

立法會
Legislative Council

LC Paper No. CB(2)1340/99-00
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

LegCo Panel on Home Affairs

Minutes of meeting
held on Monday, 10 January 2000 at 4:30 pm
in the Chamber of the Legislative Council Building

Members Present : Hon CHOY So-yuk (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon Edward HO Sing-tin, JP
Hon LEE Wing-tat
Hon MA Fung-kwok
Hon James TO Kun-sun
Hon Christine LOH
Hon Gary CHENG Kai-nam
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, JP

Member Attending : Hon Bernard CHAN

Public Officers Attending : Item V

Mr David TSUI
Deputy Secretary for Home Affairs 2

Mr LUI Hau-tuen
Deputy Director of Home Affairs

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Mr Francis LO
Principal Assistant Secretary for Home Affairs (5)

Mr Geoffrey WOODHEAD
Principal Assistant Secretary for Planning and Lands (Buildings)

Mr C C TSANG
Assistant Director (Control & Enforcement), Buildings Department

Mr MA Kam-ki
Senior Liaison Officer (Building Management)
Home Affairs Department

Item VI

Mr Leo KWAN
Deputy Secretary for Home Affairs 1

Mr John DEAN
Principal Assistant Secretary for Home Affairs (7)

Miss WONG Yuet-wah
Assistant Secretary for Home Affairs

Mr K S SO
Principal Assistant Secretary for Security

Mr Herman CHO
Principal Assistant Secretary for Education and Manpower

Mr H F LEE
Senior Assistant Director (Support), Education Department

Miss Mabel LI
Senior Labour Officer, Labour Department

Mr Stephen WONG
Deputy Solicitor-General, Department of Justice

Miss Amy CHAN
Senior Government Counsel, Department of Justice

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Item VII

Mr Leo KWAN
Deputy Secretary for Home Affairs 1

Miss Helen TANG
Principal Assistant Secretary for Home Affairs (3)

Mr WONG Cheuk-ming
Assistant Secretary for Home Affairs

**Attendance by :
Invitation**

Item VI

Equal Opportunities Commission

Ms Anna WU, JP
Chairperson

Miss Alexandra PAPADOPOULOS
Legal Adviser

Hong Kong Against Race Discrimination

Ms Nelsy HASIBUAN
Officer, Asian Migrant Centre

Indian Resources Group

Ms Anita GIDUMAL
Director

Association of Sri Lankans in Hong Kong

Mr Santha J FERNANDO
Adviser

Ms Nanda MOHOTTIGE
Secretary

Bethune House - Migrant Women's Refuge

Miss Edwina ANTONIO-SANTOYO
Executive Director

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Miss Rowena B Dela CRUZ
Volunteer

Far East Overseas Nepalese Association

Mr Lekha Nath KOIRALA
Co-ordinator

Friends of Thai

Ms Bungon TAMASORN
Co-ordinator

United Filipinos in Hong Kong

Mr Eman C VILLANUEVA
Secretary-General, Executive Committee

Mission for Filipino Migrant Workers

Mr Aaron H. CERADOY
Volunteer

Mr Dwight DELA TORRE
Chaplain

Hong Kong Employers of Overseas Domestic Helpers Association

Ms Susan CHEN
Secretary

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2) 6

Staff in Attendance : Ms Miranda LEUNG
Senior Assistant Secretary (2) 9

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I. Confirmation of minutes

[LC Paper No. CB(2)668/99-00]

The minutes of the meeting held on 12 October 1999 [LC Paper No. CB(2)668/99-00] were confirmed.

II. Information paper issued since the last meeting

[LC Paper No. CB(2)729/99-00]

2. Members noted a letter of 17 December 1999 [Paper No. CB(2)729/99-00(01)] from the Secretary for Home Affairs, declining the Panel's request for the immediate release of the Government Economist's evaluation report on the 2006 Asian Games.

III. Items for discussion at the next meeting

[Appendix I and II to LC Paper No. CB(2)776/99-00]

3. Members agreed to discuss the following items at the next meeting on Monday, 14 February 2000 -

(a) Development and improvement of rural areas; and

(b) Resumption of private streets.

