

立法會
Legislative Council

LC Paper No. CB(2)1118/02-03

(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of meeting
held on Friday, 10 January 2003 at 10:45 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 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
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok
Hon WONG Sing-chi
Hon MA Fung-kwok, JP

Member Attending : Hon CHAN Yuen-han, JP

Members Absent : Hon James TO Kun-sun
Dr Hon TANG Siu-tong, JP
Hon Henry WU King-cheong, BBS, JP

Public Officers : Item IV
Attending

Mr Stephen FISHER
Deputy Secretary for Home Affairs (2)

Ms Esther LEUNG
Principal Assistant Secretary for Home Affairs (5)

Mr Ryan CHIU
Assistant Secretary for Home Affairs (5)1

Item V

Mr Leo KWAN
Deputy Secretary for Home Affairs (1)

Mr William TSUI
Acting Principal Assistant Secretary for Home Affairs (7)

Mr Stephen WONG
Deputy Solicitor General (General)
Department of Justice

Mr Johann WONG
Principal Assistant Secretary for Security (F)

Ms Diane WONG
Principal Assistant Secretary for Health, Welfare and
Food (Welfare)

Mr LI Che-cheung
Senior Education Officer (School Development) 1
Education and Manpower Bureau

Attendance by : Item V
Invitation

Equal Opportunities Commission

Ms Anna WU
Chairperson

Miss LAM Siu-wai
Senior Equal Opportunities Officer

Hong Kong Human Rights Commission

Mr HO Hei-wah
Chairman

Mr TSOI Yiu-cheong
Member

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Mr Aaron NATTRASS
Secretary

Hong Kong Against Racial Discrimination

Ms Vandana RAJWANI
Spokesperson

Ms Kelley LOPER
Member

The Hong Kong Committee on Children's Rights

Dr CHOW Chun-bong
Chairman

Miss Billy WONG
Executive Secretary

Against Child Abuse

Mrs Priscilla LUI
Director

Miss Findy AU Kin-yee
UNCRC - Child Ambassador

The Hong Kong Council of Social Service

Ms KU Yin-kay
Business Director (International and Regional
Networking)

Parent's Association for the Implementation of Right of
Abode of Mainland Children (Hong Kong)

Miss NGAN Siu-lai
Chairman

Mr CHOW Kwok-fai
Vice-Chairman

Hong Kong Confederation of Trade Unions

Mr CHENG Ching-fat
Vice-Chairman

Mr TAM Chun-yin
Organisation Secretary

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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Members noted that the Chairman would be late for the meeting as he had joined the site visit to Lok Ma Chau Control Point in that morning, and the Deputy Chairman would chair the meeting during his absence.

I. Confirmation of minutes

[LC Paper Nos. CB(2)805/02-03 and CB(2)817/02-03]

2. The minutes of the meetings held on 16 November and 13 December 2002 were confirmed.

II. Information papers issued since the last meeting

[LC Paper No. CB(2)795/02-03(01)]

3. Members noted that pursuant to the decision of the Panel at its meeting on 13 December 2002, the Administration had provided the paper on "Conversion of the Bethanie into the second campus of the Hong Kong

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Academy for Performing Arts" which was issued to members on 2 January 2003.

III. Items for discussion at the next meeting

[Appendix I to LC Paper No. CB(2)815/02-03]

4. Members noted that as agreed at the last meeting on 13 December 2002, the study on the perceptions and experiences of discrimination of people with mental illness in Hong Kong jointly conducted by the Equal Opportunities Commission (EOC), the Department of Psychiatry of The Chinese University of Hong Kong and the Department of Social Work of the Hong Kong Baptist University had been included in the list of outstanding items for discussion of the Panel. Members agreed that since the subject was more related to promoting positive mental health in Hong Kong, and the subject of discrimination of people with mental illness was directly covered by the Disability Discrimination Ordinance under the purview of the Health, Welfare and Food Bureau, the study should be referred to the Panel on Welfare Services for discussion. Members also suggested that the Panel be invited to join the discussion when the Panel on Welfare Services decided to discuss the subject at its meeting.

