

立法會
Legislative Council

LC Paper No. CB(2)2824/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 13 June 2008, at 10:45 am
in the Chamber of the Legislative Council Building

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
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 Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH, 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
- Members absent** : Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TO Kun-sun
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Public Officers attending** : Agenda item II
Home Affairs Bureau

Miss Christine CHOW Kam-yuk
Principal Assistant Secretary for Home Affairs

Miss Leonie LEE
Assistant Secretary for Home Affairs

Agenda item III

Home Affairs Bureau

Mrs Agnes Allcock
Deputy Secretary for Home Affairs (2)

Mr SIN Yat-kin
Equestrian Events Coordinator (1)

Mr LAM Woon-kwong
Chief Executive Officer, Equestrian Events (Hong Kong)
of the Games of the XXIX Olympiad Company
Limited

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

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

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Information paper(s) issued since the last meeting
[LC Paper Nos. CB(2)1933/07-08(01) and CB(2)2035/07-08(01)]

Members noted the following papers provided by the Administration after the last regular meeting -

- (a) information paper on "Staffing proposal relating to the establishment of the West Kowloon Cultural District Office in the Home Affairs Bureau" (LC Paper No. CB(2)1933/07-08(01)); and
- (b) interim reply of the Administration on the pursuit of suitable premises for the Hong Kong Art School (LC Paper No. CB(2)2035/07-08(01)).

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II. Streamlining court procedures and setting up an intermediary body for the effective enforcement of maintenance order

[LC Paper Nos. CB(2)2215/07-08(01)-(03)]

2. Principal Assistant Secretary for Home Affairs (PAS(HA)) briefed members on the salient points of the Administration's paper on its proposals for legislative amendments to, amongst other issues, relax the requirement for the judgment summons to be served personally on the maintenance payers, and on measures to empower the Court to more effectively make orders to secure attendance of the maintenance payer for examination of the judgment summons proceedings.

Proposals for legislative amendments

3. The Chairman said that the Administration's recommendation of retaining the requirement for the original judgment summons to be served personally would allow the maintenance payers to take advantage of the service difficulties to evade their responsibility to attend the Court for examination. She considered that this would remain a major problem affecting the effectiveness of the enforcement of maintenance orders.

4. PAS(HA) responded that under the current proposals, the Administration would also make amendments to the relevant rules to empower the Court to serve an order to attend on the maintenance payer by alternative mode of services, such as registered mail, where the Court considered fair and reasonable.

5. Dr Fernando CHEUNG suggested that the Administration should envisage problems that might be encountered in implementing the requirement for the original judgment summons to be served personally, given the rising trend of cross-border marriages which had accounted for about 40% of marriages registered with the marriage registries in Hong Kong in the previous year.

6. Miss CHAN Yuen-han said that, while she did not object to the proposed legislative amendments, she remained of the view that the ultimate solution to resolving the issue of default by maintenance payers was to establish an intermediary body to collect and enforce maintenance payments. She pointed out that the various piecemeal legislative amendments including the current proposals to improve the enforcement of maintenance orders could not save maintenance payees from the painful experience of chasing maintenance payments.

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Proposed setting up of an intermediary board for the collection and enforcement of maintenance payments

7. The Chairman urged the Administration to consider setting up an intermediary body which could help ease the Comprehensive Social Security Assistance (CSSA) burden and avert the need for the maintenance payees to go through the very cumbersome and time-consuming legal procedures in the process of collecting maintenance payments, which had been a great pressure on the maintenance payees. Miss CHAN Yuen-han pointed out that the Legislative Council (LegCo) Secretariat had conducted an in-depth research study on the operation and effectiveness of overseas intermediary bodies responsible for the collection and enforcement of maintenance payments, and the experience of Australia in this regard had proven to be successful.

8. PAS(HA) responded that the Administration had no plan to establish an intermediary body but had been exploring measures to enhance assistance for divorcees who encountered difficulties in collecting maintenance payments. She informed members that the Administration had launched a pilot scheme on mediation in matrimonial cases, and it would consult the Panel on Administration of Justice and Legal Services shortly on its proposal to provide funding for mediation in legally aided matrimonial cases on a permanent basis.