(Post-meeting note: At the suggestion of Hon CHENG Kai-nam, the Chairman agreed to add an item on "Regulation of motocross courses" to the agenda.)

IV. Follow-up discussion on the financial implications of hosting the 2006 Asian Games.

[A letter of 5 January 2000 from the Chief Secretary for Administration (CS) to the Chairman of the House Committee which was tabled at the House Committee meeting on 7 January 2000]

4. Members noted that pursuant to the Panel's report at the House Committee meeting on 17 December 1999, the Chairman of the House Committee had written to the CS conveying the Panel's request for the Administration to provide the Government Economist's evaluation report for discussion at the Panel meeting on 10 January 2000. In her reply of 5 January 2000, CS reiterated the point made by the Secretary of Home Affairs (SHA) that it would not be helpful to prematurely disseminate the information pertaining to the potential economic impact of hosting the 2006 Asian Games. CS

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nevertheless reconfirmed SHA's previous commitment of making available the evaluation report to the Panel in March/April 2000, before submission of the financial proposal in respect of hosting the 2006 Asian Games to the Finance Committee of the Legislative Council (LegCo). The Chairman invited views from Members as to whether the Administration's reply of releasing the evaluation report in March/April 2000 should be accepted.

5. Mr Andrew CHENG expressed great disappointment at the Administration's refusal to accede to the Panel's repeated requests. He was of the view that delay in releasing the evaluation report would cast doubts on the Administration's commitment to supporting the bid for hosting the 2006 Asian Games. He considered that CS's emphasis on "bid-sensitive" information might give rise to suspicion that the Administration was trying to cover up unfavourable information contained in the evaluation report. Mr CHENG added that the Administration's position was tantamount to undermining the LegCo's monitoring role.

6. Deputy Chairman, Mr. James TO and Miss Cyd HO were also of the view that the Administration's reply was totally unacceptable. They stressed that LegCo should have the right to be privy to the evaluation report in full well before a commitment for the bid to be made, so as to assess Government's rationale for supporting the bid. They pointed out that Government should act in a rational manner by considering the various quantifiable and non-quantifiable factors before making a commitment to the bid and the assessment process should be open. If Government had chosen not to base its decision to make such a commitment on the evaluation report, it should explain the rationale to the public.

7. In response to Members' enquiries, Mr. Timothy FOK, President of the Sports Federation and Olympic Committee of Hong Kong, China (SF&OC), briefed the meeting on the timetable and procedural arrangements for the submission of a bid to host the 2006 Asian Games. He explained that the deadline for submitting a preliminary application would be around the end of February 2000 and that for submitting a formal bid would be in May 2000. Following the submission of formal bids to host the 2006 Asian Games, the Olympic Council of Asia (OCA) would evaluate the applications and visit three short-listed cities. The final decision was scheduled to be made by the OCA in November 2000. He stressed that each step of the bidding process was highly competitive and great care must be taken to avoid any negative reporting by the media.

8. Mr. Timothy FOK further explained that after submission of the preliminary application in February 2000, the Hong Kong Special Administrative Region (HKSAR) still had the opportunity to withdraw from the bidding process by not making a formal bid in May 2000. Hence, Government

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had ample time to thoroughly assess its financial capability and other supporting factors in hosting the 2006 Asian Games before submission of a formal bid. Mr FOK pointed out that while the financial viability was indeed most crucial, the cost-benefit aspects should be considered from a wider perspective, including the long-term effect on the image of the HKSAR, and the promotion of sport within the local community. While he accepted, albeit with reluctance, the Administration's reply of releasing the evaluation report in March/April 2000, he emphasised that an early announcement by Government of its endorsement of the bid would significantly strengthen the HKSAR's position in the bidding process.