Clerk

5. Members agreed to discuss the following items at the next regular meeting scheduled for Friday, 14 February 2003 at 10:45 am –

- (a) briefing on the Chief Executive's Policy Address 2003 by Secretary for Home Affairs (SHA); and
- (b) consultancy study on the provision of regional/district cultural and performance facilities in Hong Kong.

6. On paragraph 5(b) above, members agreed that deputations should be invited to present their views on the consultancy study at the next regular meeting. An invitation for public views should also be placed on the website of the Legislative Council (LegCo).

(Post-meeting note : in pursuance of the decision of the House Committee at the meeting on 10 January 2003, the briefing by SHA mentioned in paragraph 5(a) above was held on 15 January 2003. With the concurrence of the Chairman, only the item mentioned in paragraph 5(b) above would be discussed at the meeting on 14 February 2003.

IV. Proposed operational and regulatory framework for authorised soccer betting

[LC Paper No. CB(2)815/02-03(01)]

7. At the invitation of the Deputy Chairman, Deputy Secretary for Home Affairs (2) (DS(HA)2) updated members on the proposed arrangements including the establishment of a proposed Gaming Commission and a dedicated fund, major licensing conditions, main objects of the Bill to be introduced to amend the Betting Duty Ordinance (Cap. 108), and the tentative timetable for the authorisation and regulation of soccer betting. He added that discussions were being held between Government and the Hong Kong Jockey Club (HKJC) on the details of the operational and regulatory framework as well as the rate of betting duty and HKJC's contribution to the dedicated fund. DS(HA)2 further informed members that HKJC had agreed to contribute \$24 million to a two-year pilot project, which was not associated with the licence on soccer betting, for conducting research on the impact of gambling, a public education programme on and a publicity programme against problem and pathological gambling, and counselling and treatment services for problem and pathological gamblers.

Proposed Gaming Commission

8. Mr Michael MAK noted that Government had proposed that a Gaming Commission should be established for monitoring both the authorised soccer betting and the Mark Six lottery in Hong Kong and that the Hong Kong Lotteries Board, which had been licensed to operate the Mark Six lottery, would then be dissolved. He asked for the rationale behind such an arrangement.

9. In reply, DS(HA)2 explained that the Lotteries Board was established under the Betting Duty Ordinance and licensed to conduct the Mark Six lottery in accordance with the conditions specified in its licence. The lottery, however, was operated by HKJC. Under the proposed arrangement, the Gaming Commission would be responsible for monitoring the lottery while a new lotteries licence would be granted to HKJC for operating the lottery. DS(HA)2 said that the Gaming Commission would be more transparent than the Lotteries Board in terms of composition since it would be composed mainly of members of the community while the Lotteries Board was made up of four members of HKJC and three Government officials. The Administration therefore considered it more appropriate to subsume the supervision of the Mark Six lottery under the Gaming Commission. In response to a further question from Mr Michael MAK, DS(HA)2 stressed that the Lotteries Board had been operating very satisfactorily. Government had however proposed the new arrangements so as to further enhance the transparency of the operation of the Mark Six lottery.

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(The Chairman took over the chair at this juncture.)

10. Mr Tommy CHEUNG enquired when the details of the membership of the Gaming Commission would be announced. He also sought clarification whether there would be a mechanism for appealing against the decisions of the Commission. DS(HA)2 responded that all the related details would be stipulated in a Bill which would be introduced in April 2003 to amend the Betting Duty Ordinance.

11. Mr Andrew WONG declared interest as a member of HKJC. Noting that both the authorised soccer betting and the Mark Six lottery would be monitored by the Gaming Commission, he queried why betting on horse racing would not also be put under the purview of the Commission. DS(HA)2 explained that the operation of horse racing, which was governed by a set of very complicated rules, was very different from that of soccer betting and the Mark Six lottery. HKJC had been providing betting on horse racing and all the racing infrastructure for about 30 years on the basis of a direct licence under the Betting Duty Ordinance without any major problems. Moreover, HKJC had also been autonomous in allocating the surplus proceeds from horse racing bets (after deduction of the betting duty and its operating costs) to charities. The Administration therefore saw no imminent need to subsume horse racing under the purview of the proposed Gaming Commission in this exercise.

