

立法會
Legislative Council

LC Paper No. CB(2)851/07-08
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by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Monday, 15 October 2007, at 5:30 pm
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 CHAN Yuen-han, SBS, JP
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, 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
- Members attending** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon YEUNG Sum, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
- Members absent** : Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP

**Public Offices
attending** : Home Affairs Bureau

Mr TSANG Tak-sing
Secretary for Home Affairs

Mrs Carrie YAU
Permanent Secretary for Home Affairs

Mr Thomas CHOW
Director of Leisure and Cultural Services

Mrs Pamela TAN
Director of Home Affairs

Development Bureau

Mrs Carrie LAM
Secretary for Development

Mr MAK Chai-kwong
Permanent Secretary for Development (Works)

Constitutional and Mainland Affairs Bureau

Mr Stephen LAM Sui-lung
Secretary for Constitutional and Mainland Affairs

Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland
Affairs (1)

Mr Victor NG Hon-wing
Principal Assistant Secretary for Constitutional and
Mainland Affairs (5)

Miss Joanna CHOI Chuen-han
Principal Assistant Secretary for Constitutional and
Mainland Affairs (4)

Labour and Welfare Bureau

Mr Matthew CHEUNG Kin-chung
Secretary for Labour and Welfare

Mr Paul TANG Kwok-wai
Permanent Secretary for Labour and Welfare

Miss Hinny LAM Shuk-yee
Principal Assistant Secretary for Labour and
Welfare (Welfare)2

Ms Subrina CHOW Shun-yee
Administrative Assistant to Secretary for Labour and
Welfare

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

Staff in attendance : Mrs Vivian KAM
Assistant Secretary General 2

Ms Joanne MAK
Senior Council Secretary (2)2

Ms Anna CHEUNG
Legislative Assistant (2)2

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- I. Briefings by the Secretary for Home Affairs, the Secretary for Development, the Secretary for Constitutional and Mainland Affairs, and the Secretary for Labour and Welfare on the Chief Executive's Policy Address 2007-2008**
[LC Paper Nos. CB(2)59/07-08(01)-(04)]

2008 Olympic and Paralympic Equestrian Events (the Equestrian Events)

Mr WONG Ting-kwong considered that, compared with other cities in the Mainland, there seemed to be a lack of the Olympic atmosphere across Hong Kong. He also considered that the community in general lacked interest in the Equestrian Events. He said that the Democratic Alliance for the Betterment and Progress of Hong Kong had submitted in 2005 a detailed proposal on enhancing community involvement in the relevant publicity and promotional programme with a view to building community-wide support for the staging of the Equestrian Events.

2. The Secretary for Home Affairs (SHA) responded that the Administration was working closely with various organisations to devise a

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comprehensive publicity and promotional programme to raise public awareness about the staging of the Olympic Games by the Mainland and to increase public interest in Hong Kong's staging of the Equestrian Events. He further briefed members on the content of the publicity and promotional programme which included, e.g. the 300-, 200- and 100-day countdowns to the Olympics, the Torch Relays and Live Sites, etc. He added that the Administration also planned to bolster youth participation in the promotion of the Olympic Games by joining hands with schools and youth organisations to organise a range of large-scale cultural, sport and educational programmes.

3. Mr WONG Ting-kwong asked about the Administration's expectation of the ticket sale of the Equestrian Events and the programmes which would be implemented to promote public interest in the equestrian sport. SHA responded that the Administration and relevant organisations had been implementing publicity programmes to promote public interest in the equestrian sport. He added that the ticket sale of the Equestrian Events had so far received good response.

4. Mr Tommy CHEUNG considered that Hong Kong's staging of the Equestrian Events could provide ample business opportunities, if the Administration knew how to seize the opportunity to promote Hong Kong as an Olympic co-host city. He said that the Liberal Party was of the view that the Administration should devote more resources for organisations, e.g. the Hong Kong Tourism Board and the Trade Development Council, to embark on promotional activities to leverage the Olympic events in raising Hong Kong's profile. He suggested that consideration could also be given to developing tour packages to attract Olympic spectators and tourists during the holding of the Olympic Games and the Equestrian Events. He considered that the Administration should adopt an interdisciplinary approach for implementing the relevant publicity and promotional programmes, and the Chief Secretary for Administration (CS) should take charge of the task.