9. Deputy Chairman maintained the view that the Administration must release the evaluation report to LegCo. He pointed out that the estimated commitments for hosting the Asian Games should be made known to the Council even before a preliminary application was made by the end of February 2000. He expressed grave concern that the HKSAR would be in a difficult position if the financial commitment was subsequently found to be beyond its capabilities, and that withdrawal from the bidding process after having made a preliminary application would undermine the HKSAR's image. Deputy Chairman suggested that if Government had chosen not to base its decision to bid for hosting the Asian Games on the evaluation report, it could obtain assessments from other sources, and present all supporting information and statistics for a frank exchange of views with LegCo Members.

10. Mr CHENG Kai-nam said that he failed to see any insurmountable problem if Government was to release the evaluation report in March/April 2000. He pointed out that the preliminary application, which was no more than an expression of intent, was not entirely binding. LegCo could still have the final say on the financial proposal in respect of the bid. Should the reassessment turned out to be unfavourable, the HKSAR could withdraw from the bidding process by not proceeding with the submission of a formal bid in May 2000.

11. Mr. Andrew WONG said that apart from financial or economic return, hosting of the Asian Games would have other benefits on the community which might be far more important factors in assessing the viability of the HKSAR in hosting the event. Mr. WONG said that the Administration's reply of releasing detailed financial analysis, together with the evaluation report, in March/April 2000 was acceptable to him.

12. Mr. Edward HO said that he was prepared to accept the release of the evaluation report in March/April 2000 because Government had already undertaken to consult the Finance Committee before entering into any financial commitment and to present a full account of the financial implications of hosting the Asian Games in March/April 2000. The Chairman said that she held the same view.

13. In light of the divided views expressed, the Chairman suggested that the Panel should resolve whether it would accept or not to accept the Administration's reply of releasing the evaluation report in March/April 2000. Deputy Chairman moved the following motion which was seconded by Mr. James TO -

"that the Panel should not accept the Administration's reply of releasing the evaluation report in March/April 2000, and it should demand the immediate release of the evaluation report, failing which the matter should be referred back to the House Committee for follow-up."

14. The Chairman then ordered a vote be taken on the motion by a show of hands. Six Members voted for the motion and seven Members against. The Chairman declared that the motion was not carried.

V. Responsibilities and liabilities of owners' corporations in respect of illegal structures in private buildings

[Paper No. CB(2)767/99-00(01)]

15. The Chairman welcomed representatives of the Administration to the meeting.

16. At the invitation of the Chairman, Deputy Secretary for Home Affairs 2 (DS(HA)2) briefed Members on the Administration's paper.

17. DS(HA)2 informed Members that subsequent to the fatal incident arising from the collapse of unauthorised building works (UBWs) in Tung Choi Street in August 1999, the Buildings Department (BD) had stepped up enforcement actions against UBWs and identified a total of 307 buildings where UBWs needed to be removed. Some 8 000 removal orders had been issued, most of which were issued to individual property owners. Other orders were made to owners corporations (OCs) where the UBWs were erected in common parts of the buildings. He added that if owners/OCs had difficulty in meeting the improvement/removal expenses, they could apply to the BD for financial assistance which managed a Building Safety Improvement Loan Scheme of \$500 million. So far, 47 applications for assistance had been received since BD stepped up its enforcement actions.

18. In response to the Chairman's enquiry about the guidelines for BD staff in enforcement actions against UBWs, Assistant Director (Control & Enforcement), Building Department (AD(C&E)) said that BD staff would exercise their judgement on a case by case basis, taking account of the practical

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problems encountered by the owners. From experience, most owners/OCs were willing to comply with the removal orders.

19. With reference to paragraphs 5 and 6 of the Administration's paper, Mr James TO said that while an OC was given the powers and duties to deal with UBWs, BD also had to take enforcement action against UBWs in accordance with a policy of priorities. He pointed out that there was an unclear division of responsibility between BD and OCs. BD had sometimes failed to respond to complaints against UBWs but OCs were very often held responsible for subsequent liabilities arising from those UBWs, thereby causing grievances to OCs. Mr TO expressed concern that lacking a clear division of responsibility had put OCs in a difficult position. OCs had encountered many problems in complying with the removal orders because some owners were unwilling to contribute to the expenses. He remarked that it would be more effective for BD to carry out the removal works and recover the costs incurred from the OC.