Proposed dedicated fund

12. On the two-year pilot project to be sponsored by HKJC, the Chairman sought clarification whether there would be a mechanism to review the funding requirement of the project so that HKJC would be requested to make additional contribution on top of the commitment of \$24 million. Sharing a similar concern, Ms CHAN Yuen-han opined that HKJC should be required to increase its contribution so that sufficient funds would be provided for projects and programmes to minimise the possible adverse effect of soccer gambling during the five years of its soccer betting licence period.

13. DS(HA)2 clarified that the \$24 million contribution from HKJC was not associated with authorisation of soccer betting but an one off donation from the organisation to support gambling related research and education and treatment programmes. He explained that with the commencement of the conduct of authorised soccer betting in mid 2003, a percentage of the gross profits or turnover of soccer betting would be paid into the dedicated fund for supporting similar projects and programmes. Funding applications to the dedicated fund submitted by non-government organisations and universities for their programmes and services would be considered by either the Gaming Commission or its committee, or a special committee independent of the Commission. The detailed arrangements would be available at a later stage.

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14. Mr Timothy FOK opined that allocations should be provided by the dedicated fund for the promotion of cultural and sports activities in Hong Kong. Ms Cyd HO remarked that to prevent underage betting effectively, the dedicated fund or HKJC should sponsor more healthy programmes and activities for the young people so as to promote their healthy development and inculcate correct values and a healthy attitude towards life among them.

15. In response to the suggestions from Mr Timothy FOK and Ms Cyd HO, DS(HA)2 informed members that as approved by the Chief Executive in Council on 26 November 2002, the dedicated fund was to be set up for the purpose of conducting research and public education on problem and pathological gambling, as well as providing treatment and counselling services for problem and pathological gamblers. Funding for other related purposes might be considered by the Executive Council (ExCo) in future. Until then, the fund would provide financial support to the three purposes approved by ExCo only. Mr FOK, however, remained of the view that Hong Kong should follow the example of the United Kingdom and Singapore where a generous portion of the lotteries fund was dedicated to the promotion of sports activities.

16. Dr LOK Wing-lok pointed out that there would be role conflict for HKJC, being the operator of authorised soccer betting, to sponsor gambling related research, education and treatment programmes. He suggested that the \$24 million contribution from HKJC should be transferred to the dedicated fund which would be operated independently of HKJC. In reply, DS(HA)2 informed members that the Government would be responsible for the allocation of the \$24 million donation from HKJC. He further advised that any balance of the donation might be transferred to the dedicated fund at the end of the two year period as suggested by Dr LO.

Proposed licensing conditions

Licence on soccer betting

17. Noting from the paper provided by the Administration that the main purpose for authorising and regulating soccer betting was to tackle the problem of illegal soccer gambling in Hong Kong, Mr Andrew WONG opined that Government should issue more than one licence on soccer betting so that different operators might offer a variety of betting options that could match those available with their illegal counterparts. The arrangement might increase the competitiveness of authorised soccer betting and hence help combating illegal soccer gambling activities effectively. He suggested the Administration to take this into consideration when drafting the Bill to amend the Betting Duty Ordinance in future.

18. DS(HA)2 responded that the Administration had proposed only one organisation as the operator of soccer betting because licensing more than one

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operator would inevitably bring about a substantial increase in gambling opportunities and gambling outlets. This would also bring about competition and aggressive promotion in soccer betting. This could have the effect of stimulating more demand for gambling and could run against Government's objective of providing authorised betting outlets primarily as a means to combat illegal gambling. DS(HA)2 further explained that Government would license HKJC to operate soccer betting since its experience and reputation in running gambling in Hong Kong would command public confidence in authorised soccer betting. He added that most of the respondents who commented on this matter in the 2001 public consultation exercise on gambling review had indicated their confidence in HKJC and had therefore supported this arrangement.

