

**立法會**  
**Legislative Council**

LC Paper No. CB(2)590/02-03  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/HA

**Panel on Home Affairs**

**Minutes of meeting**  
**held on Friday, 8 November 2002 at 10:50 am**  
**in the Chamber of the Legislative Council Building**

- Members Present** :
- Hon Andrew CHENG Kar-foo (Chairman)
  - Hon IP Kwok-him, JP (Deputy Chairman)
  - Dr Hon David CHU Yu-lin, JP
  - Hon Cyd HO Sau-lan
  - Hon Albert HO Chun-yan
  - Hon NG Leung-sing, JP
  - Hon James TO Kun-sun
  - Hon Andrew WONG Wang-fat, JP
  - Hon WONG Yung-kan
  - Hon LAU Wong-fat, GBS, JP
  - Hon Emily LAU Wai-hing, JP
  - Hon CHOY So-yuk
  - Dr Hon TANG Siu-tong, JP
  - Hon Henry WU King-cheong, BBS, JP
  - Hon Tommy CHEUNG Yu-yan, JP
  - Hon Albert CHAN Wai-yip
  - Dr Hon LO Wing-lok
  - Hon WONG Sing-chi
  - Hon MA Fung-kwok, JP
- Member Attending** :
- Hon LEE Cheuk-yan

**Members Absent** : Hon Timothy FOK Tsun-ting, SBS, JP  
Hon Michael MAK Kwok-fung

**Public Officers:  
Attending** : **Item IV**

Ms Sally WONG  
Deputy Secretary for Health, Welfare and Food (Women)

Miss Mary TSANG  
Principal Assistant Secretary for Health, Welfare and Food  
(Women)

**Item V**

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

Professor CHANG Hsin-kang  
Chairman of Culture and Heritage Commission

Mr NGAI Wing-chit  
Secretary of Culture and Heritage Commission

**Item VI**

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

Mr CHUNG Ling-hoi  
Assistant Director (Performing Arts)  
Leisure and Cultural Services Department

**Attendance by  
Invitation** : **Item IV**

Equal Opportunities Commission

Ms Anna WU  
Chairperson

Ms Penny DEDES  
Gender Division Manager

Ms Betty LIU  
Head of Promotion and Education Unit

Miss LAM Siu-wai  
Senior Equal Opportunities Officer

Harmony House

Miss TSANG Shuk-chi  
Coordinator

Miss YUEN Kwun-ying  
Education Officer

Hong Kong Women's Coalition of Equal Opportunities

Ms LAM Wai-ha  
Representative

Ms WU Mei-lin  
Representative

Hong Kong Women Development Association

Ms AU YEUNG Po-chun  
Executive Committee Member

Ms WONG Po-yee  
Secretary

Hong Kong Association of Business and Professional  
Women

Ms Huseina TYEBKHAN  
Hon Treasurer/Public Affairs Convenor

Ms Anna J H FANG  
Immediate Past President

Hong Kong Federation of Women's Centres

Ms Tessa STEWART  
Executive Committee Member

Ms CHAN Yu  
Director

The Hong Kong Council of Social Service

Mr WONG Kin-wai  
Chief Officer, International and Regional Networking

Democratic Party

Ms CHAN Shu-ying  
Women's Affairs Spokeswoman

Hong Kong Human Rights Monitor

Ms WONG Man  
Research Officer

Individual

Ms Evelyn NG  
Co-Convenor, Women's Studies Research Centre  
University of Hong Kong

**Item VI**

Dr Jonathan BEARD  
Director and General Manager of GHK (Hong Kong)  
Limited

Ms Cathy HUNT  
Specialist Consultant of GHK (Hong Kong) Limited

Ms Kim TSANG  
Senior Consultant of GHK (Hong Kong) Limited

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

**Staff in Attendance** : Miss Lolita SHEK  
Senior Assistant Secretary (2)7

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**I. Confirmation of minutes**  
[LC Paper No. CB(2)259/02-03]

The minutes of the meeting held on 10 October 2002 were confirmed.

**II. Information papers issued since the last meeting**  
[LC Paper Nos. CB(2)46/02-03(01) to (06) and CB(2)234/02-03(01)]

2. Members noted the following papers issued since the last meeting -

- (a) five separate submissions from an anonymous individual [LC Paper No. CB(2)46/02-03(01) to (05)];
- (b) submission from Mr Dominic CHAN [LC Paper No. CB(2) 46/02-03(06)] on gambling review; and
- (c) information paper on the implications of achieving a saving on operating expenditure provided by the Home Affairs Bureau [LC Paper No. CB(2)234/02-03(01)].