5. SHA responded that the Administration had set up a high-level Equestrian Committee to make policy decisions and give directions for the organisation and staging of the Equestrian Events. CS was the President of the Equestrian Committee which was underpinned by a Steering Committee (SC) comprising representatives from various policy bureaux. The Equestrian Committee would adopt an interdisciplinary approach for implementing its work. In response to Mr CHEUNG's question, SHA said that the Secretary for Commerce and Economic Development was not a member of the Equestrian Committee but a member of SC.

New principle of governance

6. Referring to the Chief Executive's (CE's) notion of "Reaching out to the community" as spelt out in his Policy Address, Mr LAU Wong-fat asked whether consideration would be given to organising public consultation forums

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in collaboration with District Councils (DCs). He was of the view that the Principal Officials should be invited to attend these forums to listen to views on issues under their respective policy portfolios.

7. SHA responded that, since the commencement of the Third Term Government, various Principal Officials had become more proactive in visiting districts to listen to public views, including attendance at DC meetings. He also invited members to note that a new measure had been implemented whereby District Officers would organise forums and invite local personnel's participation to discuss the content of the 2007 Policy Address.

Promotion of the Basic Law and national education

8. The Chairman asked SHA whether the Administration had any innovative ideas or new strategies for the promotion of the Basic Law and national education among young people. She also asked about the amount of government funding to be allocated for such promotion work.

9. SHA responded that, when meeting with members of the 18 DCs, he had received many valuable suggestions on the means for promoting national education and fostering Mainland-Hong Kong exchanges. Although data on the funding for the implementation work in this regard was not available, he could provide for members' reference the amount of funding allocated to community organisations in the 18 districts for implementing celebration programmes on the occasion of the 10th anniversary of Hong Kong's return to the motherland, which was in the region of more than \$10 million.

10. On the promotion of the Basic Law, the Secretary for Constitutional and Mainland Affairs (SCMA) said that the amount of funding allocated to this area of work had increased from \$2 million in 2002 to \$8 million in 2007. He further said that the Bureau would continue to organise activities to promote public understanding of the Basic Law. Creative strategies would also be adopted for the publicity work where appropriate. The Chairman said that she was impressed by the creativity of the students of the School of Creative Media of the City University of Hong Kong, and suggested that the School could be engaged to suggest new strategies on the promotion of the Basic Law.

11. Ms Emily LAU said that the former SHA had once said that a person's love for her motherland had to be genuine and should not be imposed upon. Ms LAU asked SHA whether he had any idea of what Hong Kong people thought about their national identity. SHA responded that the Administration would continue to attach great importance to promoting national education to enhance understanding of the motherland. Ms Emily LAU sought SHA's views on CE's recent remarks about the Cultural Revolution. SHA replied that he had no comments.

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The Home Affairs Bureau-Heung Yee Kuk Liaison Committee

12. Mr CHEUNG Hok-ming said that he did not see any remarkable achievements made by the new Home Affairs Bureau- (HAB-) Heung Yee Kuk Liaison Committee (the Committee) since its establishment for dealing with rural issues. He suggested that the Committee should consider following up issues, such as the payment of rates and Government rent. He sought SHA's views on the priorities of discussion of the issues by the Committee.

13. SHA responded that the Committee had followed up on several issues which were of mutual concern to the Administration and Heung Yee Kuk. He considered that it should be for the Committee, not himself, to decide on the priorities of issues for discussion, including the concerns raised by Mr CHEUNG.

14. Mr CHEUNG Hok-ming remarked that, as a member of Heung Yee Kuk, he supported the new proposal to provide an allowance for village representatives which, in his view, served to give recognition to the village representatives' work.

Heritage conservation

15. Referring to the various heritage conservation initiatives announced in the Policy Address, Miss CHAN Yuen-han asked whether consideration would also be given to the preservation of the entire Nga Tsin Wai Village, as once supported by Wong Tai Sin District Council (WTSDC). She said that WTSDC now supported partial preservation of Nga Tsin Wai Village for the sake of expediting the redevelopment project and the resettlement of the villagers. She considered that the Administration should respect the wish of those who favoured preservation of Nga Tsin Wai Village in its entirety.

16. The Secretary for Development (SDEV) explained that the appropriate course of actions to be taken in each case should be considered on the basis of actual circumstances. She invited members to note that the great majority of the property interests (i.e. 70%) in the Village were owned by a single land owner. She pointed out that the conservation plan for Nga Tsin Wai Village was able to strike a right balance between heritage conservation and the need to respect private property rights and budgetary considerations. SDEV also pointed out that the views of DCs concerned were very important for the consideration of the way forward for the conservation of a heritage item. A case in point was the new proposal for preservation of the entire open-air bazaar in Tai Yuen Street and Cross Street which would have to be subject to endorsement by Wan Chai DC. As such, the Administration would also have to take into account the views of WTSDC in proposing the way forward for Nga Tsin Wai Village.

