

立法會
Legislative Council

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**Report of the Panel on Home Affairs
For submission to the Legislative Council
1999-2000**

Purpose

This report gives an account of the work of the Panel on Home Affairs during the 1999-2000 Legislative Council (LegCo) session. It will be tabled at the LegCo meeting on 21 June 2000 in accordance with Rule 77(14) of the Rules of Procedure.

The Panel

2. The Panel was formed by resolution of Council on 8 July 1998 for the purpose of monitoring and examining 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, as well as the development of arts and culture, public entertainment, sport and recreation. Following the establishment of the new administrative structure for the provision of municipal services on 1 January 2000, the Council at its meeting on 26 January 2000 approved amendments to the terms of reference of the Panel to cover issues relating to the provision of leisure and cultural services.

3. The terms of reference of the Panel are in **Appendix I**.

4. The Panel comprises 18 members, with Hon CHOY So-yuk and Hon Albert HO Chun-yan elected as Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

Major Work

Rights of individuals

5. During the 1999-2000 legislative session, the Panel continued to monitor closely the submission of reports to the United Nations under various human rights conventions by the Hong Kong Special Administrative Region (HKSAR) Government

and its progress in following up the recommendations made by the respective United Nations Treaty Monitoring Bodies.

6. Following the publication of the HKSAR's initial report under the International Covenant on Civil and Political Rights (ICCPR), the Panel met non-governmental organisations (NGOs) and the Administration on the report. Some members expressed dissatisfaction that Government had concluded without giving any justifications that the reservation to Article 25(b) of ICCPR should be retained. Some members were also of the view that the Government's proposal to abolish the two Provisional Municipal Councils (PMCs) should not have been omitted in the report because it affected the public's right to participate in elections. The Government had subsequently included its decision not to retain the two PMCs in its further submission to the United Nations Human Rights Committee (UNHRC) in respect of the report.

7. The Panel discussed with NGOs and the Administration the progress of the follow-up actions taken by the Government on the concluding observations made by UNHRC after its hearing on the report. Some members expressed strong disappointment at the Government's slow progress in implementing the UNHRC's recommendations contained in the concluding observations and its failure to provide updated progress to the Panel. The Administration responded that as the UNHRC's recommendations involved complex issues with wide-ranging implications, it would not be possible to come up with a decision on any of them within a short time. However, it undertook to report to the Panel in the first instance when a decision on a particular recommendation or concern had been made.

8. The Panel also discussed with the Administration the progress of the follow-up actions taken by the Government on the concluding comments made by the United Nations Committee on the Elimination of Discrimination against Women on the initial report on the HKSAR under the Convention on the Elimination of All Forms of Discrimination against Women.

9. On the initial report to be submitted by the HKSAR under the International Convention on the Elimination of All Forms of Racial Discrimination, the Panel had discussed the outline of topics to be included in the report and racial discrimination in the HKSAR with NGOs and the Administration. The Panel had also met NGOs and the Administration on the HKSAR's initial report under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

10. The Panel held a joint meeting with the Education Panel to discuss the Equal Opportunities Commission's (EOC's) report on Secondary School Places Allocation System (SSPA). Members noted that EOC had concluded that certain elements within the SSPA discriminated on the basis of sex. Members were of the view that the Administration should adopt positive measures instead of discriminatory measures to address the problem of development difference between boys and girls. Noting that the Administration would need time to complete the review of the education

system which included reforming the allocation system for secondary one places, members urged that the Administration must work out transitional arrangements to remove any discriminatory elements from the allocation system.

11. The Panel also discussed the EOC's investigation report on the issues arising from the Kowloon Bay Health Centre case with EOC and the Administration. Some members were very disappointed at the inaction and poor coordination on the part of the government departments concerned, as a result of which patently discriminatory acts were tolerated. Members also noted that EOC had identified some inadequacies of its powers in the investigation of the case and that it had recommended to amend the relevant legislation to empower EOC to take remedial action in its own name on issues of public interest.

12. The Panel discussed with the Law Reform Commission (LRC) and journalists' associations, press organisations, and other concerned organisations and individuals on the Consultation Papers on Regulation of Media Intrusion and Civil Liability for Invasion of Privacy published by the LRC's Subcommittee on Privacy. Some members expressed reservations on the proposal of the LRC's Subcommittee to set up a Government-appointed Press Council with sanction powers on the ground that it would have adverse impact on press freedom. They urged the media industry to expedite the progress of setting up a self-regulatory mechanism in order to address public concern about malpractices of some media organisations.