9. Referring to paragraph 17 of the minutes of the Panel meeting held on 13 April 2007, Dr Fernando CHEUNG asked whether the Administration had followed up by commissioning an academic institute to conduct research studies on issues relating to the collection of maintenance payments including the proposal of setting up an intermediary body. PAS(HA) referred members to paragraph 19 of the minutes and the Administration's 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.

10. PAS(HA) further said that a former inter-departmental working group on review of the law and measures affecting persons eligible for maintenance set up in 1999 had already studied the issue, and it had concluded that those overseas intermediary bodies had very wide powers and they might not be applicable to the circumstances in Hong Kong. Mr CHEUNG Man-kwong and the Chairman considered that, if the Administration agreed to set up an intermediary body, the powers vested in such a body could be subject to further deliberation by LegCo and the Administration. The Chairman further said that the proposed intermediary body did not have to be completely modelled on those intermediary bodies in the United Kingdom and Australia. She suggested that the proposed intermediary body, if set up, should mainly assist maintenance payees in handling the cumbersome legal procedures, while the existing legal and administrative measures in relation to the collection of maintenance could be maintained. Miss CHAN Yuen-han suggested that consideration should be given to expanding the functions and responsibilities of

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the existing Family Service Centres, which should handle the collection of maintenance on behalf of the maintenance payees once the Court had determined the amount payable.

11. Dr Fernando CHEUNG pointed out that the ineffectiveness of the enforcement of maintenance orders had resulted in the transfer of the financial burden of those irresponsible maintenance payers to the community. He was concerned about the existing situation under which divorcees who were defaulted on maintenance payments would suffer financial loss when they applied for CSSA because the amounts of their maintenance payments would be deducted from their CSSA payments notwithstanding the non-payment. In his view, the Social Welfare Department (SWD) should still issue the CSSA payment to the maintenance payees under these circumstances, but the arrears later recovered from the maintenance payers concerned could be returned to SWD.

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12. PAS(HA) explained that the suggested approach might be a case of hypothecation of revenue which was against the principles of management of public finance. She undertook to follow up with SWD and the Legal Aid Department (LAD) on whether there was further room for enhancing collaboration between SWD and LAD in providing assistance for maintenance payees who were CSSA recipients. Miss CHAN Yuen-han considered that the Administration should actively consider the approach suggested by Dr CHEUNG which was in line with the approach adopted in handling wages in arrears under the Protection of Wages on Insolvency Fund.

13. Referring to paragraph 16 of the Administration's paper, Dr Fernando CHEUNG said that the Administration's argument that it should not interfere with private matters concerning maintenance in arrears did not stand as the Labour Tribunal also dealt with labour disputes which involved private debts. Referring to paragraphs 14 and 15 of the same paper, Mr CHEUNG Man-kwong criticised the Administration for being self-contradictory in saying that setting up an intermediary body per se would not bring significant benefits but at the same time acknowledging that defaulting maintenance payees might face imminent financial difficulties during a default payment and would need financial assistance from the intermediary body. Mr CHEUNG considered that the difficulties experienced by these payees in claiming arrears from the defaulting maintenance payers could be imagined, if the Administration was also worried that the intermediary body would not be able to claim arrears in some cases. Miss CHAN Yuen-han shared these members' views.

14. Miss CHAN Yuen-han further enquired about the cost implications of the existing administrative measures in relation to the collection of maintenance and the estimated cost incurred by setting up the proposed intermediary body. PAS(HA) reiterated that the Administration had no plan to establish an intermediary body. She explained that the Administration was not in a position to come up with an estimate of costs that might be involved at this

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stage given the many unknown variables and assumptions of the detailed arrangements for setting up such a body. As regards a comparison of the existing costs incurred in implementing the administrative and legislative measures to improve the enforcement of judgment summons, PAS(HA) advised that most were staff and public education costs incurred by relevant departments including those of the Home Affairs Bureau, SWD, LAD, the Department of Justice and the Judiciary. As regards the costs of the new measures, PAS(HA) explained that the Administration could not provide an estimate unless it had a concrete idea of the arrangements with stakeholders on what these new measures were together with the implementation details.

