

立法會
Legislative Council

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**Report of the Panel on Home Affairs
for submission to the Legislative Council
1998-99**

Purpose

This report gives an account of the work of the Panel on Home Affairs during the 1998-99 Legislative Council session. It will be tabled at the meeting on 7 July 1999 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by resolution of the Legislative 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, development of arts and culture, public entertainment, sport and recreation. The terms of reference of the Panel are in **Appendix I**.

3. 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

4. During the 1998-99 legislative session, the Panel monitored closely the reports of the Hong Kong Special Administrative Region (HKSAR) on the implementation of international human rights treaties. Following the publication of HKSAR's initial report under Article 18 of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) which was submitted to the United Nations (UN) in September 1998 through the Central Peoples' Government of the

Peoples' Republic of China, the Panel held three meetings with concerned organizations and the Government to discuss the report. In view of the current fragmented approach in the provision of services for women, members strongly urged the Government to set up a high-level Women Commission to develop and coordinate a women policy, and to consider incorporating a gender impact analysis in policy papers. Some members expressed concern that there were still structural obstacles to women's equal participation in political and public affairs. In this connection, they advised the Government to prescribe a percentage for women sitting on statutory and advisory bodies, and to ensure equal rights for women to stand for rural elections.

5. On the reservations adopted by the Government in the implementation of CEDAW, some members held the view that those out-dated reservations in relation to religious organizations and small house policy should be removed. Some other members requested the Government to address discriminative practices in employment, and to adopt a holistic approach in the provision of health and welfare services to women. There were also suggestions about enhanced assistance to divorced women, victims of rape and domestic violence as well as commercial sex workers.

6. While the Government did not consider it necessary to set up a Women Commission, it undertook to consider carefully members' views and the recommendations of the UN treaty monitoring body following the UN hearing in February 1999. Members also noted that the Government intended to introduce legislative amendments to abolish the corroboration rules for sexual offences in the Evidence Ordinance, as a step to implement the recommendation of the UN Committee on CEDAW. The Panel would continue to monitor the progress of the implementation of other recommendations.

7. The Panel noted that three other human rights reports of HKSAR had been forwarded to UN between October 1998 and May 1999 through the Representative of Chinese Permanent Mission. The Panel had sought a briefing by the Government on HKSAR's report on International Covenant on Civil and Political Rights (ICCPR). Some members expressed strong reservations that the report had not adequately reflected the situation of Hong Kong particularly the controversies over the election arrangements after 1997. These members considered that the divergent views of the community over the functional constituencies system for the Legislative Council elections, the restrictions imposed on the Legislative Council and the proposed abolition of the two municipal councils should be included in the report. They also requested the Government to include in the report a response to the concluding remarks of the UN committee made in November 1995. The Panel would meet deputations and further discuss with the Government before the UN hearing on the report. As regards HKSAR's reports on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which were issued in May 1999, the Panel would discuss with the Government at a later stage.

8. With regard to the review of anti-discrimination legislation, the Panel discussed with the Equal Opportunities Commission the operation of the three existing laws against discrimination on the grounds of sex, disability and family status. Members noted that the Commission had reviewed the Sex Discrimination Ordinance and Disability Discrimination Ordinance in the light of operational experience, and that amendments had been proposed to facilitate enforcement and to remove some unnecessary exemptions. On the subject of racial discrimination, the Panel had invited submissions from concerned organizations on the need for legislation. The Administration upheld the view that racial discrimination was not a problem in Hong Kong and would prefer public education to legislation. In this respect, the Panel received a briefing of a member on her proposal to introduce a private member's bill to outlaw racial discriminatory acts.

9. Concerning the protection and disclosure of personal data, the Panel had sought a briefing by the Privacy Commissioner on the policy and enforcement of the Personal Data (Privacy) Ordinance. Members noted that the Office of the Privacy Commissioner was conducting a review on the time limit for prosecution under the Ordinance. To allow sufficient time for litigation in justifiable cases within the time limit, members urged the Privacy Commissioner to shorten the current time span for investigation of complaints. Members also obtained clarification from the Government on the procedures for matching data of applicants under the Comprehensive Social Security Scheme between government departments and employers/banking institutions, as well as the handling of witness statements by the Police.