20. DS(HA)2 responded that an OC could apply to the Lands Tribunal for enforcement of the provisions of the Building Management Ordinance (Cap. 344) against UBWs. Moreover, an OC chairman could seek a removal order from BD in order to facilitate the OC's task of removing the UBW. When a complaint was received, BD would inspect the site and assess the seriousness of the UBW, on the basis of which a serious case would take priority. DS(HA)2 pointed out that BD focused its effort on removing UBWs which were newly built or posing an immediate threat to human life.

21. Mr. James TO expressed dissatisfaction with the Administration's response. He said that the policy of priorities failed to provide a long-term solution to the problem of prevalence of UBWs in private buildings. Mr. TO further pointed out that BD would threaten to impose daily fine on an OC which had not enforced the removal order against UBWs even though they posed no immediate danger to human life. While BD itself would not take enforcement action against these UBWs, he failed to see any justification for BD to impose penalty on the OCs. He remarked that BD by doing so seemed to have adopted double standards in dealing with UBWs which posed no immediate danger to human life.

22. AD(C&E) responded that BD in principle would take immediate enforcement actions against all UBWs found to be under construction or newly completed. However, after assessment, BD might decide to tolerate certain minor UBWs that posed no real threat of danger. These included lightweight awnings and air-conditioner supports. AD(C&E) supplemented that the categorisation of minor UBWs could vary in different situations, depending on factors such as the types of material used. He said that confusion might occasionally arise where trespassing was involved, and he expressed regret that some owners and OCs had felt victimised. However, BD sometimes had no

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option but to refer the case to the OC concerned , particularly where it could not establish which owner was responsible for erecting the UBWs in the first place.

23. Mr. James TO said that BD might still take enforcement action against an UBW which it had earlier decided to tolerate after a period of time. Such a practice would cause confusion in situations where ownership of the property concerned had changed and the new owner or OC was held responsible for the liabilities. He urged that the Administration must take an overall policy review in respect of the removal of UBWs.

24. Deputy Chairman shared Mr. James TO's view that there was a need for clearly prescribed policies in respect of removal of UBWs. He pointed out that BD should announce to the public its criteria for determining the types of UBWs which would be tolerated on a permanent or temporary basis. It should also be made known that in the latter case, the owner of the property would eventually face a removal order. This clarification would be most important to prospective buyers of the properties concerned, so that they were fully aware of their liabilities before exchange of contract. The prospective owners should also be informed of whether they could seek covering approval for the UBWs erected; and if yes, the relevant procedures to do so. Deputy Chairman was of the view that the policy of taking immediate enforcement actions against all UBWs found to be under construction or newly completed should be strictly followed. To tolerate UBWs, even though they might not constitute a threat to human life, would be sending the wrong signal to owners and prospective owners of properties. He added that to issue and register orders against the titles of properties with UBWs would achieve the most profound deterrent effect.

25. With reference to the Task Force on Building Safety and Preventive Maintenance newly established under the Planning and Lands Bureau, Deputy Chairman said that he hoped that the Task Force would examine issues relevant to UBWs in private buildings and put forward long-term solution to tackle the problems systematically.

26. Principal Assistant Secretary for Planning and Lands (Buildings) informed Members that the Task Force would conduct a comprehensive review of the policy on UBWs and maintenance of buildings. DS(HA)2 added that the Task Force would examine the problems of UBWs from a policy perspective and would also review the prioritisation of resources in dealing with UBWs.

27. At the Deputy Chairman's suggestion, Members agreed that the Head of the Task Force on Building Safety and Preventive Maintenance should be invited to brief the Panel on the work plan of the Task Force and any proposals relating to the improvement of management and maintenance of private buildings.

