

# 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 2007-2008 Legislative Council (LegCo) session. It will be tabled at the Council meeting on 9 July 2008 in accordance with Rule 77(14) of the Rules of Procedure.

#### **The Panel**

2. The Panel was formed by resolution of this Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002 and 11 July 2007 for the purpose of monitoring and examining Government policies and issues of public concern relating to district, community and rural matters, human rights, civil 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 21 members, with Hon CHOY So-yuk and Hon Albert HO elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

#### **Major work**

##### Heritage conservation

5. The Chief Executive (CE) announced a series of new initiatives on heritage conservation in the 2007-2008 Policy Address. A new policy statement on heritage conservation and further details on these new initiatives were published on 11 October 2007.

6. The Panel discussed the new policy statement and initiatives on heritage conservation with the Secretary for Development (SDEV). Members in general were supportive of the policy objective of enhancing heritage conservation work, but were dissatisfied with the progress made. Some members expressed disappointment at the new policy which, in their view, failed to provide concrete measures to prevent privately-owned historic buildings from being demolished. These members also considered that the threshold for preservation qualifying a building as a monument was very high under the Antiquities and Monuments Ordinance (Cap. 53) (A&M Ordinance), which rendered it difficult for a historic building to meet the threshold. They opined that the Administration should consider revamping the legislation to provide for different levels of statutory protection for different grades of historic buildings, or setting up a fund for buying those privately-owned historic buildings which were under threat of demolition.

7. SDEV explained that to address the concern that the statutory threshold for preservation was too high, it was necessary to ascertain firstly the number of historic buildings which were worthy of conservation but failed to meet the threshold. The Administration would therefore expedite the heritage assessment for the some 1 400 historic buildings (including 495 already graded buildings), which was expected to be completed by the end of 2008. The Administration would also study overseas experience to assess the suitability of setting up a heritage conservation trust in Hong Kong.

8. Some members considered that the Administration had failed to set out clear and objective criteria for deciding on the appropriate conservation approach to be adopted for specific heritage items. For instance, while the Administration was willing to preserve King Yin Lei by way of land exchange, it did not propose to preserve the 600-year-old Nga Tsin Wai Village intact. SDEV advised members that the heritage value of the village had been affected by alterations and its dilapidated conditions, and the present conservation plan could satisfy fully the preservation requirements suggested by the Antiquities Advisory Board.

9. Some members expressed concern about the lack of incentives for private owners to carry out maintenance of the historic buildings owned by them. SDEV informed members that the Administration would expand the existing scheme of maintenance of historic buildings to assist private owners of both declared monuments and graded historic buildings to carry out repairs and regular maintenance. Some members, however, considered that, despite the provision of assistance under the maintenance scheme, private owners might demolish their historic buildings for the sake of making profits. They maintained that the A&M Ordinance should be amended to provide for protection for graded historic buildings. Other members, however, considered that, if a policy was adopted which disallowed any structural works or demolition from being carried out in any privately-owned historic building

including those without monument status, such rigid restrictions might affect the property value of the building.

10. To be conducive to heritage conservation work, the Administration also proposed to provide \$1 billion to support the operation of the Revitalizing Historic Buildings Through Partnership Scheme (Revitalization Scheme), and to create the post of Commissioner for Heritage (C for H) in the Development Bureau. Members in general supported the Revitalization Scheme and the proposed creation of the C for H post. They, however, expressed concern about the maintenance of the seven historic buildings included in the Revitalization Scheme. SDEV explained to the Panel that the Administration would be responsible for funding the maintenance and repair of the structural parts of and slopes adjacent to the buildings after they had been let to successful applicants. Some members urged the Administration to identify more suitable historic buildings of a larger size for inclusion into the Scheme. SDEV assured the Panel that the Administration would explore the suitability of more historic buildings for inclusion under the Scheme.