**III. Items for discussion at the next meeting**  
[Appendices I and II to LC Paper No. CB(2)268/02-03]

3. Members noted that the Clerk had requested the Administration to advise when it would revert to the Panel on the decisions of the Government on gambling policy after the Gambling Review. The Administration had advised that it was still formulating its recommendations and was not able to confirm the timing for discussion of this issue at this stage. Members also noted that at the request of the Administration and with the concurrence of the Chairman, the item "Preparation of second report of the Hong Kong Special Administrative Region (HKSAR) under the International Convention on the Elimination of All Forms of Racial

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Discrimination (ICERD), position of submission of the initial report of HKSAR under the Convention on the Rights of Child (CRC) and preparation of other reports under human rights treaties for submission to the United Nations (UN)” had been removed from the agenda of the meeting. The Administration had advised that HKSAR’s initial report under CRC would form part of China’s second report, which the Central People’s Government (CPG) expected to submit to UN by the end of 2002. The Administration had therefore proposed deferring the discussion of this item after the CRC report had been submitted to UN.

4. Ms Emily LAU, however, considered that this item should be discussed by the Panel as soon as possible since HKSAR was due to submit its report under ICERD to UN by January 2003. She proposed that if the Administration would not be able to provide additional information at this stage, the Panel might invite deputations to present their views at the Panel meeting. She also suggested that the Equal Opportunities Commission (EOC) should be invited to the meeting to provide information on the subject. Ms Cyd HO added that the Administration should be requested to explain how the situation would be dealt with when HKSAR had submitted its report under an international human rights treaty to CPG but the latter did not submit its report to UN.

5. Members also noted that Mr Tommy CHEUNG had proposed in writing on 1 November 2002 that arising from the incident of the demolition of Kom Tong Hall in Castle Road, the Administration should be requested to brief members on its policy on the preservation of historical buildings and how conflicts between Government policy and the development plans for privately owned historical buildings could be resolved. The Chairman suggested and members agreed that this issue should be discussed together with the item “Policies on the promotion of culture and the preservation of monuments” on the list of outstanding items for discussion when the results of the review on the relevant policies and ordinances conducted by the Government were available.

6. Members agreed to discuss the following items at the next regular meeting scheduled for Friday, 13 December 2002 at 10:45 am –

- (a) consultancy study on the future development of the public libraries; and
- (b) preparation of the second report of HKSAR under ICERD, position of submission of the initial report of HKSAR under CRC and preparation of other reports under human rights treaties for submission to UN.

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**IV. Second report to be prepared by HKSAR under the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)**

Meeting with deputations

7. The Chairman welcomed representatives of deputations to the meeting. At the invitation of the Chairman, nine deputations and an individual presented their views on the second report to be prepared by HKSAR under CEDAW as summarised in paragraphs 8 to 18 below.

*EOC*

[LC Paper No. CB(2)297/02-03(01)]

8. Ms Anna WU, Chairperson of EOC, highlighted the salient points of the submission from EOC as follows –

- (a) Government should systematically monitor its work in implementing CEDAW and report on the progress annually to the Legislative Council (LegCo), non-government organisations (NGOs) and the public;
- (b) the public should be given ample opportunity to comment on the actual report;
- (c) Government should encourage and facilitate NGOs' participation in the monitoring and implementation of CEDAW;
- (d) information on CEDAW should be provided in formats easily accessible to women and people with disabilities;
- (e) Government should set targets for public bodies of achieving specific levels of representation as milestones towards achieving fair representation of different groups at decision-making and policy-formulation level in these bodies;
- (f) Government should apply a gender perspective in its treatment and interpretation of statistical data;
- (g) Government should identify ways to empower women and develop their individual capacities;

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- (h) mental health service for women should be sensitive to the socio-economic context as well as the genetic and biological factors underpinning mental illnesses; and
- (i) Government had to set a clear agenda for human rights development in Hong Kong, which included the rights of women. The design, implementation and monitoring of these policy programmes should have the full participation of women at all levels that would foster the empowerment and advancement of women.

*Harmony House*

[LC Paper No. CB(2)268/02-03(01)]

9. Miss TSANG Shuk-chi, Coordinator of Harmony House, briefed members on the following recommendations which were detailed in the submission –

- (a) Women’s Commission should adopt a clear stance on “zero tolerance of domestic violence” and advocate positive measures in policies and systems to eliminate violence against women;
- (b) the Domestic Violence Ordinance (Cap. 189) should be reviewed to ensure protection of women against violence;
- (c) a well coordinated counselling/treatment and follow-up programmes for batterers of women should be introduced;
- (d) a comprehensive service programme should be provided for survivors of domestic violence; and
- (e) regular training relating to domestic violence should be provided for law enforcement officers, medical professionals, and teachers to better assist victims and to eliminate stereotyping and prejudices against women.