19. Referring to the arrangement in paragraph 6(b) and (c) of the paper provided by the Administration that a licence on soccer betting be granted to HKJC for an initial period of five years, and the licence be renewable subject to a review thereafter, the Deputy Chairman sought information on the circumstances that would lead to the non-renewal of the licence. DS(HA)2 advised that Government would conduct a review by the end of the licence period with a view to considering whether HKJC should be allowed to operate soccer betting for a longer period, taking into account factors such as the performance of HKJC during the licence period and whether there were breaches of the licensing conditions.

Means of taking bets

20. Referring to paragraph 13(b) of the paper provided by the Administration, Mr Tommy CHEUNG sought clarification on the bets that were allowed to be made through telecommunication means such as the telephone and the Internet. DS(HA) clarified that under the Gambling Ordinance (Cap. 148) which was amended in May 2002, it was illegal for punters in Hong Kong to place bets with offshore bookmakers. It was also illegal for the latter to accept bets from the former. If local punters had betting accounts registered with HKJC, they could place bets with their accounts through telecommunication means either locally or from other places as long as the betting activity was not prohibited by the laws of the latter.

Types and number of soccer matches on which betting was allowed

21. Referring to paragraph 13(c) of the paper, Mr Tommy CHEUNG noted that the restriction on the types of soccer matches on which betting was allowed had been relaxed as compared with the proposal announced on 26 November 2002 so that bets on matches involving one Hong Kong team only would be allowed. Mr CHEUNG reiterated his position supporting the authorisation of soccer betting. He, however, opined that match-fixing might happen even with only one Hong Kong team playing in a match. He therefore

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considered it only logical that bets on matches involving any Hong Kong teams should not be allowed if match-fixing was to be prevented.

22. In response, DS(HA)2 explained that the feedback from some members of the public was that the possibility of a Hong Kong team playing in an international match such as the World Cup Finals could not be completely ruled out. If it happened, betting on the match should be allowed. Government had therefore proposed to relax the restriction.

23. Both the Chairman and Mr Tommy CHEUNG, however, pointed out that there were matches in Hong Kong and Guangdong Province that involved a Hong Kong team and a foreign team. They expressed concern that match-fixing might happen if betting on those matches was allowed. To allay members' concern, DS(HA)2 advised that betting would only be allowed on those types of matches and games that had been set out in the licence. He assured members that the likelihood of match-fixing would be one of the considerations in setting out these matches and games in the licence.

Protection of minors

24. Ms CHAN Yuen-han pointed out that although persons aged below 18 would be prohibited from placing bets, there might be difficulty for the licence holder to identify underage punters who placed bets through telecommunications means which would be allowed under the proposed licensing conditions. As such, she questioned how the licence holder could effectively avoid taking bets from the underage.

25. DS(HA)2 responded that bets could be placed through telecommunications means only with the betting accounts registered with HKJC and that payouts would be credited directly to the betting accounts concerned. Since persons aged below 18 would be prohibited from opening such accounts, they would not be able to place bets through telecommunications means. Ms CHAN Yuen-han, however, considered that these measures would not be effective in preventing underage betting. She pointed out that since soccer was such a popular sport among the young people, they would easily become the targets of illegal bookmakers and be enticed to engage in illegal soccer betting activities.

Restriction on promotion and advertising

26. Mr NG Leung-sing sought clarification on the licensing condition proposed in paragraph 13(f) that suitable restrictions would be imposed on the promotion of and advertising on soccer betting so as not to encourage the public to gamble. In reply, DS(HA)2 said that promotion and advertising that aimed at providing information on the betting options and matches and games would be permitted but hard selling gimmicks such as offer of discounts or free

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admissions would not be allowed. In response to the question from Ms Cyd HO, DS(HA)2 said that HKJC would be asked not to sponsor soccer matches on which bets could be laid so as to reduce its opportunities for publicity on soccer betting. He advised that more details of the restrictions would be stipulated in the licence and guidelines would be provided to the licence holder.