11. The Panel set up a subcommittee in June 2007 to follow up on projects which might affect buildings or sites with unique heritage value. The Subcommittee held a total of 10 meetings with the Administration to discuss various projects affecting altogether seven buildings and sites of historic interest or cultural value. These seven buildings and sites of historic interest or cultural value included Queen's Pier, Nga Tsin Wai Village, Wan Chai Market Building, the open-air bazaar at Tai Yuen Street and Cross Street, King Yin Lei at No.45 Stubbs Road, the Central Police Station Compound, and the original site of the Central School at Hollywood Road. The stakeholders of some relevant projects were also invited to join the discussions.

12. After fruitful exchange of views among the Subcommittee, the Administration and relevant stakeholders, the Administration eventually agreed to members' request and devised a plan to preserve the entire open-air bazaar at Tai Yuen Street and Cross Street. At members' request, the Administration also undertook to carry out necessary improvement work to enhance the support facilities in the vicinity and the environment of the bazaar. On the preservation arrangement for King Yin Lei, SDEV also assured the Subcommittee that the Administration would adhere strictly to the established procedures of the Lands Department for lease modifications and charging of land premium in handling King Yin Lei, as well as in any future case involving some form of transfer of development right as a means to help preserve historic buildings in private ownership.

13. At the request of the Administration, the Panel also received a briefing on the Stage 2 Public Engagement of the Urban Design Study for the New Central Harbour front which included the new options on reassembling Queen's Pier and reconstructing the clock tower of the old Star Ferry Pier.

## Culture and the arts

### *Strengthening the software and humanware for culture and the arts and government support for arts groups*

14. In November 2007, the Administration proposed a package of measures to strengthen the software and humanware for culture and the arts for consideration by the Panel. The Panel subsequently held three meetings to discuss the subject with the Administration and received views from deputations at two of these meetings.

15. Members were of the view that it was important to widen the audience base for the development of culture and to implement more arts education programmes at school to raise young people's cultural literacy. They urged the Administration to explore actively the provision of a television channel for cultural and arts programmes and more public space for the display of the artistic and creative works. The Administration informed the Panel that the Hong Kong Arts Development Council (HKADC) had set up a working group to study the proposal of providing for an arts channel. In order to enhance the public accessibility to arts, HKADC had also worked with public transport corporations in making use of open space at train stations and ferry piers for display of creative works. In addition, the Hong Kong Jockey Club Creative Arts Centre in Shek Kip Mei which came into operation in the first quarter in 2008 provided creative arts space for over 100 individual arts workers.

16. In response to members' enquiry about the measures to be taken to enhance cultural and arts studies under the new academic structure, and whether the programme "One Sport and One Art for One Student" would be implemented fully at schools, the Administration informed the Panel that the new senior secondary (NSS) curriculum to be launched in the 2009 academic year would provide students with more diversified learning opportunities to continue the pursuit of the arts through appreciating, creating and performing. In the NSS curriculum, all senior students were entitled to learn the arts and physical education with 5% of their curriculum time respectively. Students could choose Visual Arts, Music and Physical Education as their elective subjects. The Administration also informed the Panel that Arts Education and Physical Education were already two of the eight Key Learning Areas in the current junior secondary and primary school curricula.

17. Some members expressed concern that 80% of the Government resources on culture and the arts were allocated to the Leisure and Cultural Services Department (LCSD), whereas HKADC, which provided funding support for medium and small arts groups, only received less than 3% of the Government resources. These members also expressed concern as to whether the policy of subsidizing the nine major professional performing arts groups had led to unfair competition between them and the non-subsidized arts sector, as the former

enjoyed guaranteed government subsidies contributing to lower production costs. Notwithstanding the Administration's assurance that it would examine the need for support to the non-subsided sector in its current review on a new funding mechanism for the major professional performing arts groups, the Panel would hold a special meeting in late June 2008 to further discuss the matter with the Administration as well as the major professional performing arts groups and the non-subsided arts sector.