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17. Mr WONG Kwok-hing welcomed the introduction of the heritage conservation initiatives which, in his view, should have been introduced earlier. Mr WONG asked whether the Antiquities and Monuments Ordinance (A&M Ordinance) and the Urban Renewal Strategy would be reviewed in order to improve the framework for the protection and revitalisation of heritage. He also asked about the division of work between the Antiquities and Monuments Office and the proposed Commissioner for Heritage's Office.

18. SDEV responded that provisions in the Buildings Ordinance had rendered it difficult for historic buildings to meet the requirements imposed on a building to be open for public access, and had caused obstacles to the revitalisation of heritage items. She informed members that the Director of Buildings would study overseas experience in the revitalisation of historic buildings and explore possible means, e.g. issuance of new building codes, to facilitate the revitalisation work. In addition, two professional staff members of the Buildings Department would be redeployed to assist in the revitalisation work starting from the 2008-2009 financial year.

19. SDEV further said that the Administration did not consider there to be an urgent need to revamp the A&M Ordinance. The Administration had accorded higher priority to the work of completing heritage assessment of some 1 400 historic buildings selected from around 8 800 buildings of over 50 years. As to the suggestion of reviewing the Urban Renewal Strategy, SDEV said that the Panel on Development had discussed the matter and she was open-minded on any suggestion.

20. SDEV said that, following the re-organisation of the Policy Bureaux of the Government Secretariat on 1 July 2007, AMO, which remained to come under the Leisure and Cultural Services Department, now reported to DEVB. The Office, which provided secretarial and executive support to the Antiquities Advisory Board, was the executive arm of the Antiquities Authority, i.e. SDEV. SDEV further said that the proposed establishment of a Commissioner for Heritage's Office in DEVB was aimed at providing a focal point for local and overseas networking and for liaising with relevant bureaux at policy level.

21. Mr Abraham SHEK asked about the progress of the formulation of a heritage conservation policy by the Administration. SDEV responded that the heritage conservation policy endorsed by the Government had been announced vide the Legislative Council (LegCo) Brief [File Ref:DEVB(CR)(W) 1-55/68/01]. She said that the policy statement set out therein would be adopted to guide the Administration's heritage conservation work. Mr SHEK enquired about the implementation details, including the provision of economic incentives to compensate owners of privately-owned historic buildings for their loss of development rights. The Chairman asked whether the option of giving the owner other plots of land to develop in exchange for his/her loss of development rights would be considered.

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22. SDEV responded that a package of new initiatives had been set out in the LegCo Brief under reference. She pointed out that the Government had accepted in principle the need for appropriate incentive schemes to facilitate the conservation of privately-owned historic buildings. The Administration would first consider the easier option, i.e. in-situ transfer of development rights. The next easier option was surrender of the lot with historic building to be preserved and regrant of a new lot comprising the surrendered lot and the adjoining Government land.

23. SDEV pointed out that only if these easier options were not feasible would the Administration consider other relatively complicated options, e.g. the transfer of unused development rights of the site with historic building to another development belonging to the same owner, and the more complicated option of land exchange. SDEV said that the Administration was of the view that, given the complexity of the matters, it should actively engage relevant stakeholders in devising appropriate measures. In this connection, a series of public forums would be held by DEVB shortly for conservation concern groups and representatives of professional bodies to give their views and suggestions.

24. Miss CHAN Yuen-han considered that the LegCo Brief under reference failed to provide concrete policy measures for taking forward heritage conservation. She said that there were no clear criteria for deciding on the appropriate conservation approach to be adopted for specific heritage items. For example, while the Administration was unwilling to propose preservation of the entire Nga Tsin Wai Village due to budgetary considerations, it had proposed preserving the entire open-air bazaar in Tai Yuen Street and Cross Street, and preserving King Yin Lei which might give rise to considerable financial implications.