10. On the consultation paper on "stalking" prepared by the Privacy Subcommittee of the Law Reform Commission, some members supported legislation against abusive debt-collection practices and domestic violence, but expressed reservations about criminalizing less serious acts if these could be effectively dealt with by non-legislative means.

Women and youth

11. Members were very concerned about the difficulties encountered by divorced women in collecting maintenance payments, and noted that the new Attachment of Income Order Rules (AIOR) could not deal with cases where the maintenance payers were self-employed. In pursuit of the suggestion of setting up an intermediary body to collect maintenance payments, the Panel had requested the Research and Library Services Division of the Legislative Council Secretariat to research on the operation of child support agencies in overseas countries. The Panel subsequently held two meetings with the Administration to discuss the feasibility of establishing a similar body for the collection of maintenance payments in Hong Kong. Members considered that the proposed mechanism could save cumbersome court procedures for enforcing maintenance payments and would reduce public expenditure on social security payments to single parent families. The Government responded, however,

that the existing mechanisms and the AIOR should have addressed most of the problems in this respect. As the Government would complete the review on the effectiveness of AIOR by the end of 1999, the Panel would follow up with the Government the measures to assist maintenance payees.

12. On the provision of community and youth services, the Panel noted that the Government had reviewed the planning standards for community centres in 1996. While agreeing that provision of community centres should not be strictly based on a population ratio, some members suggested that there should still be some objective, quantitative yardsticks for planning purpose. With regard to the proposal to redevelop the Chai Wan Community Centre into a modern centre for youth development, members had divided opinions concerning the location of and the need for providing hostel facilities in the proposed centre.

13. The Panel noted that the Government was reviewing the provision of youth services and requested a briefing on the proposed allocation of resources. Members were concerned that the proposal of providing one school social worker to each secondary school might affect the provision of resources for other youth services.

Art, culture, recreation and sport

14. The new institutional structure for the delivery of the arts, culture, recreation and sport services had been an area of grave concern of the Panel. As the Chief Executive had announced in his 1998 Policy Address his intention to review the district organizations and to abolish the two Provisional Municipal Councils (PMCs), the Panel invited submissions from the community on the future institutional structure and long term policy for these services. A subcommittee was set up under the Panel for detailed discussion with the Government on the formulation of a long-term cultural policy. A total of 32 submissions from a number of cultural and arts organizations received by the Panel and the subcommittee were subsequently referred to the Government for consideration. Members noted, however, that the Government was not keen about issuing a public consultation document for the purpose. At the request of the Panel, the Government subsequently briefed members on the public consultation findings in February 1999 and released the consultant report on the new structure in late March 1999.

15. To gauge public views on the consultant report, the Panel held three meetings in May-June 1999 to meet the PMCs, Hong Kong Arts Development Council, Hong Kong Sports Development Board (HKSDB) and concerned organizations and individuals. The Panel received 18 submissions on the consultant report. Members noted that the PMCs and some organizations were opposed to the proposal of replacing the existing elected municipal councils by a government bureau and a department in the delivery of arts, culture and sport services. Some other organizations made comments and suggestions on individual recommendations in the consultant report. One major concern of the arts and sports community was the demarcation of responsibilities between the existing statutory bodies and the

government departments in respect of the control of venues and allocation of resources under the new structure. There were also concerns about resources for cultural exchange programmes, contracting-out and privatisation proposals, and the arrangements for the Music Office.

16. Panel members were particularly disappointed that the consultant report did not provide a far-sighted and comprehensive cultural policy, apart from recommending a new structure for the delivery of the arts, culture, recreation and sport services after the abolition of PMCs. Some members urged the Government to give further thoughts to making the proposed Culture and Heritage Commission a statutory body and to increase the latter's power in monitoring the provision of services by the Government. Some other members asked the Government to enhance community participation in policy formulation and resource allocation. The Government had noted these comments and undertaken that the task force on the new structure would give careful consideration to these issues before the new structure was put in place in January 2000.