*Promotion of Cantonese opera and other Xiqu*

18. Some members were of the view that the Administration had failed to attach importance to the promotion of Cantonese Opera and other Xiqu in the past. They urged the Administration to enhance training opportunities for script-writers, composers and musicians in the field of Cantonese Opera, as well as funding and venue support for the development of Cantonese Opera and other Xiqu. They were particularly concerned about the shortage of performance venues for Cantonese Opera in view of the anticipated demolition of the Sunbeam Theatre in 2009.

19. The Administration informed the Panel that HKADC had applied for funding from the Arts and Sport Development Fund to provide opportunities for budding artists to stage new productions of Cantonese Opera with a view to nurturing new talents. Since 2005, HKADC had sponsored educational programmes for the promotion of Xiqu at school. In addition, publicity programmes were launched overseas regularly to publicize local Chinese opera troupes to facilitate advance purchase of tickets by visitors planning to travel to Hong Kong.

20. In response to members' concern about venue support, the Administration advised that, before the completion of construction of a dedicated Xiqu Centre in the West Kowloon Cultural District (WKCD), measures to relieve the venue shortage included the construction of an Annex Building for Ko Shan Theatre, inclusion of the Cantonese Opera sector as an important "venue partner" of LCSD, and conversion of Yau Ma Tei Theatre and Red Brick Building into a Xiqu Activity Centre.

21. Some members considered that the shortage of venues for staging of Cantonese Opera performances was particularly acute in Tin Shui Wai, Tuen Mun, Kowloon East and Hong Kong Island. The Administration informed the Panel that it was considering the provision of a major regional performance venue, as part of the redevelopment project of the Lower Ngau Tau Kok Estate, to serve districts such as Kwun Tong, Wong Tai Sin, Kowloon City and Sai Kung. Moreover, the existing venues in Tin Shui Wai, Yuen Long and Tuen Mun were not yet fully utilized. As for Hong Kong Island and Kowloon, the Administration explained to members that, given the scarcity of land, the Administration had to adopt a regional approach in planning for the provision of

leisure and cultural facilities in urban area. At members' request, the Administration undertook to increase the resources allocated for the development of Cantonese Opera in 2008-2009.

*Development of private museums*

22. Following the visit to the Hong Kong Maritime Museum (HKMM) which was a private museum, the Panel discussed with the Administration the development of private museums in Hong Kong including the future development of HKMM. Members considered that, as private museums contributed to enhancing the cultural life of Hong Kong people, the Administration should expedite the development of a standard mechanism for supporting private museums in order to enhance support for them.

23. In response to members' views, the Administration agreed to formulate a proper framework for supporting the development of private museums, which would include a system of selection, accreditation and regulation, funding arrangements as well as performance monitoring and evaluation for museums. The Administration also agreed to consult stakeholders including the Panel on the proposed framework once available.

24. On the future development of HKMM, members were generally supportive of the HKMM's proposal of relocating to a site at the waterfront and seeking funding support from the Government for its continued development. At members' request, the Administration undertook to further discuss with HKMM with a view to working out a feasible option and had reported the progress of discussion to the Panel.

*Staffing proposal relating to the establishment of the West Kowloon Cultural District Office*

25. When the Panel was consulted on the Administration's proposal of creating three supernumerary directorate posts for a dedicated WKCD Office in the Home Affairs Bureau (HAB) to co-ordinate efforts to implement the WKCD project for three years, some members expressed concern that the proposed duration of the WKCD Office might be unduly long and might interfere too much with the work of the future WKCD Authority. To address the concern, the Administration subsequently revised its proposal and reduced the duration of the three posts to two years.

Sport and recreation

*2008 Olympic and Paralympic Equestrian Events and promotion of Olympism*

26. The Administration sought the Panel's support for a funding proposal to provide \$150 million for the promotion of Olympism in Hong Kong.