15. The Chairman considered that the Administration should make improvements to the existing enforcement of maintenance orders. She pointed out that the Attachment of Income Order would not be applicable if the maintenance payers were self-employed. She requested the Administration to take into account the two motions on the subject of setting up a maintenance board or alimony council to assist in the collection and payment of alimony to single-parent families passed by LegCo on 26 February 1997 and 8 December 1999 respectively, and to make reference to the LegCo Secretariat's research report which showed that the successful rate of collecting maintenance payments by an intermediary body in Australia was very high and it had proven to be very cost-effective.

III. Progress report on 2008 Olympic and Paralympic Equestrian Events

[LC Paper Nos. CB(2)2042/06-07(02) and CB(2)2215/07-08(04) and (05)]

16. With the aid of Powerpoint, Deputy Secretary for Home Affairs (2) (DSHA(2)) and Chief Executive Officer of Equestrian Events (Hong Kong) of the Games of the XXIX Olympiad Company Limited (the Equestrian Company) briefed members on the preparation work of the Administration and the Equestrian Company for the 2008 Olympic and Paralympic Equestrian Events (the Events) respectively. A promotional video on the Events was also played.

Weather

17. Ms Emily LAU asked about the contingency arrangements to be implemented in case of inclement weather during the competition days. CEO of the Equestrian Company responded that the Hong Kong Observatory had conducted a study regarding the weather information during the games period, and the Federation Equestre Internationale experts were satisfied with the findings of the study on the impact of the hot and humid summer in Hong Kong on the horses and athletes. He said that appropriate adjustments had been made on the timing of competitions and facilities for horses based on those findings. In addition, the last two days of the games period were reserved as

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contingency in case of inclement weather conditions during the competition days. He further said that unless the rainfall was excessively heavy, there would not be problem as the drainage systems at the competition venues were in good condition. However, should typhoon signal no. 8 or a rainstorm black warning signal be issued on the relevant days, the competitions would have to be re-scheduled. He said that spectators would be advised to check for any changes to the competition schedule beforehand.

18. In response to Ms LAU's further question about the contingency in case of very bad weather over an extended period of time, CEO of the Equestrian Company said that, while the primary aim was to complete the Events in accordance with the competition schedule, consideration would be given to shortening or cancelling some of the competitions where circumstances warranted.

19. Mr Andrew CHENG said that as heavy rainfall was common in August, he was concerned whether contingency had been planned for the cross-country venue at Beas River should there be flooding problems due to heavy rainfall.

20. CEO of the Equestrian Company said that the drainage system at the Beas River venue was specially designed. He informed members that no flooding problems had been detected at the venue during previous trial races which had also taken place during inclement weather. He was confident that the venue would be able to cope with heavy rainfall. He further said that there was no back-up venue which was not available as the area required was large, and so far, no irregularities with the drainage system at the Beas River venue had been detected. He added that the Equestrian Company would work closely with the Drainage Services Department to ensure good condition of the drainage system at the Beas River venue.

Ticketing arrangement

21. Ms Emily LAU asked whether the Administration and the Equestrian Company were confident that the ticket sale would be satisfactory and the attendance rate would be high.

22. CEO of the Equestrian Company informed members that about 200 000 tickets for Olympic Equestrian Events were for sale, and half of which had been allocated to Hong Kong while the rest to the Beijing Organising Committee for the Games of the XXIX Olympiad (BOCOG) for sale worldwide. He said that the first batch of the equestrian tickets, i.e. 40 000, allocated to Hong Kong for sale had all been sold out. The remaining 60 000 had also been launched for sale on 12 June 2008.

23. In response to Mr James TIEN's enquiry about the sale of the 100 000 tickets handled by BOCOG, DSHA(2) said that the Administration was given to know from BOCOG that, of the 200 000 tickets for Olympic Equestrian

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Events, about 60 000 had not been sold. These "Games-Time" tickets were those available for sale from 12 June 2008 onwards. These tickets could be purchased from the China Travel Service (CTS) or on-line, and some 10 000 tickets had already been sold. She added that the Administration was confident that the remaining tickets would be sold in the next two months and the attendance rate would be satisfactory.