25. SDEV responded that the Administration was now able to propose preserving the entire open-air bazaar in Tai Yuen Street and Cross Street because it had resolved technical issues and come up with a feasible option of traffic arrangements which allowed preservation of the entire bazaar. SDEV disagreed with Miss CHAN that there was no policy on heritage conservation. She pointed out that, without the new policy extending the scope of protection to heritage sites, the current proposal of preservation of the entire bazaar would not have been made possible. She added that a package of concrete measures had been put forward under the new policy particularly for heritage conservation in the Government sector. These included the proposed new initiative of conducting Heritage Impact Assessment for new capital works projects, and the introduction of a scheme to promote adaptive re-use of Government-owned historic buildings.

New Development Areas (NDAs)

26. Dr Fernando CHEUNG said that the Report of the Three-person Review Panel on Family Services in Tin Shui Wai had pointed out that the town

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planning and development in Tin Shui Wai was poor, i.e. the moving of a large number of low-income families to a remote new town with poor district facilities and support. Referring to the new initiative of reviving studies on NDAs at, for example, Kwu Tung North, Fanling North and Ta Kwu Ling, Dr CHEUNG asked whether the Administration would take note of the above comment in working out implementation strategies for these NDAs.

27. SDEV invited members to note that the Administration had issued a LegCo Brief (referenced (20) in DEVB (PL-P) 50/01/126 Pt. 34) in October 2007 on the HK2030 Study Final Report. SDEV explained that, in order to ensure effective provision of community facilities for NDAs, the proximity of new towns and NDAs allowed the sharing of community facilities. In case new facilities were required for the additional population of NDAs, a more flexible approach in the provision of these facilities would be considered. SDEV assured members that the Administration would ensure that the implementation programme of the various community facilities would be well coordinated.

Women matters and community support

28. Referring to a recent family tragedy in Tin Shui Wai which had aroused wide public concern, Miss CHAN Yuen-han considered that the Administration should improve its current approach for tackling problems in remote new towns. She opined that the Administration should not address the needs of residents of poor areas, e.g. Tin Shui Wai and Tze Wan Shan, merely by adopting a piecemeal approach for enhancing support measures for the areas. She considered it more important to enhance the employment opportunities for those residents, particularly women, by increasing economic activities in the areas.

29. The Secretary for Labour and Welfare (SLW) responded that the Administration was always committed to helping families in need of financial support. Provision of vocational training and retraining programmes would be strengthened. The Administration would also facilitate the establishment of more small and medium enterprises as well as social enterprises to enhance employment opportunities in local district.

30. Also referring to the same recent family tragedy in Tin Shui Wai, Dr YEUNG Sum considered that the incident had reflected that there was an acute shortage of community support services for mentally ill persons to re-integrate into the community. In response, SLW briefed members on the community mental health services being provided in Tin Shui Wai and the newly launched Community Mental Health Intervention Project, which was designed to provide people with early signs of mental health problem with in-depth outreaching social work intervention services. The Chairman requested members to follow up on the subject at meetings of the Panel on Welfare Services.

31. Also referring to the recent family tragedy, Mrs Sophie LEUNG

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considered that the woman who committed suicide in the incident was an example of new arrival women being unable to adapt to the environment of Hong Kong. She suggested that the Administration should offer assistance by mobilising community resources in promoting a caring culture and mutual help. She added that the report entitled "Women's Safety in Hong Kong: Eliminating Domestic Violence" published by the Women's Commission in January 2006 had put forward many recommendations on enhancing community support to women and on eliminating domestic violence by non-legislative means. Mrs LEUNG also suggested that the Administration should promote the participation of woman residents in Tin Shui Wai in the Capacity Building Mileage Programme which was a key initiative in empowering women.

32. SLW responded that the Administration had followed up many of the recommendations of the Women's Commission in the above-mentioned report, including reviewing the Domestic Violence Ordinance. The Administration would continue to follow through other recommendations, such as enhancing community building and neighbourhood support for women.

Gender mainstreaming

33. Ms Emily LAU requested SLW to give an account of the benefits brought about by the application of the concept of gender mainstreaming in various policy areas to women and the community.

34. SLW responded that one remarkable achievement was the increase in women's participation in the advisory and statutory bodies (ASBs) in the public sector. He pointed out that the application of gender mainstreaming concept had resulted in increased gender awareness on the part of the relevant authorities in the appointment of ASB members. Ms Emily LAU, however, pointed out that the Administration should not consider the present rate of appointment of women to ASBs satisfactory, as the Administration had only succeeded in attaining its initial working target of 25% for each gender for the purpose of appointing non-official members of ASBs, which was still far below the international norms, i.e. at least 40% for each gender. She also requested actual figures of the number of women appointed to ASBs.