*Hong Kong Association of Business and Professional Women*

10. Ms Huseina TYEBKHAN, Hon Treasurer/Public Affairs Convenor of the Association, informed members that the Association supported Government’s proposals on the implementation of CEDAW, in particular proposals on the elimination of all forms of discrimination against women in employment and the promotion of the welfare of women in the employment sector.



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*Democratic Party*

[LC Paper No. CB(2)297/02-03(02)]

11. Ms CHAN Shu-ying, Women's Affairs Spokeswoman of the Party, summarised the recommendations of the Party as follows –

- (a) Government should improve the support services provided for women such as child and elderly care;
- (b) following the practices in other countries, the Government should provide allowance for the families in need to hire carers for the sick and the elderly at home so that women could be relieved to take up paid employment. This would also increase employment opportunities for the carers;
- (c) life-long education opportunity should be provided for empowering women. It would facilitate them in securing better employment, increase labour supply and improve the quality of labour hence facilitate economic development in Hong Kong; and
- (d) Government should increase the employment opportunity for women with low level of skills by promoting the development of industries requiring such kind of skills.

*Hong Kong Human Rights Monitor*

[LC Paper No. CB(2)327/02-03(02)]

12. Ms WONG Man, Research Officer of the organisation, highlighted the views of the organisation in the submission which was tabled at the meeting as follows –

- (a) the organisation was of the view that NGOs and members of the public were not given sufficient opportunities to participate in the preparation of the second report to be submitted under CEDAW, hence the requirement of the UN was not complied with;
- (b) to improve the situation, the Government should inform the public of the progress in the preparation of and the content of the report regularly;
- (c) all Government bureaux and departments should be involved in the preparation of the report to ensure that the rights and welfare of women were well protected in all Government policies; and

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- (d) the Government should provide opportunities for members of the public to participate in the formulation of Government policies by holding regular public consultation meetings on the discussion and review of the policies.

*Ms Evelyn NG*

13. Ms Evelyn NG, Co-Convenor of Women's Studies Research Centre, University of Hong Kong, referred members to the last paragraph of the concluding comments of the UN Committee on CEDAW on HKSAR's initial report in which the Committee requested HKSAR to disseminate widely the concluding comments made by the Committee in order to make the people in Hong Kong aware of the steps taken to ensure equality for women and further steps required in this regard. Ms NG suggested that the Government should upload the second report and all related information on the Internet and keep the women organisations and members of the public posted regularly on the progress in the preparation and submission of the HKSAR report to the UN as well as the steps that would be taken in implementing CEDAW.

*Hong Kong Women's Coalition of Equal Opportunities*  
[LC Paper No. CB(2)327/02-03(01)]

14. Ms LAM Wai-ha, representative of the Coalition, briefed members on the comments of the Coalition in the submission which was tabled at the meeting as follows –

- (a) the different roles of the Women's Commission and the Health, Welfare and Food Bureau in the implementation of CEDAW should be clarified;
- (b) the Women's Commission had not been given sufficient powers and resources to develop and coordinate women-focused policy and implement CEDAW and was therefore far from being the high-level central mechanism recommended by the UN;
- (c) there had not been concrete proposals from either the Government or the Commission on the implementation of CEDAW, and they had not consulted the public so far on this issue;
- (d) the Government should consult women organisations and members of the public on the draft report, instead of its outline only; and

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- (e) there were not sufficient gender statistics to facilitate the assessment of the changes in the status of women in Hong Kong.

*(Post-meeting note: The submissions tabled at the meeting were issued to members vide [LC Paper No. CB(2)327/02-03(01)-(02)] on 11 November 2002.)*

*Hong Kong Women Development Association*  
[LC Paper No. CB(2)268/02-03(02)]

15. Ms AU YEUNG Po-chun, Executive Committee Member of the Association, said that the Association generally agreed with the proposed outline of the second report. It hoped that the Government would consider the opinions of the public when drafting the report. She then presented other comments from the Association as follows –

- (a) the Government should formulate effective policy with a detailed implementation schedule to increase women's participation in politics and Government's advisory boards system; ; and
- (b) the Government should provide more assistance in empowering women such as offering courses with specially designed curricula to cater for the needs of different groups of women, and providing child care service to relieve mothers to attend courses.

*Hong Kong Federation of Women's Centres*

16. Ms Tessa STEWART, Executive Committee Member of the Federation, informed members of the following concerns of the Federation –

- (a) Women's Commission had not been placed in a high position in the Government or allocated sufficient resources for the implementation of CEDAW;
- (b) Government should improve the welfare of women engaging in unpaid work in Hong Kong. At present, homemakers did not enjoy any retirement benefits and were not covered by any health insurance; and
- (c) measures should be taken to protect women prisoners from sexual harassment and to improve the over-crowding conditions in women prisons.

