

立法會
Legislative Council

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(These minutes have been
seen by the Administration)

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LegCo Panel on Home Affairs

Minutes of meeting
held on Tuesday, 12 October 1999 at 5:45 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 MA Fung-kwok
Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, JP

Members Absent : Hon LEE Wing-tat
Hon Ambrose CHEUNG Wing-sum, JP
Hon Christine LOH
Hon Gary CHENG Kai-nam
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon Andrew CHENG Kar-foo

Member Attending : Hon CHAN Yuen-han

Public Officers Attending : Mr David H T LAN
Secretary for Home Affairs

Mr Leo KWAN
Deputy Secretary for Home Affairs (1)

Mr David TSUI
Deputy Secretary for Home Affairs (2)

Mr NG Sek-hon
Deputy Secretary for Home Affairs (3)

Mr Stephen NG
Deputy Secretary for Home Affairs (4)

Mr Peter CHEUNG
Deputy Secretary for Home Affairs (5)

Mr LUI Hau-tuen
Acting Director of Home Affairs

Clerk in Attendance : Mrs Justina LAM
Assistant Secretary General 2

Staff in Attendance : Miss Flora TAI
Senior Assistant Secretary (2) 2

I. Briefing on the Chief Executive's Policy Address 1999 by the Secretary for Home Affairs

At the invitation of the Chairman, Secretary for Home Affairs (SHA) highlighted the progress of work made by the Home Affairs Bureau (HAB) last year and its policy objectives for 1999-2000 as detailed in the following Policy Objective booklets -

- (a) The Rights of the Individual;
- (b) Community and Youth Development;
- (c) Building Management; and
- (d) Arts, Culture, Sport and Recreation.

(Post-meeting note : SHA's speaking note was issued to members vide LC Paper No. CB(2)106/99-00 on 14 October 1999.)

The rights of the individual

2. Miss Emily LAU said that she was surprised to note that the Chief Executive 1999 Policy Address had not addressed or even mentioned any human rights issues. Miss LAU asked how much resources had been allocated to the promotion of human rights. SHA replied that the Policy Objective booklet on "The Rights of the Individual" presented a comprehensive report on what the Government had achieved in the promotion of human rights.

3. Miss Emily LAU enquired what publicity the Government would give to the United Nations Human Rights Committee's hearing on the Initial Report of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) in the light of the International Covenant on Civil and Political Rights to enable the Hong Kong public to know what was discussed at the hearing. SHA informed Members that HAB had printed 3 000 copies of the Report which had also been uploaded on the Internet. Copies of the Report were still available and the Government had received no request for more copies of the Report. Regarding publicity for the hearing, SHA pointed out that there were press reports on HKSAR's delegation to attend the forthcoming hearing in Geneva which indicated public interest in the matter. Moreover, the fact that the delegation would be led by himself and comprised senior officers from different bureaux and departments reflected the importance attached to human rights issues by the Government. Miss LAU further asked whether the Government would have the resources to hold open forums on the Report. SHA replied that holding open forums was not necessarily the best way to publicize the Report. He considered it adequate as long as members of the public were aware of the Report and there were appropriate channels for them to raise questions on it, if any.

4. Miss Emily LAU asked when HKSAR's further submission to the United Nations Human Rights Committee would be made available to the Legislative Council (LegCo) and the public. SHA replied that HAB would do its best to complete the further submission before the hearing and provide a copy of the further submission to LegCo when it was presented to the United Nations Human Rights Commission. Miss LAU requested that the further submission to the United Nations Human Rights Commission should be released as soon as possible.

5. Miss HO Sau-lan expressed disappointment that there was meagre coverage of women's issues. The Policy Objective booklet on "The Rights of the Individual" merely touched on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the review on the effectiveness of the existing law and the proposal of setting up an intermediary body for the collection of alimony. She pointed out that apart from, say, offering assistance to victims of spouse battering, or divorcees seeking alimony,

the Government should provide services for women from a positive perspective such as assisting women in self-development and recognition of their own rights. SHA responded that in addition to the work of the Equal Opportunities Commission (EOC), the Government was also doing a lot of work on women's issues.