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VI. Report to be submitted by the Hong Kong Special Administrative Region under the International Convention on the Elimination of All Forms of Racial Discrimination (the Report)

[LC Paper Nos. CB(2)230/99-00, CB(2)774/99-00, CB(2)776/99-00, CB(2)792/99-00 and CB(2)818/99-00]

28. The Chairman welcomed representatives of the deputations and the Administration to the meeting.

Equal Opportunities Commission (EOC)

[Paper No. CB(2)792/99-00(01)]

29. At the invitation of the Chairman, the Chairperson of EOC briefed Members on the written submission. With reference to the Concluding Observations made by the United Nations Committee on the Elimination of Racial Discrimination (the Committee) in 1996 and 1997 on Hong Kong under the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention), the Chairperson of EOC highlighted that the Committee had commented on Hong Kong's failure to include questions relating to ethnic and racial composition of the population in the 1991 Population Census. The Committee also expressed concern that specific legislation against racial discrimination was not yet available in Hong Kong, and deemed unnecessary on the ground of the alleged non-existence of racial discrimination.

30. The Chairperson of EOC informed Members that the Hong Kong Special Administrative Region (HKSAR) Government had commissioned an independent survey in 1999 about the extent of racial discrimination in the HKSAR. She said that the survey would be of considerable value to the community's understanding of the problem, the findings of which should be published for public discussion. The Chairperson of EOC further informed Members that although racial discrimination was not within the EOC's purview, it had received 63 complaints relating to the subject matter since its operation in September 1996. EOC had also received 19 related telephone enquiries since a record of telephone enquiries had been kept starting from September 1999.

31. With reference to the outline of topics to be included in the Report, the Chairperson of EOC drew Members' attention that while the outline had only addressed matters covered under Articles 1-7 of the Convention, Article 14 provided for a mechanism to deal with complaints of racial discrimination. She remarked that it would be useful for the HKSAR Government to highlight this mechanism for public discussion.

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Hong Kong Against Race Discrimination (HARD)

[Paper No. CB(2)776/99-00(02)]

32. Members noted the written submission from HARD. The representative of HARD expressed dissatisfaction that no legislative protection and remedies were available to help victims of racial discrimination in the HKSAR. She said that there were 180 000 migrant workers who had contributed to the local economy. They were at risk of being exploited and abused but Government chose to ignore their plight. The "two-week rule", for example, was harsh and unjust, and families were forced to be separated as workers' dependants were denied entry. In some cases, Government even encouraged racial practices, such as the recent proposal to impose a 20% service charge on migrant workers using public services, the proposal to cut down maternity protection for foreign domestic helpers (FDHs), and the unilateral decision of 5% reduction of their minimum wage.

Indian Resources Group (IRG)

[Paper No. CB(2)776/99-00(01)]

33. The Representative of IRG briefed Members on the written submission. She said that although Article 2 of the Convention stated that all signatories should prohibit racial discrimination, the HKSAR Government insisted that such discrimination was not prevalent in the territory and that education was the best way forward. She was of the view that regardless of whether or not racial discrimination was prevalent or not, it was damaging to the HKSAR as an international city. Education alone, in her view, was not sufficient as there was no legislation and penalty to deter the public from practising racial discriminatory acts. Representative of IRG queried why the HKSAR Government had refused to legislate against racial discrimination given that EOC had been established and legislation to prohibit discrimination against gender and disability etc was already available. She stressed that the lack of legislation against racial discrimination did not allow racial minorities to enjoy the same rights and freedom as the rest of the community did.

Association of Sri Lankans in Hong Kong

34. The Adviser to the Association of Sri Lankans in Hong Kong said that he shared the views expressed by the representative of IRG. He pointed out that discrimination cases were indeed prevalent in the territory. Although the HKSAR did not have a formal channel of complaints against racial discrimination, he observed that racial acts were prevalent in everyday life, such as in the use of public transport and renting of flats. He called upon the HKSAR Government to take measures to protect the rights of people of all races so that everyone would be treated equally in the territory.

