, etc. Some members considered that the management and operation of National Sports Associations would also need to be reformed in order to enhance sports development in Hong Kong.

Rights of individuals

Reports to the United Nations under international human rights treaties

29. The Panel closely monitored the submission of reports to the United Nations (UN) under various international human treaties by the Government of HKSAR and its progress in following up the recommendations made by the UN treaty monitoring bodies concerned in respect of these reports.

30. The Panel discussed the outline of topics to be covered in the second report of HKSAR under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) with the Administration and deputations.

31. Some members expressed disappointment at the inclusion of a number of exceptions in the Race Discrimination Bill which they considered would seriously undermine the effectiveness of protection accorded by the Bill. The Administration assured members that it 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 special measures could be taken after the enactment of the Bill only if the relevant exception clauses were provided for.

32. Some members expressed grave concern about the lack of avenue provided to non-Chinese speaking (NCS) ethnic minority students to attain qualifications in Chinese for admission to universities. They considered that this had hindered ethnic minority students from gaining admission to universities and amounted to racial discrimination. Some members also expressed concern that the Vocational Training Council failed to offer courses using English as the medium of instruction.

33. Noting that new arrivals from the Mainland were not within the scope of the Race Discrimination Bill, some members stressed that discrimination against these new arrivals did exist and it was imperative that the Administration should resolve the problem by effective means.

34. At the Panel's request, the Administration agreed to address members concerns and give a detailed account of the support measures to ethnic minorities in its report to be submitted to the UN Committee under ICERD.

35. The Panel also discussed with the Administration and deputations the concluding observations issued by the UN Committee on the Elimination of Discrimination against Women (UNCEDAW) after consideration of the second report submitted by HKSAR under the Convention on the Elimination of All Forms of Discrimination against Women.

36. Some members expressed concern about the large number of domestic violence cases and queried whether the enhanced measures to combat domestic violence had been fully adopted by relevant departments. The Administration explained that resources for the Social Welfare Department (SWD) had been enhanced continuously to provide a range of preventive, supportive and specialised services for domestic violence victims and families in need.

37. Some members expressed dissatisfaction with the Administration's failure to implement the recommendation made by UNCEDAW of providing a specialised, one-stop service to victims of sexual violence. These members considered that the new Multi-purpose Crisis Intervention and Support Centre which had a mixed clientele fell short of the expectation of the community/women's groups, and could hardly substitute the valuable specialised services provided by the pilot scheme "RainLily". The Administration explained that the Centre was just one of the many facets of the client-oriented services offered. Outreach services would be delivered flexibly at various locations to accommodate the needs of clients.

38. Some members shared the view of UNCEDAW that the Administration should provide simple complaint/redress mechanism for foreign domestic helpers (FDHs) and enhance FDHs' awareness of their legal rights against exploitative/discriminatory treatment by employment agencies/employers. The Administration pointed out that FDHs enjoyed the same rights and benefits provided under labour laws as local workers. FDHs seeking redress in respect of employment disputes could apply to the Immigration Department (ImmD) for extension of stay. In 2006, some 4 700 out of some 6 800 of such applications had been approved.

39. Some members also expressed grave concern over the Police's handling of sex workers during operations, arrests and detention and called for a comprehensive review of the code of practice governing the conduct of such processes.

Existing human rights protection mechanisms

40. The Panel had been actively following up with the Administration the establishment of a high-level human rights institution in Hong Kong. When the Panel discussed the existing human rights protection mechanisms in Hong Kong, some members were of the view that the existing mechanisms were far from satisfactory. They expressed disappointment at the Administration's repeated refusal of setting up a human rights commission in Hong Kong for the promotion and protection of human rights, despite the recommendations made by the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights respectively. The Panel decided to set up a Subcommittee on Human Rights Protection Mechanisms. The Subcommittee would hold discussions with the Administration, academics and relevant non-governmental organisations on the existing human rights mechanisms, possible means of enhancing the effectiveness of the existing institutional framework for human rights protection, including the setting up of a statutory Hong Kong Human Rights Commission, and the monitoring of the implementation of the recommendations made by relevant treaty monitoring bodies.

Protection of privacy

41. The Law Reform Commission (LRC) published a series of reports on various aspects of privacy which recommended, among others, the creation of specific torts of invasion of privacy by statute, establishment of an independent and self-regulating press commission by statute, and creation of two new criminal offences against covert surveillance and the obtaining of personal information through trespass into private premises. Following a number of incidents relating to invasion of privacy by mass media which sparked a public outcry over the lack of protection of privacy, the Administration consulted the Panel on the way forward in addressing LRC's recommendations. The Panel invited the chairman of the former LRC Subcommittee on Privacy to join the discussion.

42. The Administration informed the Panel that, as recommended by LRC, a legislative proposal would be introduced to empower the Privacy Commissioner to provide assistance to aggrieved individuals in respect of proceedings under the Personal Data (Privacy) Ordinance. Given the mixed response and divergent views from the media associations, women's groups, various stakeholders as well as LegCo Members about other LRC's recommendations on the protection of privacy, the Administration proposed that the Panel should hold a series of meetings with deputations to discuss selected aspects of the LRC recommendations. The Administration hoped that a consensus on the balance between press freedom and protection of privacy could be reached after these focused discussions in order to work out proposals to take forward LRC's recommendations.