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17. Ms CHAN Yu, Director of the Federation, added that more could be done by the Government and the community in empowering women by creating an enabling environment in society for women to develop their potential. In this connection, the Government and the Women's Commission should encourage participation from NGOs by conducting consultation and discussion on this issue. Ms CHAN said that the Federation also considered that health services, in particular in respect of mental health and prevention of AIDS, should be gender-sensitive so as to cater for the special needs of women.

*The Hong Kong Council of Social Service*  
[LC Paper No. CB(2)289/02-03(01)]

18. Mr WONG Kin-wai, Chief Officer, International and Regional Networking of the Council, presented the views of the Council as follows –

- (a) the Women's Commission should be more pro-active in developing and coordinating a women-focused policy and long-term strategy, and in implementing the recommendations of the UN Committee on CEDAW;
- (b) the Government should address the perpetuation of gender stereotypes and prejudice by enhancing publicity through schools, public education and the mass media, introducing measures to prevent violence against women and drug abuse by women and offering rehabilitation programmes, providing assistance to disabled women, and designing gender-sensitive AIDS prevention and treatment programmes;
- (c) the Government should promote education opportunities for women by offering continuing education courses, primary and secondary education level day courses, and child and elderly care services to enable women carers to attend these courses. Assistance should also be provided to integrate minorities into the mainstream education system;
- (d) to better evaluate the contributions and the employment situation of women, the Government should collect sex-disaggregated data regularly across all Government departments and gender analysis of statistics should be conducted. To improve the employment situation and opportunities for women, the Government should introduce retirement plans for homemakers, improve education opportunities for women, provide child and elderly care services to relieve women

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to attend courses to improve their capacity, and review labour law to enhance protection of part-time and casual workers.

Response of the Administration

*Public consultation*

19. In response to the concerns raised by deputations on the consultation process of the second report to be prepared by HKSAR under CEDAW, Deputy Secretary for Health, Welfare and Food (Women) (DS(HWF)W) informed members that CPG had notified HKSAR Government in mid July 2002 to prepare the second report for incorporation into the China report by March 2003. The Administration considered it more desirable to consult NGOs and members of the public in the initial stage when the report was being drafted instead of at a later stage when the draft report was completed. After public consultation, the Health, Welfare and Food Bureau (HWFB) would prepare the second report taking into consideration the result of the consultation. The Government bureaux and departments concerned would be requested to contribute to the report and their contributions would be examined by HWFB before incorporating them into the report. In view of the tight schedule, there would not be sufficient time to conduct further public consultation and to address the comments made after the full contents of the second report had been drafted.

20. DS(HWF)W further explained that HWFB would consult the Women's Commission on the draft report before submitting it to the Chief Executive's (CE's) Office for approval. The report would then be submitted to CPG for incorporation into the China report. After the China report was submitted to UN, the HKSAR's second report would be released through the media and uploaded onto the websites of HWFB and Women's Commission, where information on the hearing to be conducted by UN on the report would also be uploaded when available.

21. As regards public accessibility to the information on CEDAW, DS(HWF)W advised that the content of the Convention, HKSAR's initial report, the concluding comments of the Committee on CEDAW on the report, and the draft outline of the second report had all been uploaded on the website of the Women's Commission. The draft outline of the second report had also been released through the media and issued to the women organisations concerned.

*Status and role of the Women's Commission*

22. To address the concerns of the deputations on the status of the Women's Commission, DS(HWF)W clarified that the status of the Commission had been placed very high in the Government, in line with the other major commissions and

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advisory bodies. Members of the Commission were appointed by CE. There were also no restrictions on the policy areas the Commission could work on, and the Commission had indeed advised Government on a wide range of issues that were of concern to women.

23. DS(HWF)W continued to update members of the work of the Commission. She informed members that the Commission had identified three priority areas of actions, namely gender mainstreaming, empowerment of women and public education. On gender mainstreaming, the Commission had developed a checklist to enable the Government to formulate, implement and evaluate its policies, programmes and legislation in the light of women's needs and perspectives. The checklist was being pilot tested in five policy areas and gender-related training programmes were being offered to civil servants to raise their awareness. The usefulness of the checklist was being evaluated and refined, and gender mainstreaming would be introduced in more policy areas on an incremental basis.

24. On the empowerment of women, DS(HWF)W advised that the Women Commission had decided to focus its efforts on the theme of capacity building for women in the next one-and-a-half years. Issues relating to education, training, economic well-being, employment and unpaid voluntary work of women would be addressed, and efforts would be made to improve the fundamentals relating to capacity building for women.