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Bethune House Migrant Women's Refuge

[Paper No. CB(2)818/99-00(04)]

35. The Executive Director of the Bethune House Migrant Women's Refuge briefed Members on the written submission which was tabled at the meeting. She said that there was an increasing number of cases of discrimination against migrant workers in Hong Kong. For example, the new conditions of stay for FDHs imposed by the Immigration Department represented an example of discriminatory practice in the pretext of protecting the rights and welfare of local workers.

Far East Overseas Nepalese Association

[Paper No. CB(2)818/99-00(02)]

36. The Co-ordinator of the Far East Overseas Nepalese Association briefed Members on the written submission which was tabled at the meeting. He pointed out that after the change of sovereignty in 1997, small minority groups including the Nepalese who were born in Hong Kong had been excluded from the entitlement to Chinese citizenship. These minority groups were only entitled to the British National Overseas passports which could only be used as travel documents for one generation. Their next generation would become stateless in the future. The Co-ordinator of the Far East Overseas Nepalese Association also pointed out that there were many other discriminatory practices, including inhuman treatment by employers, payment below minimum wages, unfair dismissal, sexual and physical abuses, social harassment, unjustified body searches at the airport. He added that Government itself had made legislation of discriminatory nature by banning FDHs to perform driving duties.

Friends of Thai

37. The Co-ordinator of the Friends of Thai said that there were a number of racial discriminatory practices against FDHs which were prevalent in the territory. They included the "two-week rule", inhuman treatment by employers, payment below legal minimum wages, unfair dismissal, and physical abuse.

United Filipinos in Hong Kong

[Paper No. CB(2)818/99-00(05)]

38. The Secretary-General of the United Filipinos in Hong Kong briefed Members on the written submission which was tabled at the meeting. He expressed grave concern about the institutionalisation of discrimination through policies and executive orders of Government departments and agencies. He remarked that the HKSAR Government had put forward discriminatory policies under the pretext of protecting local workers.

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Mission for Filipino Migrant Workers

39. The Chaplain of the Mission for Filipino Migrant Workers said that he would not make a representation at the meeting but would send in a written submission to the Panel after the meeting.

Hong Kong Employers of Overseas Domestic Helpers Association
[Paper No. CB(2)818/99-00(05)]

40. The Secretary of the Hong Kong Employers of Overseas Domestic Helpers Association briefed Members on the written submission which was tabled at the meeting. She was of the view that the alleged discriminatory acts and personal abuse cases were relating to immigration control and labour relations, which should be discussed in the context of labour issues. She also cited a number of examples in her paper to support her claim, and concluded that racial discrimination was not a problem in the territory.

Other submissions

41. Members noted the written submission of the Hong Kong Council of Social Service which was submitted to the Home Affairs Bureau in December 1999 [Paper No. CB(2)774/99-00(01)] and a letter of 3 January 2000 from the Indian Chamber of Commerce Hong Kong, setting out its view on the need to legislate against racial discrimination [Paper No. CB(2)774/99-00(02)]. Members further noted the written submission of the Movement Against Discrimination which was tabled at the meeting and subsequently issued vide Paper No. CB(2)818/99-99(03).

Discussion with the Administration

42. Miss Emily LAU said that she was pleased to see so many deputations attending the meeting and their views would help all parties concerned to gain a wider perspective of the issues relating to racial discrimination in the territory. She then asked the Administration to give an overall response to the deputations' views.

43. DS(HA) pointed out that existing legislation which was applicable to Government and public bodies i.e. the Hong Kong Bill of Rights Ordinance (Cap. 383) did cover the prohibition of racial discrimination, but not relationship between private parties. DS(HA) was of the view that the problem of racial discrimination in the territory was far less serious than many other advanced countries where legislation against racial discrimination did exist. He recognised that there were individual cases of racial discriminatory practices, but legislation against racial discrimination was not a panacea. To legislate against racial discrimination on the grounds of a few known cases of racial discriminatory acts

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could be counter-productive and work to the detriment of social harmony. The most effective way of stamping out racial discrimination was by changing people's attitude rather than by legislation. This could be achieved through public education and publicity.