6. Deputy Secretary for Home Affairs (1) (DS(HA)1) explained that women's issues straddled the policy areas of a number of bureaux, such as the Education and Manpower Bureau, Security Bureau etc. HAB's work could not be taken to represent the entirety of Government's work on women's issues. DS(HA)1 explained that the most important aspect of HAB's work on women's issues was equal opportunities. In addition, HAB served as the coordinator in respect of CEDAW. In response to the Chairman's and Miss HO's enquiry about HAB's resources allocated to women's issues, SHA reiterated that a wide range of services for women were being provided by the Government as a whole. As far as HAB was concerned, he and DS(HA)1 personally oversaw women's issues and there were also financial resources allocated for work in this area.

7. In response to Miss HO Sau-lan's enquiry about the progress on the implementation of the United Nations Human Rights Committee's recommendation to set up a high-level central mechanism to develop and coordinate a women-focused policy, SHA said that the Government was actively studying the matter. The Chairman further asked whether the Government meant to set up such a central mechanism; and if yes, what would be the timetable. SHA reiterated that the Government would consider the recommendation, having regard to members' views.

8. Miss CHAN Yuen-han enquired about the progress of follow-up work on the recommendations of EOC's review of the Sex Discrimination Ordinance (Cap. 480) and Disability Discrimination Ordinance (Cap. 487). DS(HA)1 replied that as the recommendations concerned many areas, the relevant bureaux and departments had to be involved. HAB also needed to seek clarification with EOC on certain recommendations, e.g. EOC proposed that it should have the power to take legal action for discriminatory practices, but no further detail was provided. DS(HA)1 stressed that HAB would expedite the process but no time frame could be set at the present stage. Miss CHAN said that HAB should have a preliminary idea about the time frame as to when HAB would report to the Panel on the various recommendations. DS(HA)1 replied that for the more simple recommendations, he hoped to be able to report to the Panel within two to three months. As for the more complex recommendations such as the one he explained to Members earlier, it would be difficult to say. At the Chairman's suggestion, DS(HA)1 agreed to provide a tentative timetable to the Panel.

Building management

9. Deputy Chairman said that resorting to litigation was not an effective means to resolve neighbourhood disputes, having regard to the cost and time involved in legal proceedings. Deputy Chairman expressed concern that he had come across cases where an owners' corporation (OC) could not function because of neighbourhood disputes. He suggested that HAB should seriously consider the feasibility of setting up a statutory mediation mechanism to deal with building management disputes.

10. Deputy Secretary for Home Affairs (2) (DS(HA)2) responded that although Building Management Resource Centres (BMRC) were not directly involved in mediating building management disputes, they rendered assistance to parties concerned to better understand their rights and responsibilities in building management. In addition, the Home Affairs Department (HAD) would assist in resolving disputes, subject to the consent of parties concerned. DS(HA)2 added that he agreed with the Deputy Chairman that resolving disputes through litigation involved substantial costs and time. He then informed Members that an amendment bill to the Building Management Ordinance (Cap.344) would be introduced into LegCo in 1999-2000 session. The purpose of the bill was to implement the recommendations in the "Public Consultation on Proposals to Improve Fire Safety in Private Buildings" and include proposals such as mandatory management of problematic buildings and formation of OCs in new buildings. He assured Members that the issue raised by the Deputy Chairman would be included in the next review.

11. The Deputy Chairman reiterated that HAB should study the feasibility of setting up a mediation mechanism. He said that lawyers and building management professionals at BMRCs might not have mediation experience. He suggested that HAB should seek the assistance of professional mediators to conduct pilot schemes of resolving disputes by mediation.

12. Ag Director of Home Affairs (Ag D(HA)) pointed out that officers at District Offices were already playing a mediating role in respect of building management disputes, and they would welcome the opportunity to receive training from professional mediators if available. HAB had considered the feasibility of providing mediation service before but concluded at that time that it might not be appropriate to be included as part of the BMRC's services. However, HAD in consultation with HAB would further consider the Deputy Chairman's suggestion.