25. DS(HWF)W added that to build an enabling environment for women's development, the Women's Commission recognised the need to tackle society's preconceived notions, roles and stereotyping of women, which caused stress to women and also restricted the full development of women's potential. To address the problem, the Commission had launched publicity programmes to raise public awareness of gender-related issues and to reduce gender stereotyping.

Discussion

*Participation of NGOs in the implementation of CEDAW*

26. Ms Cyd HO remarked that the Government should enhance NGOs' understanding of CEDAW and form partnership with them in publicising the Convention among members of the public and in the implementation of the Convention. She opined that the Government had not provided sufficient assistance to NGOs in this respect.

27. Echoing the views of Ms Cyd HO, Ms CHAN Shu-ying of the Democratic Party said that Government subsidies had rarely been granted to programmes

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relating to gender issues. Ms CHAN agreed with Ms HO that the Government should increase its cooperation with NGOs in implementing CEDAW.

*Gender mainstreaming*

28. Ms Cyd HO opined that gender mainstreaming should apply to the formulation, implementation and evaluation of the policy address and budgeting of the Government since Government policies and programmes had a significant impact on women's well being. Both Ms Anna WU of EOC and Ms CHAN Yu of Hong Kong Federation of Women's Centres supported Ms HO's proposal. Ms WU suggested that the Administration should provide sex-disaggregated data on the estimated and actual income and expenditure in different policy areas so that the impact of Government policies and programmes on women could be assessed. DS(HWF)W said that gender mainstreaming would be introduced to different policy areas on an incremental basis. It would be difficult to mainstream the policy address and budgeting when gender mainstreaming had not been introduced in most policy areas.

*Employment and poverty*

29. Referring to paragraph 10 of the submission from EOC which highlighted that women constituted only 43% of the total workforce, Mr NG Leung-sing asked whether Hong Kong should aim at increasing the number of its women workers to 50% of the workforce. As regards feminisation of poverty in Hong Kong, Mr NG said that he had the impression that women were normally in control of the income and resources in the family. He enquired whether the poverty of women was caused by the decrease in the family income in recent years, if statistics were available for comparing the situation in Hong Kong with that in other countries, and whether there were suggested solutions for the problem.

30. In response, Ms Anna WU advised that there was a world trend of feminisation of women. The poverty of women in Hong Kong could be reflected by the statistics quoted in EOC's submission that 80% of employed persons who earned less than half of the median monthly earnings or below were women, and that the biggest increase in recipients of Comprehensive Social Security Assistance (CSSA) during the period from 1996 to 2001 was found in female recipients. Further, of single parent families who were CSSA recipients, 61% were headed by women, a situation unchanged since 1996. Ms WU explained that the recent adverse economic climate had affected women tremendously. She opined that the Government should adopt the concepts of gender mainstreaming and gender budgeting to ensure that Government policies and programmes would meet the needs of women and that relevant data would be available for assessing the effectiveness of these policies and programmes in this respect.

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31. In reply to Mr NG Leung-sing's question, Ms CHAN Shu-ying referred members to the results of the surveys on economic pressure on women conducted by the Democratic Party which were attached to the Party's submission. Ms CHAN explained that the Democratic Party was especially concerned about the unremunerated work undertaken by women which was normally the source of economic pressure on women. Amid the economic downturn, homemakers were subject to high economic pressure when total family income had dropped drastically. The difficulties of single parents in securing employment and the increased number of cases of default payment of maintenance all contributed to feminisation of poverty. She called for LegCo Members and the Government to address the problem immediately.

32. Ms WU Mei-lin of Hong Kong Women's Coalition of Equal Opportunities added that there was still large gender-segregation in the labour market in Hong Kong. The provision of training programmes for women had been affected by and in turn reinforced gender stereotyping resulting in most women engaging in the work of carers or domestic helpers. Moreover, the low unemployment rate of women as indicated from the official statistics had failed to reflect the serious unemployment problems of women. The poverty of women was also reflected by the fact that in the present economic downturn, women were often engaged in casual and temporary employment without job security or retirement benefits. As regards women's engagement in unpaid voluntary work, not only were they unable to enjoy any retirement benefits, their contribution was also not recognised by the society. Ms WU therefore suggested that the value of homemaking and unpaid work undertaken by women should be included in the calculation of gross domestic product of Hong Kong.

*Domestic violence*

33. In response to the request from Mr Albert CHAN for suggesting solutions to the problem of domestic violence, Miss TSANG Shuk-chi of Harmony House remarked that the Government had not allocated sufficient resources in providing services for survivors of domestic violence. She suggested that counselling and treatment service should also be provided for offenders. Miss TSANG added that most police officers still limited the interpretation of domestic violence to physical abuse. The onus to charge also primarily lied on the victim. It was therefore necessary to enhance sensitivity training for police officers so that they would adopt a broader definition of domestic violence to ensure that appropriate assistance would be provided to the victims.