Betting duty

27. Mr Andrew WONG said that under the existing arrangements for the operation of the Mark Six lottery, a certain percentage of the turnover would be paid to HKJC to cover the operating expenses. He asked how the operating costs for soccer betting would be determined and recovered by HKJC.

28. DS(HA)2 informed members that under the Betting Duty Ordinance, 54% of the proceeds of the lotteries would be paid to punters as dividends, 6% to HKJC to cover operating expenses, 15% to the Lotteries Fund while the remaining 25% would be distributed to Government as betting duty. He said that the arrangements in soccer betting would be completely different under which betting duty on fixed odds soccer betting would be levied on the basis of gross profits (total turnover minus payouts to punters) whereas that on pari-mutuel soccer betting would be levied on the basis on turnover (or gross profits). It was estimated that about 90% of the turnover would be paid out to punters. The remaining 10% would be shared by HKJC and Government and the operating costs would be covered by HKJC's share. As a result, there was a possibility that HKJC might suffer losses if the turnover was not as much as expected.

29. In response to the request for clarification from Mr Tommy CHEUNG on paragraph 18(c) of the paper provided by the Administration, DS(HA)2 said that Government would discuss with HKJC how the gross profits of authorised soccer betting would be shared between them. The disbursement of its own profits would be determined by HKJC independently.

Pathological gambling

30. Mr Michael MAK referred to the study conducted by the Hong Kong Polytechnic University in 2001 which indicated that about 1.85% of the people in Hong Kong could be defined as probable pathological gamblers. He pointed out that these people were a great concern of the community since pathological gambling might lead to serious family and social problems. Some pathological gamblers might even resort to criminal activities. Mr MAK enquired whether Government had taken any follow-up actions on these people and requested for updated information on them such as their mental status, financial situation, and the treatment programme available to them.

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31. DS(HA)2 explained that pathological gamblers were punters who had difficulties in controlling their gambling desire and behaviour. As a result, they gambled frequently and often beyond their means. He clarified that according to the results of the study in 2001, about 1.85% of the people in Hong Kong could be defined as probable pathological gamblers. These people were not actual pathological gamblers. Principal Assistant Secretary for Home Affairs (5) (PAS(HA)5) supplemented that in the study conducted by the Hong Kong Polytechnic University in 2001, 2 004 residents of Hong Kong aged between 15 and 64 had been interviewed by telephone, 2 000 students were requested to complete a questionnaire, and 20 pathological gamblers and 6 family members of pathological gamblers were interviewed. Based on the data collected from these subjects, the study deduced that 1.85% of the adult population in Hong Kong might be defined as probable pathological gamblers. The study had not collected data on all the probable or actual pathological gamblers in Hong Kong. She said that relevant statistics and analytical data had been incorporated in the report of the study, which could be provided for members' reference if they were interested. PAS(HA)5 added that general treatment and counselling services were offered to pathological gamblers since special tailor-made treatment programmes were not yet available for them in Hong Kong.

32. To address Mr Michael MAK's concern, DS(HA)2 further explained that authorisation of soccer betting might not necessarily lead to an increase in pathological gamblers according to the experience in other countries. Research also suggested that gambling activities which were "non-stop" in nature like casino gambling were more conducive to pathological gambling. Those patronising illegal or unauthorised bookmakers were also more prone to pathological gambling because of the variety of the games offered, the absence of a time limit, the active promotion and the availability of credit betting and easy loans. He pointed out that regularised soccer betting was not continuous in nature. Preventive measures such as prohibition of credit betting, restriction on the types and number of soccer matches on which betting was allowed as well as on promotion and advertising, display of notices at betting outlets on the risks of gambling, etc., to minimise the possible adverse effect of soccer betting would also be introduced. Hence, authorisation of soccer betting might not necessarily lead to an increase in pathological gambling. On the contrary, it might help control illegal gambling activities and hence pathological gambling. Mr Tommy CHEUNG agreed that authorisation of soccer betting might not increase the number of pathological gamblers.