Arts, culture, recreation and sports

13. Following the Government's announcement of its support for the bid to host the 2006 Asian Games, the Panel requested a briefing on the procedural arrangements and financial implications. Some members were in support of the Government's decision in view of the benefits to the community such as enhancing investment opportunities and the standard of sports, etc. They urged that the Government should consider building major new venues in order to boost its chance of success in the bidding. However, some other members expressed grave concern that the financial commitment might be beyond the HKSAR's capabilities. These members were dissatisfied that Government had made the decision before the public and LegCo have the opportunity to consider the financial implications. The panel passed a motion at its meeting on 7 December 1999 requesting the Administration to immediately provide the panel with the Government Economist's report on the proposal for HKSAR to host the 2006 Asian Games. In response to the panel's request, the Administration agreed to make available the Government Economist's report in March/April 2000, before submission of the financial proposal in respect of hosting the Asian Games to the Finance Committee.

14. At a meeting of the Panel in May 2000, the Administration provided the results of the financial study undertaken by the financial consultants as well as relevant economic assessment reports prepared by the Government Economist for the Panel's consideration before its submission of the financial proposal to the Finance

Committee. The majority of the Panel members gave their support on the grounds that apart from boosting tourism and creating more job opportunities in the hosting process, there would be many intangible benefits including promotion of an interest in sport among the young people. However, some members expressed concern that Government was too optimistic on estimated revenue but too conservative on estimated expenditure. These members urged Government to set a spending limit and put in place a cost-control mechanism to make sure that the spending would be within the limit. A member also expressed dissatisfaction that Panel members as well as the public were not given sufficient time to consider the financial implications.

15. Members were very concerned about the availability of sports and cultural venues to support the future development of sports and culture in the HKSAR. Noting that Government was planning to build a major performance venue on the West Kowloon Reclamation (WKR) and a sports complex in South East Kowloon, the Panel had requested a briefing on the progress of these plans. While members supported the development of large-scale performing venues and sports complex, they were of the view that an integrated approach should be adopted in the planning of an international venue for sports, arts and cultural activities. Some members stressed the importance for the Administration to give clear policy objectives and guidelines for the WKR development. They also urged the Administration to consult the sports and cultural communities widely so that the design would be compatible with the long-term needs of the HKSAR.

16. The Panel also received a briefing on the work of the new Leisure and Cultural Services Department. The Director of the Leisure and Cultural Services had informed members that the new Department aimed at nurturing a new culture of customer service. The new Department had strengthened its links with the District Councils and National Sports Associations (NSAs) and set up Customer Liaison Groups for strengthening communication with customers. While members welcomed the new initiatives, they expressed concern about the working relationship between the new Department, Hong Kong Sports Development Board and NSAs for the overall development of sports. Members also urged the Administration to ensure that the development of general recreation and sports-for-all would complement that of elitist training.

17. Following a fatal accident in a motocross course, members discussed with the Home Affairs Bureau the regulation of motocross courses. Members urged that the Bureau should consider the need to tighten up the regulatory work over these motocross courses by making reference to overseas practices. A member also suggested the Bureau to consider the introduction of a licensing system as a permanent control measure.

18. Members discussed with the Administration the regulation of golf driving ranges located near residential areas. Members had expressed strong dissatisfaction that no designated government department was responsible for the regulation of golf driving ranges on safety matters e.g. golf balls flying out of driving ranges and there

was no control over their operation. Members were of the view that a government department should be made responsible for the licensing and regulation of golf driving ranges and a timetable for the introduction of a licensing system was required. They also urged the Administration to take immediate action to prevent golf driving ranges posing danger to nearby residents and passers-by from operating.

Building management

19. Building management had been a major area of concern to the Panel. Members noted that a judgment against an owners' corporation (OC) could be enforced against any owner in that OC with the leave of the Lands Tribunal under section 17(1)(b) of the Building Management Ordinance (Cap 344). While it was the Government's policy to encourage owners to form OCs for the proper management of buildings, some members expressed concern that the provision would discourage owners from participating in an OC's work because it would have the effect of transferring the collective liabilities of an OC to an individual owner as personal liabilities. These members considered that the Bureau should review the need to retain section 17(1)(b) or to restrict its application only to exceptional circumstances.