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*Public facilities*

34. Mr Albert HO invited suggestions from the deputations on the improvement of public facilities to better serve the needs of women. In reply, Ms CHAN Shu-ying said that she agreed with Mr HO that the design and provision of public facilities such as public toilets could not meet the requirements of women. She urged the Government to review its policy taking into consideration the special needs of women and provide appropriate facilities to the female population.

*Establishment of an intermediary body to address the problem of maintenance arrears*

35. In response to the question from Mr Albert HO, both Ms CHAN Shu-ying and Miss TSANG Shuk-chi said that the Democratic Party and Harmony House supported the establishment of an intermediary body to address the problem of maintenance arrears and the difficulties faced by the divorcees effectively.

*Central mechanism for coordinating women-focused policy and implementation of CEDAW*

36. Ms Emily LAU invited comments from the deputations on the effectiveness of the Women's Commission as the central mechanism for developing and coordinating a women-focused policy and long-term strategy to ensure the effective implementation of CEDAW. Ms CHAN Yu opined that to function properly, the Women's Commission should be accorded with sufficient powers to enable it to monitor and follow-up on the work of the Government. She suggested that the status of the secretariat of the Commission should be enhanced.

*Preparation of the second report*

37. In response to the Chairman's enquiry, DS(HWF)W informed the Panel that the initial draft of the second report to be submitted under CEDAW might be available by the end of 2002. The Chairman requested that the Administration should provide the Panel with a copy of the initial draft. Ms Emily LAU said that the Administration should release the initial draft for another round of consultation. DS(HWF)W responded that the initial draft would be submitted to the Women's Commission for consultation and time did not permit another round of public consultation on the draft report. She said that the Administration could provide a progress report to the Panel if necessary.

38. The Chairman and Ms Emily LAU remained of the view that the Administration should provide the Panel with a copy of the initial draft when it was submitted to the Women's Commission. Mr Andrew WONG held a different

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view. He said that the second report to be submitted by HKSAR under CEDAW was a government report, and there was no need for that report to incorporate all the views expressed by concern organisations. Mr WONG suggested that the Government could set out in the second report to be submitted under CEDAW the views and suggestions received and explain the reasons for accepting or not accepting these views and suggestions. In view of the Administration's response, the Chairman said that on behalf of the Panel, he would follow up the Panel's request for the initial draft of the second report to be submitted by HKSAR under CEDAW with the Administration.

**V. Briefing on Culture and Heritage Commission Consultation Paper 2002**

[Consultation paper entitled "Diversity with Identity Evolution through Innovation" issued vide LC Paper No. CB(2)289/02-03(02) on 6 November 2002]

39. The Chairman welcomed Professor H K CHANG, Chairman of Culture and Heritage Commission (the Commission Chairman), and Secretary of the Commission to the meeting. At the invitation of the Chairman, the Commission Chairman briefed members on the Culture and Heritage Commission Consultation Paper 2002. He highlighted that the Commission had put forward six strategies in its previous Consultation Paper issued in 2001 and a majority of responses received during the consultation period agreed with these strategies. The Commission therefore had drawn up its Consultation Paper 2002 on the basis on the six strategies, and the two most important strategies were "people-oriented" and "community-driven".

Composition of the Commission

40. Mr LEE Cheuk-yan noted that the Commission emphasised the importance of and recommended the Government to adopt a "community-driven" strategy in the promotion of culture in Hong Kong. He expressed concern on how such a strategy could be implemented with when all members of the Commission were appointed by the Government instead of returned by election. In response, the Commission Chairman clarified that of the 17 members of the Commission, only 2 were government officials appointed as ex-officio members. Other members were appointed in their personal capacity including the Chairmen of 4 statutory bodies. The notion of community-driven had therefore been reflected in the membership of the Commission.

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Cultural facilities

41. Ms Emily LAU noted that the Commission had put forward its policy recommendations on cultural facilities in Chapter 4 of the consultation paper. She asked whether the Commission, in making these recommendations, had made reference to the report of the consultation study on the provision of regional/district cultural and performance facilities in Hong Kong which would be discussed by the Panel shortly under agenda item VI of the meeting. She also remarked that efforts should be made to improve the design of cultural facilities.

42. Mr Albert CHAN expressed concern on the lack of suitable venues for performance and training for arts groups, especially in new towns. He asked how this problem could be solved.

43. To address the concerns of Ms Emily LAU and Mr Albert CHAN, the Commission Chairman informed members that the Commission had examined the functions of cultural facilities, in particular, the role they play in cultural development, and set out its policy recommendations on libraries, museums and cultural and performance venues in Chapter 4 of the consultation paper. In the course of deliberations, the Commission was aware that the Government had commissioned consultancy studies on these cultural facilities. The relevant working groups of the Commission had participated in the process. It had also made reference to the report of the consultation study on the provision of regional/district cultural and performance facilities in Hong Kong which was completed recently. He added that he agreed with Ms LAU that the design of cultural facilities should be improved.