24. Mr Albert CHAN said that the general public could not benefit much from the staging of the Events. He expressed concern about the possibly low attendance rate for the Events during those sessions scheduled for 6:30 am. He also asked whether the tickets were mostly bought by large corporations at the request of the Administration and, if so, few spectators would show up. DSHA(2) responded that the Administration had not reserved any ticket for purchase by large corporations. It had only reserved some for purchase by charity/community groups, which would distribute the tickets to children of poor families. DSHA(2) said that she did not expect low attendance rate for the Events during those sessions scheduled for 6:30 am, and transport arrangements for the relevant venues during those sessions would be made.

Security

25. The Chairman sought the reasons for entrusting the responsibility for security inside the competition and non-competition venues with the Equestrian Company and not the Hong Kong Police Force. CEO of the Equestrian Company explained that the arrangements were similar to those made for previous Olympic Games, i.e. the organising body was responsible for implementing security measures inside the competition and non-competition venues whereas the police for law enforcement. He added that for the Events, the police would also implement the security check of people and vehicles.

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26. The Chairman further enquired about the deployment of police officers during the Equestrian Events period. DSHA(2) undertook to provide the information in writing. She invited members to note that a detailed report on the security arrangements for the Events had been made to the Panel on Security at its meeting on 3 June 2008.

(Post-meeting note: the supplementary information provided by the Administration was issued vide LC Paper No. CB(2)2582/07-08 dated 10 July 2008.)

27. Ms Emily LAU asked why Equestrian Events Coordinator (1), who was a senior officer of the Correctional Services Department, had been re-deployed for the coordination work for the Events. DSHA(2) responded that re-deployment was normally arranged by the Civil Service Bureau for the purpose of career development and widening the staff's working experience.

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Minimising impact on local residents

28. Mr Andrew CHENG urged the Administration to take into account the transport needs of local residents in making the transport and traffic arrangements for the various venues during the games period. He asked whether the cycling track in the vicinity of Shing Mun River would be closed in connection with the Events and whether some kindergartens in the Shatin District had been advised to postpone the resumption of school in the next academic year.

29. DSHA(2) said that the Administration would strive to minimise inconvenience caused to local residents in making the transport and traffic arrangements for the various venues. There had been re-routing of some of the cycling tracks since May 1. The Shatin District Council (DC), which had been consulted on various occasions, had requested the Administration to give notifications to residents as early as possible and the Administration would act accordingly. DSHA(2) further said that the Education Bureau had only reminded schools to pay attention to any special transport arrangements during the Events and it would be entirely up to principals to decide the arrangements to be made during the Events. She added that since the Olympic Equestrian Events would be held in August and only Paralympics Equestrian Events would be held in September, the impact on schools was expected to be minimal.

30. Ms Emily LAU asked whether the works undergoing at leisure parks in the Shatin District were related to the provision of the Olympic and Paralympic Live Sites and whether such works had created nuisances to local residents. DSHA(2) explained the purpose of the provision of the Olympic and Paralympic Live Sites, and undertook to provide written information concerning the works currently implemented at leisure parks in the Shatin District.

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(Post-meeting note: the supplementary information provided by the Administration was issued vide LC Paper No. CB(2)2582/07-08 dated 10 July 2008.)

31. The Chairman suggested that adequate publicity materials such as national flags should be made available for distribution to spectators during the Events.

IV. Report of the Subcommittee on Heritage Conservation
[LC Paper No. CB(2)2217/07-08]

32. The Chairman, in her capacity as the Chairman of the Subcommittee on Heritage Conservation, reported that the Subcommittee had completed its work. She invited members' view on the report.

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33. Miss CHAN Yuen-han said that the Administration failed to take into account the views of some Subcommittee members that Queen's Pier should be re-assembled at its original location and it had been steering public opinions to support reassembling the Pier on the harbourfront. She considered that the Panel should follow up on the subject in the next term. Miss CHAN further suggested that the Panel should also follow up on the conservation of Nga Tsin Wai Village and the common concern expressed by Subcommittee members and the Central and Western DC that the new iconic structure proposed for the Central Police Station Compound was too tall. Miss CHAN considered that, given the unique heritage value of Nga Tsin Wai Village, the community should be engaged in discussion on its conservation, and the Urban Renewal Authority should consider acquiring the affected properties before completion of the relevant statutory planning procedures. Miss CHAN suggested that the Panel should follow up on these issues in the next term and including such in the report. Members agreed.