17. In view of the substantial investment by Government in recreation and sport, the Panel invited the PMCs, HKSDB, the Amateur Sports Federation & Olympic Committee of Hong Kong, China and other sports associations to discuss the current provision and distribution of resources for sports development. Members considered that more efforts should be made to rationalize the allocation of resources among different sport organizations, to ensure that public monies were spent economically for promoting both elite sport and community sport.

Building management

18. The problematic management and fire hazards of old private buildings had been of wide public concern since the outbreak of some disastrous fires in recent years. In this regard, the Administration had briefed the Panel on the proposals to improve the building and fire safety standards in private buildings. In view of the community concern about the proposal of mandatory formation of owners' corporations in private buildings, the Panel discussed with the Administration the legislative and administrative arrangements for the proposal. Provisional District Board members had also relayed their concerns to Legislative Council Members about the difficulties encountered by owners' corporations in the appointment and termination of the property managers due to the high percentage of share required for the purpose as stipulated in the Building Management Ordinance. A special meeting was therefore held on 29 June 1999 for the Panel to meet with members of the 18 Provisional District Boards to gauge their views on these issues.

19. The Panel considered that the Government should provide more professional assistance to owners' corporations, and that a system should be introduced to monitor the operation of management companies in view of the substantial amount of management fees involved. Members also urged the Government to review the percentage of share required for terminating the manager's appointment under the

Building Management Ordinance, and to promulgate a standard version of the deed of mutual covenant to protect the interest of small owners.

Professional ethics of the media

20. Concerning the declining standards of media ethics and improper methods adopted by some media in news reporting, the Panel convened two special meetings with the journalists associations, industry representatives and monitoring bodies on ways to upkeep media ethics. Members were particularly concerned about the media obtaining news by improper and unfair means. The publication of obscene/indecent photographs and articles in the news column was also criticized by the Panel, and members pressed the Government to review the classification standards under the Obscene and Indecent Articles Ordinance. While agreeing with the Government that legislation should not be introduced to restrict press freedom, members strongly urged the media industry and journalists to exercise more self-discipline. The Panel considered that the public should also be educated to make demands on and monitor the ethics standard of the media.

Rural elections

21. On rural elections, members were concerned about the incidents of violence and alleged illegal practices in village representative (VR) elections in early 1999. Noting that VRs could stand for election as Rural Committees Chairmen who would become ex-officio members of the respective District Councils, some members considered that VR elections should also be subject to the existing Corrupt and Illegal Practices Ordinance or the Election (Corrupt and Illegal Conduct) Bill currently under scrutiny by the Legislative Council. In this respect, members noted that a Working Group had been set up in April 1999 to review the "Model Rules" which were promulgated by Heung Yee Kuk for VR elections and the regulation of the conduct of VR elections by legislation. Members suggested that the Working Group should also examine the voting rights and eligibility of candidature in VR elections, the demarcation and composition of villages, as well as issues relating to indigenous villages and non-indigenous villages. The Panel noted that the Working Group would complete its review in about six months.

Other issues

22. The Panel had received briefings from the Administration on the Chief Executive's 1998 Policy Objectives, the progress of Year 2000 compliance of computer systems in government departments and organizations under the responsibilities of the Home Affairs Bureau, and legislative proposals relating to the Building Management Ordinance, Hotel Accommodation (Miscellaneous Provision) Bill 1998, and the proposal of charging a fee for the declaration service of the Home Affairs Department. The Administration also consulted the Panel on financial proposals on the Centre for Youth Development in Chai Wan, the \$500 million loan to support the Lowland Development Project of Ocean Park, allowances for District Council members, and the creation of the Information Co-ordinator post in the Chief Executive's Office.

23. The Panel held a total of 25 meetings from July 1998 to June 1999, of which three were held by the Subcommittee on long-term cultural policy and two were joint meetings held with other Panels. The Panel also discussed with the Secretary of State for Human Rights of Brazil in June 1999 to share experience on the promotion of human rights.

Legislative Council Secretariat

2 July 1999

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, 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.

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, JP
Hon LEE Wing-tat
Hon MA Fung-kwok
Hon James TO Kun-sun
Hon Ambrose CHEUNG Wing-sum, JP
Hon Christine LOH
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon Gary CHENG Kai-nam
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, JP
Hon LAW Chi-kwong, JP

Total: 18 Members

Date: 11 September 1998