44. In response to the deputations' views on the Employment Ordinance (Cap. 57), Principal Assistant Secretary for Education and Manpower (PAS(EM)) said that the terms and conditions of service of all FDHs in Hong Kong were under the protection of the Employment Ordinance. In accordance with the standard of the international conventions, Hong Kong's labour law accorded equal protection to all nationalities. All employees in Hong Kong, irrespective of nationalities, had adequate channels for the filing of employment claims and complaints i.e. the Labour Relations Division of the Labour Department and the Labour Tribunal. In such cases, the Labour Department was committed to provide conciliation service to the employees and their employers. PAS(EM) remarked that the scope of protection for imported workers was adequate, and he saw no sign of racial discrimination.

45. On the question of immigration control, Principal Assistant Secretary for Security (PAS(S)) informed Members that the much debated "two-week rule" applied to FDHs of all nationalities, and other imported workers. This was a measure for effective immigration control. When a FDH's contract was prematurely terminated, he/she would be expected to return to the place of origin within a reasonable time i.e. two weeks' time. Should there be any special compassionate grounds, or the termination was an unfair dismissal, he/she could apply to the Immigration Department for a waiver of this rule. On average, about 80%-90% of these applications were approved on compassionate grounds. PAS(S) stressed that the "two-week rule" needed to be retained to prevent possible abuses, and its legality was confirmed by a ruling delivered by the Privy Council before the reunification. In response to accusations of discriminatory measures at the point of entry, PAS(S) explained that visa requirements on nationals of different countries were set objectively, and immigration examination was carried out impartially having regard to various factors such as records of previous offences, information and intelligence.

46. Miss Emily LAU asked whether the Administration would incorporate the deputations' views into the Report. DS(HA) said that the Administration would consider all the views received but it might not be able to address every one of them in the Report. However, all the submissions received in their original text would be forwarded to the Committee under separate cover. He stressed that it was not possible to have consensus on all issues and that the Report was basically a government report. He said that after the Report was published, he welcomed an opportunity to discuss it with Members who might also wish to convey their views to the Committee directly.

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47. Miss Christine LOH said that she could not accept the DS(HA)'s remark that racial discrimination was not a problem in the territory and that there was no need to legislate against racial discrimination. Miss LOH further referred to the EOC's submission and asked whether the consultant's survey had identified any racial problems in the territory. DS(HA) responded that the survey was to find out basic demographic data about ethnic minorities in Hong Kong. The consultant had completed the survey and was analysing the findings which would be released to the public. He also hoped that the relevant information and statistics would be available before the completion of the Report.

48. The Chairman thanked representatives of the deputations and the Administration for attending the meeting. She added that further views from the deputations after the publication of the Report would be welcomed.

VII. Proposed amendment to the Family Status Discrimination Ordinance

[Paper No. CB(2)776/99-00(03)]

49. At the invitation of the Chairman, DS(HA) briefed Members on the legislative proposal to amend the Family Status Discrimination Ordinance (Cap.527). Members noted that the Administration proposed to amend the Ordinance to clarify that it was not unlawful for a person to afford benefits only to one or more categories of immediate family members of his employees without affording the same to all immediate family members. DS(HA) explained the background of the legislative proposal to Members. He stressed that it had not been the intention of the Ordinance to require employers to afford such benefits to all family members and exceptions had already been provided for in Schedule 2 of the Ordinance. The proposal would not take away any legislative protection or benefits that were currently enjoyed by the employees themselves. The Administration hoped to introduce the legislative proposal into LegCo as soon as possible.

50. In response to Miss Emily LAU's enquiry about the EOC's position on the legislative proposal, DS(HA) confirmed that the EOC and the Labour Advisory Board supported the proposal in principle. Members present raised no objection to the proposal.

VIII. Any other business

51. The Chairman consulted Members on any suggestions/proposals for overseas visits. Members did not have any suggestion/proposal.

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52. The meeting ended at 7:00 pm.

Legislative Council Secretariat

7 March 2000