Review on resource deployment and institutional framework

*Partnership with the business sector*

44. Mr Henry WU declared interest as Chairman of the Hong Kong Dancing Company Limited. He informed members that the Company supported the adoption of a pluralistic approach in cultural development and enhancement of arts education to encourage the appreciation of, and participation in, the arts by members of the public. In fact, the Company had been working diligently towards this end. Mr WU added that the Company had also tried to cultivate partnership with the business sector. However, amid the economic downturn, most arts groups had experienced difficulties in securing commercial sponsorship. He asked whether the Commission had taken into consideration such difficulties when drafting its recommendations on the promotion of partnership with the business sector.

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45. The Commission Chairman responded that community involvement would be encouraged and enhanced with the implementation of the Commission's policy recommendations, and would become the impetus of cultural development. He was confident that the quality of cultural programmes would be improved and private sponsorships would be attracted.

*Community involvement*

46. Ms Emily LAU expressed support for the policy of encouraging community involvement in the promotion of culture. She asked how this would be achieved. The Commission Chairman replied that District Councils (DCs) and district bodies had a crucial role in motivating citizens to participate in cultural activities. The Commission recommended that the Government should deploy resources to improve district venues and to support district cultural and arts organisations.

*Establishment of "Libraries Board" and "Museums Board"*

47. Mr LEE Cheuk-yan noted that the Commission had recommended in Chapter 4 of the consultation paper that to encourage community involvement in the development and management of libraries and museums, the Government should establish a "Libraries Board" to manage public libraries and a "Museums Board" to coordinate the overall development of museums. He queried whether the establishment of these statutory bodies would be tantamount to corporatisation of the facilities. He expressed concern that it might result in a reduction in Government allocations for these facilities hence necessitated the increase in and introduction of charges on the use of the facilities. The remuneration package of the employees concerned might also be adversely affected after corporatisation.

48. In response, the Commission Chairman assured members that it had never been the intention of the Commission to impose charges on the use of public library facilities. The purpose of the establishment of the two statutory bodies was to streamline the operation of library and museum facilities, and to raise the professional standard as well as increase community involvement in the management of these facilities. Mr LEE Cheuk-yan, however, remained of the view that in order to reduce expenditure, the Government would make use of this opportunity to corporatise the facilities concerned.

*Establishment of the "Culture Foundation"*

49. Ms Cyd HO pointed out that the Commission had recommended in Chapter 5 of the consultation paper the establishment of a statutory body, the "Culture Foundation", in 2004 so as to replace the Arts Development Council (ADC) by

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2005. She remarked that the limited degree of democracy currently enjoyed by the arts groups concerned in the election of members of ADC would be diminished with ADC being dissolved and replaced by an appointed "Culture Foundation". She considered such a move contradictory to the notion of "community-driven".

50. Sharing the concern of Ms Cyd HO, the Chairman echoed that the dissolution of public bodies with elected membership such as the former Municipal Councils had become a recent trend which would be construed by the public as steps taken by the Government towards centralisation of powers. He said that this was not the right path for the Government to take in future. Echoing the views of the Chairman, Mr Albert CHAN pointed out that the Government had promised to transfer some of the powers and responsibilities of the former Municipal Councils to DCs before the dissolution of the former. However, it had not yet honoured its pledge and tried to delay the review of the roles and functions of DCs until after the 2003 DC elections. He said that the Government had conducted several large-scale policy reviews such as the recent sports policy review and the current cultural policy review, both of which had recommended the restructuring of the relevant institutional frameworks. Mr CHAN was concerned that by the time of the DC review in 2003, all the decisions regarding redistribution of powers and responsibilities in culture and sports would be finalised. He opined that the review on resource deployment and institutional framework for cultural development should be deferred and conducted together with the DC review in 2003.

51. As regards the position of the Commission in the new institutional framework, Ms Cyd HO opined that it should not be dissolved after submitting its final recommendations to the Government as recommended in paragraph 5.40 of the consultation paper. She considered that the Commission should continue to monitor and review the implementation of its policy recommendations.