Review of regularisation of soccer betting

33. The Deputy Chairman asked whether Government would review its policy if the results of the research on gambling revealed that authorisation of soccer betting had adverse effect on families and society. He also enquired whether the results of researches and studies would be announced periodically to the public.

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34. DS(HA)2 informed members that the research projects to be conducted on gambling included short term, interim and long term projects. A long term research project had already been conducted and some basic data on gambling in Hong Kong had been collected. Follow-up researches would be conducted every two years to collect updated data on the gambling activities and number of gamblers in Hong Kong. Thematic researches would also be conducted. Reports of these researches and studies would be published when available. DS(HA)2 added that according to both local and overseas experience, it was unlikely that the effect of authorised soccer betting on society would altogether be negative. However, he assured members that if such was the case, Government would review its policy, as well as the operational and regulatory framework and licensing conditions for authorised soccer betting and introduced modifications where necessary.

35. The Chairman opined that in assessing authorisation of soccer betting, Government should adopt more objective criteria such as the success in meeting the target betting duty derived from authorised soccer betting and the changes in the level and intensity of illegal gambling activities and social problems. In response, DS(HA)2 pointed out that a high betting duty rate might be imposed on the licence holder so as to increase the revenue of Government. However, he stressed that consideration should also be given to the importance in maintaining the competitiveness of the licence holder against its illegal counterparts in order to combat illegal gambling activities effectively. It would therefore be necessary to strike a balance between increasing the tax revenue and combating illegal soccer betting. Hence, it might not be appropriate to adopt quantitative criteria to assess authorised soccer betting. He added that in reviewing authorised soccer betting, both its positive and adverse effects should also be taken into consideration.

Way forward

Adm

36. To conclude, the Chairman requested the Administration to provide to the Panel for discussion at a future Panel meeting further details of the operational and regulatory framework for authorised soccer betting after discussion with HKJC before drafting the bill to amend the Betting Duty Ordinance. He also suggested that representatives of HKJC should be invited to that meeting.

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V. Second report to be prepared by the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Economic, Social and Cultural Rights (ICESCR)

Meeting with deputations

37. The Chairman welcomed representatives of deputations to the meeting. At the invitation of the Chairman, nine deputations presented their views on the second report to be prepared by HKSAR under ICESCR as summarised in paragraphs 38 to 46 below.

EOC

[LC Paper No. CB(2)855/02-03(01)]

38. Ms Anna WU, Chairperson of EOC highlighted the salient points of the submission from the Commission as follows -

- (a) a second round of consultation should be conducted on the draft second report;
- (b) Government should report the progress of the implementation of ICESCR regularly to the Legislative Council (LegCo), non-government organisations (NGOs) and the public. It should also encourage the participation of NGOs in the monitoring and implementation of the Covenant;
- (c) the provisions of the Covenant should be incorporated into the domestic legislation in Hong Kong and Government should introduce legislation against discrimination on the grounds of race, age and sexual orientation;
- (d) Government should collect comprehensive data on all disabilities in order to examine all disabilities and their origins, provide mental health service for women which should be sensitive to the socio-economic context as well as the genetic and biological factors underpinning mental illness, and establish a Mental Health Council to coordinate policy formulation, programme delivery, research and public education in the area of mental health, and to safeguard the rights of persons with mental illness; and
- (e) Government should mainstream equal opportunities principles and values in its policies, programmes and services.