Admin

(Post-meeting note: The Administration advised in writing on 17 December 2007 that, as at October 2007, 1 386 of the 5 230 appointed non-official post-holders were women.)

35. SLW said that the Gender Mainstreaming Checklist had also been applied to other policy or programme areas, e.g. District Council Review 2006, Community Rehabilitation Day Centre Services, and review of the services for victims of sexual violence. Principal Assistant Secretary for Labour and Welfare (Welfare)² (PASLW(W)²) supplemented that, as a result of application of the Gender Mainstreaming Checklist in the review of services provided to victims of domestic violence and the Domestic Violence Ordinance,

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improvement measures, including enabling admission of boys over the age of 12 with their mothers into the refuge centre for women where necessary, and promoting the gender awareness and sensitivity of the frontline social workers and police officers and other professionals responsible for handling domestic violence cases, had been introduced. In addition, breastfeeding room had been made a standard provision in the planning of major new leisure facilities in order to meet the needs of women.

Admin

36. At the request of Ms Emily LAU, SLW agreed to provide details of the examples of policy areas to which the concept of gender mainstreaming had been applied and the improvements achieved.

(Post-meeting note: the supplementary information paper provided by the Administration was issued vide LC Paper No. CB(2)442/07-08 on 27 November 2007.)

37. Mrs Sophie LEUNG considered that one should not expect that the implementation of the gender mainstreaming strategy would generate immediate effect. She hoped that the Administration would make sustained efforts in applying the Gender Mainstreaming Checklist to more policy areas. She also suggested that the core group of designated "Gender Focal Points" tasked to devise plans to promote gender mainstreaming in more organisations should meet regularly on a six-month basis. SLW agreed to take note of members' comments.

Human rights

38. Dr Fernando CHEUNG considered that the paper provided by the Constitutional and Mainland Affairs Bureau failed to provide detailed information on its work in safeguarding human rights. He asked if any new specific initiatives would be taken to safeguard Hong Kong people's right to universal suffrage, freedom of the press, protection of the family, and protection against abuses of police powers.

39. SCMA responded that the Administration had implemented on-going initiatives and also allocated funds to support various programmes for the purpose of enhancing human rights. For example, the Administration had set up various forums to follow up with relevant stakeholders on human right issues, such as the Human Rights Forum, the Ethnic Minorities Forum, the Sexual Minorities Forum, and the Children's Rights Forum. The Administration had also set up a Children's Rights Education Funding Scheme to provide funding to community organisations for organising public education projects for the promotion of children's rights. The annual allocation of funds for this funding scheme amounted to \$500,000.

Protection against intrusion of privacy

40. Ms Emily LAU enquired about the progress made by the Administration

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in its studies on how to take forward the proposals of the Law Reform Commission (LRC) on protection of privacy. SCMA informed members that the Administration hoped that consensus could be reached on the balance between preserving press freedom and protection of privacy so as to provide a basis for the Administration to put forward concrete proposals to the Legislative Council for consideration. The Administration was working on the LRC Report on Stalking and would revert to the Panel once it had decided on the way forward.

41. Ms Emily LAU urged the Administration to act on the recommendations of the LRC Report on Stalking in relation to the enhancement of protection for women against domestic violence before considering how to take forward the remaining recommendations regarding the work of the media. She requested SCMA and SLW to look into the issue in the context of the Domestic Violence (Amendment) Bill 2007.

Admin

II. Any other business

Advancing the regular meeting of the Panel in December 2007

42. The Chairman informed members that, as suggested by the Administration, the Panel should invite the four pilot DCs to send representatives to attend its meeting for discussion of the pilot scheme introduced under the 2006 DC Review after the DC Elections had been held on 18 November 2007. Therefore, the Panel meeting scheduled for discussion of "Implementation of the pilot scheme under the 2006 DC Review" should be held in December 2007. As some members considered that the subject should be discussed as early as possible to prepare for full implementation of the relevant new measures starting from 1 January 2008, the Clerk would further ascertain members' preference of the meeting date by circulation of papers.

Clerk

(Post-meeting note: on the instruction of the Chairman, the Panel meeting was subsequently re-scheduled to Friday, 14 December 2007, at 9:30 am.)

43. There being no other business, the meeting ended at 7:00 pm.

Council Business Division 2
Legislative Council Secretariat
16 January 2008