

Panel on Home Affairs

**List of outstanding items for discussion
(as at 13 December 2007)**

**Proposed timing
for discussion**

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

The Bills Committee on Interest on Arrears of Maintenance Bill 2001 (the Bills Committee) has requested the relevant Panel to follow up on ways to streamline court procedures in relation to enforcement of maintenance order and to address the problem of evasion of service of summons by maintenance payers who have defaulted on their maintenance payments.

2nd quarter 2008
(Note)
HAB

Note: The Administration has advised that to combat the problem of maintenance payers deliberately trying to evade service of judgment summons, the Home Affairs Bureau (HAB) is working on legislative amendments to relax the requirement for judgment summonses to be served personally. At the informal meeting between the Panel Chairman and the Secretary for Home Affairs (SHA) on 30 October 2007, the Panel Chairman requested that the issue of setting up an intermediary body for collection of maintenance payments be considered in the context of this legislative proposal.

2. 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

Not suggested for
discussion in the
near future
(Note)
HAB

**Proposed timing
for discussion**

indigenous inhabitants of NT and requested that the HYK 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 4 on traditional rights and interests of indigenous villagers of NT.

Note: The Administration has advised that it does not propose to discuss this item and item 4 in the near future as more research work has to be carried out so that the discussions will be fruitful.

3. Promotion of youth development

At the policy briefing 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.

July 2008
(Note)
HAB

Note: According to the Administration, the new Centre on Youth Development, currently under construction, is planned to be commissioned some time in mid-2008. The Administration will consider how the Centre can play a useful role in providing youth employment. The Administration plans to brief the Panel upon the commissioning of the Centre.

4. 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

See item 2 above
(Note)
HAB

**Proposed timing
for discussion**

suggested that HYK Councillors should be invited to attend the relevant meeting(s) of this Panel to give views when the issues were discussed.

The Administration has proposed to discuss this item together with item 2 on membership of the Full Council and Executive Committee of HYK.

Note: See item 2 above.

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

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.

Note: 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.

Upon consideration of the consultancy report on the review of the four centres around mid 2008
(Note)
HAB

6. 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 concluding observations of the UN Committee on Economic, Social and Cultural rights, issued on 13 May 2005, were discussed by the Panel on 21 June 2005. China is expected to submit its second periodic report before 30 June 2010.

As and when those reports are submitted by China to UN and published
CMAB

**Proposed timing
for discussion**

The initial report of the HKSAR under the Convention on the Rights of the Child (CRC) was submitted to UN in June 2003. The concluding observations of the UN Committee on the Rights of the Child, 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 expected to be due for submission by 31 March 2009 as part of China's combined third and fourth report.

The second report of HKSAR under the International Covenant on Civil and Political Rights (ICCPR) was submitted to the UN on 14 January 2005. The concluding observations of the Human Rights Committee, issued on 30 March 2006, were discussed by the Panel on 9 June 2006. The Administration further provided a copy of the HKSAR Report [LC Paper No. CB(2)369/07-08(01)] on its follow-up to the recommendations made in paragraphs 9, 13, 15 and 18 of the above concluding observations to the Panel on 15 November 2007. The Panel has previously agreed that once the Administration's response to the concluding observations is provided, it will be scheduled for discussion at the earliest opportunity. The third periodic report is expected to be 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 2008. The Panel discussed the outline of HKSAR's second report under ICERD on 12 January 2007. The HKSAR report will form part of China's report under ICERD to be submitted by China to UN.

The second report of HKSAR under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was submitted to UN in early 2004. The concluding comments of the Committee on the Elimination of All Forms of Discrimination Against Women, issued on 31 August 2006, were discussed by the Panel on 9 February 2007.

The Administration's second report on implementation of

**Proposed timing
for discussion**

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.

7. 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 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.

Feb 2008
(Note)
HAB

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.

8. 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

To be confirmed
(Note)
CMAB

**Proposed timing
for discussion**

the Administration and the Privacy Commissioner on the review of the Ordinance.

At the meeting on 11 October 2007, Hon Emily LAU proposed and members agreed that the Research and Library Services Division (RLSD) should be requested to gather information on the implementation problems of the Ordinance that had arisen in the past few years. RLSD is following up on the request.

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. The Constitutional and Mainland Affairs Bureau 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.

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

This item was 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 (RDB) would also deal with racial harassment in a similar manner, the proposed amendment to SDO would be incorporated in the Bill.

To be confirmed
(Note)
CMAB & LWB

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

**Proposed timing
for discussion**

of RDB and would further report progress to the Panel in due course.

Note: The Administration will, as a consequential amendment to 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.

10. Nuisances caused by holiday flats to residents nearby

As proposed by Hon Albert CHAN at the meeting on 12 January 2007, the Panel agreed to discuss this subject with the relevant licensing authority, i.e. the Home Affairs Department.

14 Dec 2007
HAB

11. 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. It agreed on 13 July 2007 that the places to be studied should be Australia and Macao. It is estimated that the research report should be completed by December 2007.

To be confirmed

12. Management of public records - issues relating to access to information

Hon TAM Heung-man has proposed to discuss this item including a proposal of introducing legislation on public records. The Panel agreed at its meeting on 11 May 2007 to discuss the item from the perspective of access to information.