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Hong Kong Human Rights Commission
[LC Paper No. CB(2)864/02-03(01)]

39. Mr HO Hei-wah, Chairman of the Commission commented that Government had made little efforts in implementing ICESCR and following up the concluding observations of the Committee on Economic, Social and Cultural Rights (CESCR) on its initial report. He said that if Government did not intend to implement the Covenant, it would be meaningless for its representatives to attend the meetings at the United Nations (UN) or to conduct consultation sessions with deputations to discuss its reports. He then presented the Commission's submission and highlighted the following views of the Commission -

- (a) Government should report to UN the results of the review of the Accountability System for Principal Officials and explain why the review of the constitutional development including LegCo elections would only be conducted by 2007;
- (b) Government should incorporate ICESCR in its domestic legislation, review the laws of Hong Kong to amend those which were inconsistent with the Covenant, and to legislate against discrimination on the grounds of race, age and sexual orientation;
- (c) Government should establish a human rights commission which was strongly recommended by CESCR;
- (d) the proposals to legislate for the implementation of Article 23 of the Basic Law (BL) should be mentioned in the report; and
- (e) statistics indicated that more than 50% of the ex-prisoners in HKSAR committed crime again. The rate was higher than that in other countries and should be reported to CESCR.

Hong Kong Human Rights Monitor

40. Mr LAW Yuk-kai, Director of the organisation said that he supported the comments and suggestions of EOC and Hong Kong Human Rights Commission on the second report to be prepared. He then briefed members of the views of the Hong Kong Human Rights Monitor as follows -

- (a) Government should remove the undemocratic features from the current arrangements for LegCo elections which, according to CESCR, impeded the full enjoyment of economic, social and cultural rights in HKSAR;

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- (b) Government should introduce legislation against racial discrimination which prevailed even in the public sector as reflected in Government policies on the provision of vocational training and employment of domestic helpers;
- (c) Government should publish its response to CESCER's concluding observations relating to its policies on the right of abode and split families. Related Government policies and measures such as the proposed population policy and Government's refusal to grant the right to education to children whose residential status was being verified indicated that HKSAR had not addressed the concerns or adopted the recommendations of the Committee in this respect. All these should be reported to CESCER;
- (d) Government should respond to the proposals put forth in the report of the Hong Kong Human Rights Monitor published in 2001; and
- (e) Government should inform CESCER in the report the impact of the proposals to legislate for the implementation of BL 23 on different sectors and organisations of the community and on freedom of speech and expression. It should also explain why it had rejected the application for renting cultural and performance venues from Falun Kong and interfered with the distribution of arts albums by the host organisation at an art exhibition in a public exhibition hall.

Hong Kong Against Racial Discrimination

[LC Paper No. CB(2)864/02-03(02)]

41. Ms Vandana RAJWANI, Spokesperson of the organisation summarised the views of the organisation in its submission as follows -

- (a) Government should introduce legislation against racial discrimination which was the only means to achieve equal opportunities for the minorities in Hong Kong. A recent survey conducted by HKSAR revealed support from the business community for legislation and there seemed to be little objection towards legislation to prohibit racism. Government should therefore indicate when a decision on the subject would be made;
- (b) Government should amend or eliminate any educational policies or practices that might directly or indirectly discriminate on the basis of race;

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- (c) the limitation on the powers of the Race Relations Unit as a non-statutory body should be mentioned in the second report; and
- (d) a second round of consultation on the draft report should be conducted and NGOs should be allowed a longer period of time to comment on the draft report. Their feedback should be incorporated into the final version of the report where relevant.

The Hong Kong Committee on Children's Rights
[LC Paper No. CB(2)855/02-03(02)]

42. Miss Billy WONG, Executive Secretary of the Committee informed members of the views of the Committee in its submission as follows -

- (a) the Committee was disappointed that the Government would not mention in the second report to be prepared how the status of children would be raised in HKSAR. Government should report on how ICESCR had been implemented in Hong Kong in terms of the status and rights of children;
- (b) a children commission should be established to formulate a comprehensive policy on children. A national human rights institution should also be formed as recommended by CESCR;
- (c) equal opportunities for children should be incorporated into the purview of EOC;
- (d) Government should report to UN its plan to eliminate corporal punishment and all forms of child abuse;
- (e) Government should address the problems and hardship caused by its policies on right of abode and split families; and
- (f) Government should ensure that Mainland children in Hong Kong would not be denied the right to education while their residential status was being verified. Government policy should also safeguard equal educational opportunities for children of ethnic minority.