According to the Administration, the funding sought was for the implementation of a series of comprehensive publicity and promotional programmes with emphasis on community involvement to help foster the Olympic atmosphere in Hong Kong. The funding would be allocated to government departments and agencies concerned for implementing the relevant programmes, including the Torch Relay in Hong Kong in May 2008 and the operation of the two official Live Sites in August and September 2008. LCSD would also take the opportunity to further promote community participation in sporting activities and would offer sports facilities for public use free of charge from 1 July to 30 September 2008.

27. Members in general considered it necessary for Hong Kong, as an Olympic co-host city, to stage promotional events in connection with the 2008 Olympic and Paralympic Equestrian Events (the Events). However, they stressed that the Administration must observe the principle of prudent use of public funding and put in place an appropriate monitoring mechanism accordingly. Some members also suggested that, other than the two official Live Sites, more locations should be identified to broadcast Olympic competition events live for the free enjoyment by the public, and arrangements should be made to facilitate the participation of residents in remote new towns, such as Tin Shui Wai and Tung Chung, in these publicity and promotional programmes. They further considered that the opportunity should be taken to promote integration between the able-bodied and the disabled.

28. The Administration informed members that a one-stop website would be developed to provide information on these publicity programmes so as to enhance the transparency in the use of the funding. Arrangements would also be made to facilitate the participation of district organizations in remote areas in these publicity activities. In addition, there would be publicity programmes specifically for promoting the Paralympic Spirit of transcendence, integration and equality within the community. Apart from the staging of the Torch Relay for the Paralympic Games, the Administration would arrange for the disabled to participate in the various activities at the Live Sites in Victoria Park and Sha Tin Park.

29. The Panel also received a briefing on the overall arrangements for the Beijing 2008 Olympic Torch Relay held in Hong Kong on 2 May 2008. Some members expressed disappointment at the lack of transparency in the selection of the torchbearers for the Torch Relay. They considered that athletes should make up a majority of the torchbearers for the event. The Administration assured members that many of the torchbearers would be from amongst athletes and the sports sector.

30. The Panel had been following up on the preparatory arrangements for the Events. At the briefing by the Administration in mid-June 2008 on the progress of the preparations for the Events, members enquired about the estimated market

response to the ticket sale for the Events, the impact of the Events on the local residents and contingency measures in case of inclement weather conditions during the competition days. Members requested the Administration to minimize inconvenience that might be caused to the local residents in the vicinity by the special transport and traffic arrangements during the competition days.

#### *2011 International Olympic Committee Session*

31. The Panel discussed the proposal of the Sports Federation and Olympic Committee of Hong Kong, China (SF&OC) of bidding for the hosting right of the 2011 IOC session at three meetings. After having considered further information provided by the Administration on the estimated financial implications for SF&OC to host the IOC session, the tangible and intangible benefits generated to Hong Kong from hosting international conferences in the past, the Panel supported the Administration's proposal to seek the Finance Committee's acceptance in principle of the estimated financial implications to support SF&OC in hosting the 123rd International Olympic Committee Session in 2011, if the bid for the right to host the event was successful.

32. While members acknowledged that holding large-scale international conferences would yield not only direct economic benefits but also long-term intangible benefits, such as promoting Hong Kong as an international convention centre, they stressed that the Administration must cap the total expenditure within the estimated budget of \$135 million at current (January 2008) prices. The Administration assured the Panel that, barring high inflation rate, the Administration and SF&OC would make the best endeavors to control the total expenditure within the estimated budget, and SF&OC would be requested to exercise proper internal controls to ensure cost-effectiveness and accountability in the use of the fund.