13. Mr James TO welcomed the Government's move to take a more proactive approach to help owners to form OCs by setting a quantitative objective i.e. the specific number of OCs to be formed. Mr TO was of the view that an advisory committee to review the implementation of the Building Management Ordinance on a regular basis was necessary. He asked whether

the Government would consider re-establishing the Advisory Committee on Private Building Management which had been set up for preparing the Building Management Bill in 1992-1993 and was dissolved after enactment of the Bill. He pointed out that to his understanding it was the consensus of the then LegCo that the review should be an ongoing exercise. Mr TO queried why the Government was so positive about setting up the Central Steering Committee on Fire Safety but seemed reluctant to set up the Advisory Committee on Private Building Management. He reminded the Administration that fire safety was only one of the many facets of building management.

14. DS(HA)2 informed Members that it was the Government's target to set up 240 OCs annually. He further explained that the premise for setting up the Central Steering Committee on Fire Safety was to address the most basic and pressing concern of public safety. He added that as the Central Steering Committee on Fire Safety comprised representatives from various policy bureaux and government departments, it discussed measures to improve fire safety as well as building management.

15. Mr James TO said that while he agreed with the Government's decision to establish the Central Steering Committee on Fire Safety, a standing advisory committee on building management was equally important to deal with building management problems. If the Advisory Committee on Private Building Management had not been dissolved, it would have made considerable achievements in improving the standard of building management. Mr TO asked whether the Administration was fundamentally opposed to the establishment of such an advisory committee. SHA responded that there could be an overlapping of responsibilities between an advisory committee on building management and the Central Steering Committee on Fire Safety because the latter also considered measures to improve building management. SHA undertook to consider Mr TO's suggestion and revert to the Panel in due course.

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Arts, culture, sport and recreation

16. Mr Edward HO said that to his knowledge the Government did not have a policy to provide resources to maintain and restore privately-owned historical buildings. He opined that promotional and educational efforts to heighten awareness of Hong Kong's heritage would be fruitless if heritage could not be preserved in the first place. In response to Mr HO's enquiry about the resources for heritage preservation, Deputy Secretary for Home Affairs (3) (DS(HA)3) said that maintaining sufficient resources for heritage preservation was HAB's concern and the following initiatives had been undertaken -

- (a) conducting a territory-wide survey of historical buildings and structures in order to identify heritage to be preserved;

- (b) reviewing existing legislation and policy to assess their effectiveness in heritage preservation; and
- (c) seeking annual funding to preserve selected heritage buildings or sites.

17. Responding to the Chairman, DS(HA)3 said that the survey was nearing completion. The initial estimate was that there were some 7 000 buildings built before the year 1950 which required further study. Consultants had been hired to help assess which buildings should be preserved, and this study would likely be completed in late 1999 or early 2000. At the Chairman's request, DS(HA)3 agreed to provide Members with the results and findings when they were available. In this regard, Mr HO urged that the Government must formulate a clear policy and allocate adequate resources for heritage preservation after completion of the relevant survey.

Adm

18. Mr Timothy FOK said that the sports community had high expectation of Government's undertaking to enhance the quality of sporting environment through the provision of additional recreational and sports facilities. He hoped that Government would support the proposed bid of the Sports Federation and Olympic Committee of Hong Kong, China (SF&OC) to host the 2006 Asian Games in Hong Kong and make an early decision before the Olympic Council of Asia met in Kuwait at the end of November.

19. SHA said that the Government was aware of the tight timetable for bidding to host the 2006 Asian Games and would do its utmost to reach an early decision. In response to the Chairman's enquiry about the HAB's position on the SF&OC's proposal, SHA said that he would like to take the opportunity to clarify that the building of a new stadium and the bid to host the Asian Games were two separate matters which should be proceeded with separately. He further pointed out that there was limited time to consider the viability of hosting the Asian Games, given that the Government had to take account of many considerations and issues which included, inter alia, the availability of suitable sports facilities, financial and economic implications, and Hong Kong's capability to organise an event of this size and complexity. The Government had yet to make a decision on the matter.

20. The Chairman thanked representatives of the Administration for briefing the Panel.

21. There being no other business, the meeting ended at 6:45 pm.