To be confirmed

13. Strengthening the software and humanware in culture and the arts

**Proposed timing
for discussion**

- This item was originally scheduled for discussion at the regular meeting held on 9 November 2007. At the meeting, due to shortage of time, the Panel agreed to defer discussion on the item to the next regular meeting to be held on 14 December 2007.
- 14. Heritage conservation policy**
- The Panel last discussed the item "Built heritage conservation" at the meeting on 20 April 2007. A Legislative Council Brief on "Heritage conservation policy" [DEVB(CR)(W)1-55/68/01] was issued in October 2007. At the suggestion of the Administration, the Panel has scheduled to discuss "Heritage conservation policy" at its special meeting to be held on 20 December 2007
- 15. Strengthening national education**
- This item was proposed by Hon CHOY So-yuk at the meeting on 11 October 2007. At the meetings of the Panel on 13 July and 15 October 2007, members had raised various relevant issues during discussion with the Secretary for Home Affairs.
- 16. Implementation of the pilot scheme under the 2006 District Council Review**
- This item was proposed by Hon CHOY So-yuk at the meeting on 11 October 2007, and Hon Emily LAU expressed support for discussion of it as early as possible. The Panel has agreed that representatives of the four pilot DCs should be invited to join the discussion of this item.
- 17. Promotion of Cantonese opera and other xi qu**
- This item was proposed by Hon CHOY So-yuk.
- 14 Dec 2007
HAB
- 20 Dec 2007
DEVB
- Mar 2008
HAB
- 14 Dec 2007
HAB
- Mar 2008
HAB

**Proposed timing
for discussion**

18. Operational problems of national sports associations (NSAs)

This item was last discussed at the meeting on 3 July 2006 and was proposed by Hon Albert CHAN at the meeting on 11 October 2007 for further discussion, with emphasis on problems with NSAs' selection process of athletes to represent Hong Kong for participation in international sports events. He suggested that when the Panel discussed this subject, representatives of those NSAs which had selected athletes to represent Hong Kong should be invited to join the discussion.

Not suggested for discussion in the near future

(Note)

HAB

Note: In July 2006, the Administration discussed with and explained to the Panel in detail the monitoring mechanism for National Sport Associations (NSAs) in the use of sports subvention provided by the Government and the NSAs' compliance with the terms of the subvention agreement. Upon request by the Panel, the Administration also compiled and provided Members with service statistics on the incumbents of NSA key office-bearers after that meeting.

The selection of Hong Kong athletes to compete in international sporting events is a prerogative of the Sports Federation and Olympic Committee of Hong Kong, China (SF&OC) and its member NSAs which are the local governing bodies of individual sports. This is in line with the Olympic Charter, which states that one fundamental principle of Olympism is that "The organization, administration and management of sport must be controlled by independent sports organizations". The Administration fully respects the Olympic Charter and would not interfere with the prerogative of the SF&OC and the NSAs in selection of athletes to compete in international sporting events. The Administration does not plan to discuss this issue in the Panel.

19. Proposal to provide an allowance for village representatives

This item was proposed by Hon Andrew CHENG at the

Around May 2008

**Proposed timing
for discussion**

meeting on 11 October 2007. He suggested that the Administration should explain its considerations of this proposal, as well as whether the same arrangements should be made for other holders of public offices and the criteria. At the informal meeting between the Panel Chairman and SHA on 30 October 2007, the Administration explained that it would not be ready to discuss this item in the next few months as it needed more time to consider this proposal.

HAB

20. Progress of implementation of recommendations made in the Report of the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission (EOC) and the recommendations made in two other reports of the internal reviews conducted by EOC

This item was last discussed at the meeting on 13 January 2006 and was proposed by Hon TAM Heung-man at the meeting on 11 October 2007 for further discussion.

To be confirmed
(Note)
CMAB

Note: The only outstanding issues relate to the proposal for the appointment of a Deputy Chairman for the EOC and the proposal for separating the executive functions from the EOC Chairman. Both require careful consideration and, if accepted, amendments to the Sex Discrimination Ordinance. The Constitutional and Mainland Affairs Bureau will further examine the matter, taking into account the views expressed by members at the Panel meeting on 13 January 2006 and any other relevant Panel meetings.

21. Review of charging for estate beneficiaries support services

This item is proposed by the Administration. The Panel discussed estate beneficiaries support services at its meeting on 13 April 2007.

Jan 2008
HAB

22. Provision of cultural facilities in Hong Kong

At the informal meeting between the Panel Chairman and SHA on 30 October 2007, the Administration agreed that it

To be confirmed
HAB

**Proposed timing
for discussion**

would report to the Panel, within the current session, on its overall review of the provision of cultural facilities in Hong Kong.

23. Revitalising Historic Buildings Through Partnership Scheme

The Administration has proposed the item which relates to a funding proposal for discussion by the Panel at its special meeting scheduled for 20 December 2007.

20 Dec 2007
DEVB

24. Creation of the Commissioner for Heritage post

The Administration has proposed the item which relates to a funding proposal for discussion by the Panel at its special meeting scheduled for 20 December 2007.

20 Dec 2007
DEVB

Council Business Division 2
Legislative Council Secretariat
13 December 2007