Clerk

(Post-meeting note: with the concurrence of the Chairman, the report incorporating Miss CHAN's suggestions was issued vide LC Paper No. CB(2)2421/07-08.)

V. Report of the Subcommittee on Human Rights Protection Mechanisms

[LC Paper No. CB(2)2218/07-08]

34. The Chairman informed members that as Mr Albert HO, Chairman of the Subcommittee on Human Rights Protection Mechanisms, was not in Hong Kong, Ms Emily LAU would present the Subcommittee's report on his behalf.

35. Ms Emily LAU said that the Subcommittee had held a number of meetings with the Administration, academics and the Hong Kong Human Rights Monitor to discuss the deficiencies in the existing human rights protection mechanisms in Hong Kong and feasible options to enhance these mechanisms. The Subcommittee concluded that there was a need to set up a human rights commission (HRC) in Hong Kong and was disappointed at the stern position taken by the Administration against its establishment.

36. Ms Emily LAU further said that the Subcommittee proposed that a motion on its report should be moved for debate at the Council meeting on 9 July 2008, and subject to the agreement of the Panel, a request should be made to the House Committee for consideration at its meeting on 20 June 2008 for the allocation of a debate slot to the Subcommittee Chairman under Rule 14A(h) of the House Rules for moving the motion. Ms LAU invited members to note the wording of the motion in Appendix VIII to the report.

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37. Dr Philip WONG did not agree that human rights were not adequately protected in Hong Kong. He said that there existed in Hong Kong extensive mechanism for the protection of human rights. The legislative safeguards were enshrined in the Basic Law, the Hong Kong Bill of Rights Ordinance and other relevant ordinances. In addition, Hong Kong had an institutional framework of organisations which helped promote and safeguard different rights. These organisations included the Legal Aid Services Council, the Equal Opportunities Commission, the Office of the Privacy Commissioner for Personal Data and the Ombudsman. As such, he considered it not necessary to establish a HRC to duplicate with or take over the functions performed by these organisations. Dr WONG further said that as there was not much time left before the end of the current term, he considered it more appropriate for members to deliberate the issue of the establishment of a HRC in the next term. He expressed objection to the Subcommittee's proposal to seek the House Committee's agreement for the allocation of a debate slot to move a motion on the Subcommittee's report.

38. Ms Emily LAU said that since Dr Philip WONG was a member of the Subcommittee, he should have raised his objection to the Subcommittee's proposal at its meetings. However, Dr WONG had not stated his view before. Ms LAU considered that Dr WONG should not oppose the proposal only at the present stage after it had been endorsed by the Subcommittee. She further said that Dr WONG could express his objection to the proposed establishment of a HRC during the motion debate on the Subcommittee's report. Ms LAU added that it was rather unusual for a Panel not to support the proposal of its subcommittee for making a request to the House Committee for the allocation of a slot for debate on the subcommittee's report.

39. The Chairman said that as the report had been endorsed by the Subcommittee, it was inappropriate to debate its content at the Panel meeting. Members needed only to deal with the Subcommittee's proposal to make a request to the House Committee for the allocation of a slot for debate on the Subcommittee's report. As Dr Philip WONG had expressed objection to the Subcommittee's proposal, she would put the proposal to vote. Ms Emily LAU requested to claim a division.

40. The Chairman put the proposal to vote. She read out the names of the members who were in favour of the Subcommittee's proposal. These included Ms Emily LAU, Mr CHEUNG Man-kwong and Mr Albert CHAN. The Chairman then read out the names of the members who objected to the Subcommittee's proposal. These included Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr LI Kwok-ying, Mr Daniel LAM, Mr CHEUNG Hok-ming and Mr WONG Ting-kwong. The Chairman declared that three members voted in favour of and seven members voted against the Subcommittee's proposal, and the proposal was negated.

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41. Ms Emily LAU expressed regret on the voting result. She reiterated that Subcommittee members should have expressed their objection when the Subcommittee discussed the proposal. She considered it necessary to bring the subject matter to the House Committee for discussion.

42. The Chairman said that the Panel had made a decision on the Subcommittee's proposal. Should individual members have concern about the subject matter, they could raise it to the House Committee.

43. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 2
Legislative Council Secretariat
25 September 2008