#### *Redevelopment of Hong Kong Sports Institute*

33. The Panel discussed at two meetings the Administration's funding application for some \$1.8 billion in money-of-the-day (MOD) prices for the construction of the main works of the redevelopment of the Hong Kong Sports Institute (HKSI). Members expressed grave concern about the substantial cost increase from the original estimated amount of \$1,263.2 million, as put forward to the Public Works Subcommittee in May 2007, to the proposed \$1.8 billion. At the Panel's request, the Administration provided justifications accounting for the difference of the original and the updated estimated cost of the main works as well as the additional recurrent financial implication of the project. After consideration of the further information provided, the Panel raised no objection to the project, but the Administration was requested to ensure that the project design would comply with the Design Manual for Barrier Free Access 2008.



### Implementation of the pilot scheme under the 2006 District Council Review

34. A one-year pilot scheme was launched in Wan Chai, Wong Tai Sin, Sai Kung and Tuen Mun starting from January 2007. Towards the end of the implementation of the scheme, the Panel held a discussion in December 2007 with these four pilot District Councils (DCs) and the Administration on the implementation experience and areas for improvements.

35. Members noted that the DCs concerned in general regarded the new arrangements as a positive move to better meet district needs. Some members, however, took the view that, compared with the functions and duties of the former Municipal Councils, the enhanced role and functions of DCs under the pilot scheme were rather limited and the amount of additional funding provided to the pilot DCs was also minimal. These members criticized that, under the new arrangements, DCs were not serviced by independent secretariats or given autonomy over financial matters. They considered that the new arrangements did not bring about any material change to the role and functions of DCs and the Administration had failed to honour its undertaking of delegating powers to DCs.

36. The Administration explained that as the new arrangements had not been implemented in the remaining non-pilot DCs, it would consider the suggestion of further enhancing the role and functions of DCs after the new arrangements had been implemented smoothly in all the 18 DCs. Members urged the Administration to provide sufficient resources for DCs and to strengthen the manpower of the relevant departments to cope with additional work under the new arrangements. The Administration undertook to strengthen support to the 18 DCs. The Administration further briefed members on several additional measures to give DCs greater flexibility to facilitate the full roll-out of the new arrangements. These new measures included allowing DCs to use 10% of the DC Funds to hire additional staff to support DC members' work, and giving District Offices flexibility in the procurement of printing and transport services for DCs.

### Rights of individuals

#### *Reports to the United Nations under international human rights treaties*

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

38. The Panel discussed with the Administration the HKSAR's follow-up and response to the UN Human Rights Committee's (UNHRC's) recommendations in

paragraphs 9, 13, 15 and 18 of the concluding observation adopted by UNHRC on 30 March 2006 after its consideration of the second report of HKSAR under the International Covenant on Civil and Political Rights (ICCPR).

39. Some members criticised the Administration for ignoring repeatedly the UNHRC's recommendations, such as investigation of complaints against the police by an independent body and taking all necessary measures to ensure the election of LegCo by universal and equal suffrage. Casting doubt over the independence of the Complaints Against Police Office (CAPO), they considered that, under the Independent Police Complaints Council (IPCC) Bill, the conversion of IPCC into a statutory body served no meaningful purpose if complaints against police officers continued to be investigated by CAPO. These members also requested the Administration to note that according to UNHRC, once an elected LegCo was established, its election had to conform to Article 25 of ICCPR, and this view had been upheld by the court in Hong Kong. They stressed that the system of functional constituencies did not comply with the principles of universal and equal suffrage.

40. The Administration maintained its position that when ICCPR was applied to Hong Kong in 1976, a reservation was made by the United Kingdom government not to apply Article 25(b) to Hong Kong. In accordance with the notification given by the Central People's Government to the UN Secretary-General in 1997 and Article 39 of the Basic Law, this reservation continued to apply to HKSAR after its establishment. The Administration stressed that it was fully committed to achieving the ultimate aim of universal suffrage and was working towards securing consensus for implementing universal suffrage for the election of CE and LegCo. In addition, none of the options set out in the Green Paper on Constitutional Development included preserving the functional constituencies in the long term.