Against Child Abuse
[LC Paper No. CB(2)855/02-03(03)]

43. Mrs Priscilla LUI, Director of Against Child Abuse summarised the views of the organisation in the submission as follows -

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- (a) a second round of consultation on the draft report should be conducted;
- (b) a mechanism should be established to monitor the implementation of ICESCR, in particular those provisions relating to the rights of children under 18;
- (c) the organisation was disappointed with the existing consultation mechanism under which the Administration only collected the views of NGOs for reporting purpose. The bureaux and departments concerned should respond to the views of NGOs and take them into consideration when formulating Government policies;
- (d) a children commission should be established to formulate comprehensive policy on children;
- (e) equal opportunities for children should be incorporated into the purview of EOC;
- (f) the recent increase in the number of child abuse cases should be addressed; and
- (g) Government should safeguard the right to education of children, including Mainland children in Hong Kong whose residential status was being verified.

The Hong Kong Council of Social Service
[LC Paper No. CB(2)815/02-03(02)]

44. Ms KU Yin-kay, Business Director (International and Regional Networking) of the Council introduced the following views of the Council in its submission -

- (a) a second round of consultation on the draft report should be conducted;
- (b) paragraphs 19, 38 and 39 of the concluding observations of CESCR on the initial report relating to anti-poverty strategies should be addressed in the second report. Government should establish an independent anti-poverty commission to conduct research, formulate anti-poverty strategies and monitor the impact of Government policies on poverty;
- (c) the social development index compiled by the Council should be mentioned in the report; and

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- (d) Government should promote public education on ICESCR to enhance the public's awareness of the Covenant and its impact on Hong Kong's economic, social and cultural development.

Parent's Association for the Implementation of Right of Abode of Mainland Children (Hong Kong)
[LC Paper No. CB(2)815/02-03(03)]

45. Mr CHOW Kwok-fai, Vice-Chairman of the Association highlighted the salient points of the submission of the Association as follows -

- (a) the Government's decision to use the date of birth to determine the right of abode for children of people of Hong Kong in Mainland was inconsistent with section 19 of the Bill of Rights, articles 2(2), 3, 4 and 10 of ICESCR and BL 39;
- (b) the above-mentioned Government policy had resulted in split families and hardship to the people concerned; and
- (c) Government should adopt the recommendation of CESCRR and revise its policy on permanent residence and grant the right of abode to the eight thousand or more children of people of Hong Kong in Mainland who had applied for a judicial review of Government's decision on their residential status before the delivery of the judgment of the Court of Final Appeal on 10 January 2002. Other eligible children in Mainland should also be granted the right of abode in Hong Kong to enable reunion of split families.

Hong Kong Confederation of Trade Unions

46. Mr CHENG Ching-fat, Vice-Chairman of the Confederation summarised the views of the Confederation as follows -

- (a) the disparity between the rich and the poor had become enlarged in recent years. Government should address the problem of poverty in Hong Kong;
- (b) Government had not addressed the concerns and implemented the recommendations of CESCRR in its concluding observations, in particular those relating to labour rights and welfare such as minimum wage; and

Action

- (c) representatives of relevant bureaux and departments should attend consultation sessions to respond to the concerns and comments of deputations.

47. Mr Albert HO suggested and members agreed that to allow sufficient time for members to discuss the second report to be prepared by the Administration with the deputations and the Administration, a special meeting should be held on Tuesday, 14 January 2003 at 2:30 pm to continue the discussion on this agenda item. They also agreed that representatives of the Home Affairs Bureau, Economic Development and Labour Bureau, Education and Manpower Bureau, Health, Welfare and Food Bureau and Security Bureau should be invited to attend the special meeting to facilitate the discussion and to respond to the concerns and comments of members and deputations. Besides the nine deputations present at the meeting, other interested organisations might also be invited to the meeting.

(Post-meeting note : the special meeting was rescheduled to Friday, 7 February 2003 immediately after the meeting of the House Committee.)

VI. Any other business

48. There being no other business, the meeting ended at 1:05 pm.

Council Business Division 2
Legislative Council Secretariat
13 February 2003