43. Some members criticised the Administration for failing to follow up on many of the reports published by LRC. They considered that it was unfair to the members of LRC who had spent so much time and efforts in their studies. These members also expressed concern that, as the issues involved were very controversial, it was unlikely that a consensus could be reached even after discussions by the Panel. The Administration could then use that as an excuse not to take any action on LRC's recommendations. The Panel requested the Administration to devise a work plan with a timeframe on how it would follow up on the recommendations in the LRC reports on privacy, including the Administration's preliminary position on the recommendations for further consideration by the Panel.

District Council Review

44. The Home Affairs Bureau and the Constitutional Affairs Bureau jointly issued the Consultation Document entitled "Review on the Role, Functions and Composition of District Councils" in April 2006. The Administration announced its plan for implementing recommendations arising from the DC Review in

September 2006 which included a pilot scheme in four selected districts for DCs to participate in the management of district facilities starting from 1 January 2007 (the Pilot Scheme). The Administration explained to the Panel that the Pilot Scheme was needed to test out protocols and working relationship among the various stakeholders in order to pave the way for a smooth roll-out to all the 18 districts from 1 January 2008.

45. Some members suggested that the Administration should provide clear guidelines to assist the pilot DCs in discharging their enhanced role in the management of district facilities. The Administration responded that to ensure consistency and public accountability, relevant departments were in the course of preparing manuals and guidelines on district minor works projects and the use of DC Funds to facilitate DCs' involvement in the management of district facilities. Some members considered that, while standard procedures should be stringently applied to financial matters for DCs, there was no need to over-emphasise uniformity in the mode of management of district facilities in order to encourage DCs to come up with new ideas of improving the provision of district services.

46. Regarding the proposal of creating a dedicated capital works block vote with an annual provision of \$300 million under the Capital Works Reserve Fund for DCs to initiate and implement district minor works projects within a cost ceiling of \$15 million each, some members suggested that, in order to better meet district needs, the annual provision for this block vote should be further increased and DCs should be given more flexibility to initiate or endorse a project.

47. The Administration explained that to utilise the proposed annual provision of \$300 million which was only the cash flow, there would be an overcommitment facility of up to 200%, which meant that works contracts valued between \$500 and \$600 million could be awarded within a year.

48. Some members considered that an independent secretariat should be provided for DCs to ensure that DCs enjoyed a degree of autonomy in performing their work. They also considered that an independent review should be conducted to study whether DC members' work should be recognised duly as a job with a view to attracting the young generation and able people to take part in the work of DCs.

49. The Administration explained that individual DCs were not corporate bodies and did not enjoy separate legal status under the law. Hence, DCs could not employ their own staff. The Administration, however, would increase the total provision for the DC Funds from \$170 million to \$300 million per year upon full implementation of the recommendations arising from the DC Review in all 18 DCs in the next DC term in order to strengthen support for DCs. DCs could then use the DC Funds to hire additional staff members to work independently to support their work.

Enforcement of maintenance orders

50. The Administration consulted the Panel on the legislative proposal to amend the Attachment of Income Order (AIO) legislation to the effect that the legislation would be applicable to the Government as an income source and be binding on persons whose income source was the Government. While the Panel supported the legislative proposal, members were of the view that the Administration should conduct an overall review of the existing mechanism instead of adopting a piecemeal approach to address the problems encountered by maintenance payees. They stressed that the Administration should implement effective measures to facilitate the enforcement of maintenance orders and timely collection of maintenance payment.

51. The Administration explained that a mechanism was in place to enlist the assistance of ImmD in searching their records for the addresses of maintenance payers against whom legal actions would be taken to sue for maintenance arrears. Standard forms were also made available to facilitate the application of AIOs. To address the financial difficulties encountered by some maintenance payees, the complicated procedures in processing applications for Comprehensive Social Security Assistance (CSSA) and legal aid had been streamlined to reduce the number of visits required to be made by maintenance payees to SWD and the Legal Aid Department; synchronised procedures for making applications for CSSA and legal aid had also been implemented.

52. Notwithstanding the Administration's explanation, some members reiterated the need to set up an intermediary body for the collection of maintenance payments in order to address fundamentally the problems encountered by maintenance payees. The Administration, however, maintained its view that the proposed body would not be able to offer maintenance payees or taxpayers any significant benefits over and above those that could be achieved by improving the existing system. The Panel would further pursue the issue in future.

Other issues

53. The Panel received briefings from the Administration on the Chief Executive's Policy Address in 2007, the Home Affairs Department's provision of support services for estate beneficiaries, and control measures against on-street promotion and advertising activities.

54. The Panel held a joint meeting with the Panel on Food Safety and Environmental Hygiene to discuss the proposed development of a joint-user complex and wholesale fish market in Area 44, Tuen Mun.

Meetings held

55. From October 2006 to June 2007, the Panel held a total of 13 meetings, including the joint meeting mentioned above.

Council Business Division 2
Legislative Council Secretariat
29 June 2007

Appendix I

Panel on Home Affairs

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to district, community and rural matters, human rights, civic education, data protection, press freedom, building management, youth and women matters, the provision of leisure and cultural services as well as matters relating to development of arts and culture, public entertainment, sport and recreation.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Home Affairs

Membership list for 2006-2007 session

Chairman Hon CHOY So-yuk, JP

Deputy Chairman Hon Albert HO Chun-yan

Members Hon James TIEN Pei-chun, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, 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
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

(Total : 19 Members)

Clerk Miss Flora TAI Yin-ping

Legal Adviser Miss Kitty CHENG

Date 12 October 2006