52. In response to members' concerns about the future institutional framework, and the question from Ms CHOY So-yuk about the merits of the Commission's proposals on resource deployment and institutional framework, the Commission Chairman explained that under the new structure, government bodies would be restructured to form the "Culture Foundation" so as to streamline operation and increase community involvement. The establishment of the Foundation would eliminate duplication of functions among Home Affairs Bureau, Leisure and Cultural Services Department (LCSD) and ADC. The new structure would also facilitate the application for subsidies by arts groups as a single source funding mechanism would be adopted by the Foundation, which would allow for broad-based and effective deployment of resources. Such mechanism also provided a level-playing field and encouraged diversity. The Commission Chairman added that community involvement in cultural development would be enhanced since the

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authority of funding allocation would be shifted from the Government department to the Foundation. He also opined that the majority of the members of the Foundation should come from the private sector and that the number of representatives elected by the arts groups concerned to the Foundation should not be smaller than that in ADC.

Spiritual pursuit and freedom of expression

53. Ms Cyd HO noted that the Commission had recommended in the consultation paper that spiritual pursuits should be encouraged and freedom of expression be protected. She expressed concern on the impact of the recent Government's proposal to legislate under Article 23 of the Basic Law (BL) on these aspects, including freedom of cultural exchange with other places such as Taiwan. Ms HO added that she was disappointed that there was no mention of the need for striking a balance between the free flow of information and prevention of circulation of pornographic and indecent materials on the Internet, as well as the protection of children against the adverse influence of these materials.

54. Expressing a similar concern, Mr Albert CHAN pointed out that the promotion of culture in Hong Kong had been hindered by Government policies. He quoted as an example the Government's refusal to approve the application from Falun Kong for renting a venue for the organisation of cultural activities. He was concerned that after the legislation under BL 23, similar restrictions imposed by the Government on cultural activities would be increased significantly.

55. The Commission Chairman reiterated that freedom of expression and spiritual pursuit had been much emphasised by the Commission in the consultation paper. The Commission had recommended that cultural exchange between Hong Kong and other cities should be encouraged and that restrictions should not be imposed on these activities.

Way forward

56. Mr MA Fung-Kwok declared interest as the member of the Culture and Heritage Commission. He informed members that most of their concerns had been considered by the Commission and addressed already in the consultation paper. He said that as a member of the Commission, he would be pleased to clarify the content of the paper with members, if needed, on other occasions. Moreover, he would sponsor a motion debate on the consultation paper at a future Council meeting during which members would have the opportunity to express their views on the paper again.

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57. Members agreed that as the consultation paper contained recommendations of great significance to the cultural development in Hong Kong, a special meeting would be held to receive views from deputations on the consultation paper and to continue discussion with the Commission and the Administration.

*(Post-meeting note: the special meeting was scheduled for Tuesday, 17 December 2002 at 2:30 pm)*

**VI. Briefing on consultancy study on the provision of regional/district cultural and performance facilities in Hong Kong**  
[LC Paper No. CB(2)268/02-03(03)]

58. At the invitation of the Chairman, Ms Cathy HUNT, Specialist Consultant of GHK (Hong Kong) Limited, introduced the executive summary of the findings and recommendations of the consultancy study on the provision of regional/district cultural and performance facilities in Hong Kong with the aid of a Powerpoint presentation.

*(Post-meeting note: The presentation materials were issued to members vide LC Paper No. CB(2)327/02-03(03) on 11 November 2002.)*

59. Mr LEE Cheuk-yan noted the recommendation of corporatisation of public cultural facilities in the executive summary. He expressed concern that this might lead to an increase in existing charges or introduction of new charges on the services concerned as well as a reduction in the salaries and benefits of the Government employees concerned. He pointed out that the recommendations made by the Culture and Heritage Commission in its consultation paper 2002 might also pave the way for the corporatisation of cultural facilities currently under the purview of LCSD. He queried whether this was the approach to be adopted by the Government in respect of the provision and management of public services.

60. In reply, Deputy Secretary for Home Affairs (3) (DS(HA)3) informed members that public consultation on the findings and recommendations of the study would be conducted. The Administration would take into consideration the comments and suggestions received in formulating its recommendations. He said that staff of LCSD had also expressed their concerns on the possible corporatisation of cultural facilities. He assured members that the Administration would liaise closely with staff of LCSD and that any changes introduced in the provision of public facilities would be beneficial to the people of Hong Kong.

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61. Both the Chairman and Ms Emily LAU considered that the consultation period scheduled from 8 November to 31 December 2002 was too short given the great impact of the subject matter on the districts in Hong Kong. They requested that the consultation period be extended for two to three months so that there would be sufficient time to consult DCs and members of the public. DS(HA)3 confirmed that it was possible to extend the consultation period when required. The Chairman requested the Administration to confirm in writing the extended deadline for public consultation.

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62. Members agreed that a special meeting would be held to receive views from deputations on the report of the consultancy study and that the date of the meeting would be set upon receipt of the confirmation from the Administration on the extended deadline for consultation.

## **VII. Any other business**

63. There being no other business, the meeting ended at 1:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
12 December 2002