#### *Human rights protection mechanisms*

41. The Panel had been actively following up with the Administration the establishment of a high-level human rights institution in Hong Kong. The Panel set up a Subcommittee on Human Rights Protection Mechanisms in March 2007. The Subcommittee had held five meetings, including four with the Administration, the Hong Kong Human Rights Monitor and academics. The Subcommittee deliberated on the deficiencies in the existing human rights protection mechanisms in Hong Kong and feasible options to enhance those mechanisms. The Subcommittee concluded that there was a need to set up a human rights commission in Hong Kong to provide for a holistic mechanism to monitor and review the efforts of the Government in fulfilling its international and domestic human rights obligations, to review the compatibility or conformity of Hong Kong laws with the related international treaties, and to act on complaints.

### *Human rights education*

42. The Administration briefed the Panel on its work on national education and human rights education which was under the purview of HAB, the Education Bureau (EDB) and the Constitutional and Mainland Affairs Bureau. Some members considered that the Administration should strengthen the promotion of general awareness of the international human rights treaties applicable to Hong Kong, as well as the existing and the forthcoming anti-discrimination legislation. They stressed that the allocation of funding for national education and human rights education should be balanced as they were equally important. In response to members' query about the disbandment of the human rights education working group under the Committee on the Promotion of Civic Education (CPCE) in 2008, the Administration explained that CPCE had decided to disband the human rights education working group having regard to the restructuring of the policy bureaux with effect from 1 July 2007 and the need to streamline CPCE's structure. Following the disbandment of this working group, human rights education had been taken over by the CPCE Publicity Subcommittee and would continue to be implemented.

### *Protection of personal data*

43. In the wake of a series of incidents of the loss of USB memory sticks containing personal data by Government bureaux/departments as well as medical institutions, the Panel would hold a special meeting on 4 July 2008 to discuss with the Privacy Commissioner for Personal Data and the Administration the review of the Personal Data (Privacy) Ordinance (Cap. 486).

### Streamlining Court procedures and setting up an intermediary body for the effective enforcement of maintenance orders

44. The Administration consulted the Panel on the proposed new initiatives to facilitate effective enforcement of maintenance orders, including legislative measures to relax the requirement for the judgment summons to be served personally on the maintenance payers, and to empower the Court to make orders more effectively for the purpose of securing the maintenance payer's attendance for examination of the judgment summons proceedings. Some members, however, considered that the current legislative proposals could not avert the need for the maintenance payees to go through the cumbersome legal process to recover default payments from the maintenance payers.

45. These members also considered that, instead of making piecemeal changes to the existing system of enforcement of maintenance orders, the Administration should consider the establishment of an intermediary body for the collection and enforcement of maintenance payments and make reference to the successful experience of Australia in this regard. These members pointed out that such a body would be more effective than existing measures to help

collect maintenance payments and it could assist the maintenance payees in handling the relevant legal procedures. They considered that this matter should be further pursued in the next LegCo term.

Other issues

46. The Panel received briefings from the Administration on the CE's Policy Address in 2007 and the Administration's review of charging for estate beneficiaries support services. The Panel also discussed the Administration's measures to address the problem of nuisance caused by users of holiday flats to residents nearby.

Meetings held

47. From October 2007 to June 2008, the Panel held a total of 13 meetings.

Council Business Division 2  
Legislative Council Secretariat  
4 July 2008

**Legislative Council**

**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, development of arts and culture, public entertainment, sport and recreation, and heritage conservation.
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 2007-2008 session**

<b>Chairman</b>	Hon CHOY So-yuk, JP
<b>Deputy Chairman</b>	Hon Albert HO Chun-yan
<b>Members</b>	Hon James TIEN Pei-chun, GBS, JP Hon James TO Kun-sun 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 Prof Hon Patrick LAU Sau-shing, SBS, JP Hon TAM Heung-man  (Total : 21 Members)
<b>Clerk</b>	Miss Flora TAI Yin-ping
<b>Legal Adviser</b>	Miss Kitty CHENG
<b>Date</b>	11 October 2007