20. Members were very concerned about the responsibilities and liabilities of OCs in respect of unauthorised building works (UBWs) in private buildings. Members considered that the division of responsibility between the Buildings Department (BD) and OCs was unclear. They pointed out that BD sometimes failed to respond to complaints from OCs against UBWs but OCs were very often held responsible for subsequent liabilities arising from UBWs. They were also of the view that the policy of priorities adopted by BD had failed to provide a long-term solution to the problem of prevalence of UBWs in private buildings. Noting that the newly established Task Force on Building Safety and Preventive Maintenance under the Planning and Lands Bureau would conduct a comprehensive review of the policy on UBWs and maintenance of buildings, members urged that the Administration must clearly prescribe its policies in respect of removal of UBWs and strictly follow the policy of taking immediate enforcement actions against all UBWs found to be under construction or newly completed.

Youth and women matters

21. On the provision of youth services, the Bureau briefed members on the proposals for redeployment of resources following the completion of the Fundamental Expenditure Review on Youth. Members were informed that the initiative to provide one school social worker for each existing secondary school would need a cost of about \$97 million which would be re-deployed from existing children and youth centres run by NGOs. While members were in support of the initiative, some members expressed concern that the re-deployment of resources might lead to problem of staff redundancy. Members also urged the Administration to ensure that the provision of school social workers for schools with a large number of students would not be reduced under the new initiative.

22. The Panel discussed with the Administration the report presented by the inter-departmental working group on review of law and administrative measures affecting divorcees and children eligible for alimony. Members were very disappointed at the Government's decision not to set up an intermediary body for the collection of maintenance payment. The Administration considered that the proposed intermediary body would not be able to offer maintenance payees or taxpayers any significant benefits more than those that can be achieved by improving the existing system. Members disagreed with the Administration's position. They opined that the Administration should not have taken the position primarily on economic considerations. Members were of the view that although the measures proposed by the Working Group could be of some assistance, the hardship and torment encountered by divorcees and their children in collecting maintenance payment would not be alleviated in the absence of an intermediary body.

Community and rural matters

23. On the development and improvement of rural areas, members noted that the Rural Planning and Improvement Strategy Programme would be completed by 31 March 2000, and that minor environmental and infrastructural improvements in the rural areas would be carried forward under a Rural Public Works (RPW) Programme. In this connection, the Administration had assured members that the current two-tier consultative mechanism both at the central and district levels would continue under the RPW Programme to ensure that local communities would be effectively consulted.

24. In view of the concern raised by a number of Provisional District Boards about the deletion of some private streets from the resumption programme and the poor conditions in some of these private streets, the Panel discussed with the Administration the possible solutions to the problems. The Administration had explained to members the practical difficulties to resume private streets with protruding balconies and those which involved identified legitimate claims for compensation. Nevertheless, members expressed concern about the state of disrepair in the private streets and the safety standards of the buildings there. While the Administration considered that redevelopment would be the long-term solution to the problems, members urged that the Administration should facilitate the owners concerned to work together to resolve the problems and assume responsibility for the day-to-day maintenance and cleanliness of these private streets.

Other issues

25. The Panel had received briefings from the Administration on the Chief Executive's 1999 Policy Objectives and on a number of other subject matters including: proposed amendments to the Gambling Ordinance (Cap. 148) which sought to plug existing loopholes in the legislation and to combat unauthorised overseas booking activities conducted in HKSAR; proposed amendments to the Family Status Discrimination Ordinance (Cap. 527) which sought 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; and the proposals relating to the revision of Government fees and charges which did not directly affect people's livelihood or general business activities under the purview of the Panel. The Panel also discussed with the Bureau the monitoring mechanism over the expenditure of District Councils on minor environmental improvement works.

26. The Panel held a total of 13 meetings between October 1999 and June 2000, of which one was a joint meeting held with the Panel on Education.

Legislative Council Secretariat

17 June 2000

LegCo Panel on Home Affairs

Membership List

Hon CHOY So-yuk (Chairman)

Hon Albert HO Chun-yan (Deputy Chairman)

Hon Cyd HO Sau-lan

Hon Edward HO Sing-tin, SBS, JP

Hon LEE Wing-tat

Hon LEE Kai-ming, SBS, JP

Hon Fred LI Wah-ming, JP

Hon MA Fung-kwok

Hon James TO Kun-sun

Hon Christine LOH

Hon Gary CHENG Kai-nam, JP

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, SBS, JP

Hon FUNG Chi-kin

Dr Hon TANG Siu-tong, JP

Total : 18 Members

Date: 10 February 2000

Appendix II

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 as well as matters relating to development of arts and culture, public entertainment, sport and recreation.
2. To provide a forum for the exchange and dissemination of views on related policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in the relevant policy areas prior to their formal introduction to the Council or Finance Committee.
4. To examine and to report on any major issues of wide public concern in the relevant policy areas as referred by the Council or House Committee or as raised by the Panel itself.