

立法會
Legislative Council

LC Paper No. CB(2)1421/02-03

(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Wednesday, 15 January 2003 at 12:30 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon Andrew CHENG Kar-foo (Chairman)
Hon IP Kwok-him, JP (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi
Hon MA Fung-kwok, JP

Members Absent : Dr Hon David CHU Yu-lin, JP
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 Henry WU King-cheong, BBS, JP
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok

Public Officers Attending : Dr Patrick HO, JP
Secretary for Home Affairs

Ms Shelley LEE, JP
Permanent Secretary for Home Affairs

Mr Leo KWAN, JP
Deputy Secretary for Home Affairs (1)

Mr Stephen FISHER, JP
Deputy Secretary for Home Affairs (2)

Ms Lolly CHIU, JP
Deputy Secretary for Home Affairs (3)

Ms Janet WONG, JP
Acting Director of Home Affairs

Ms CHOI Suk-kuen, JP
Acting Director of Leisure and Cultural Services

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

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

Action

I. Briefing by the Secretary for Home Affairs on the Chief Executive's Policy Address 2003

Members note that the Home Affairs Bureau (HAB) had published a booklet on the Policy Agenda of the Bureau in respect of the 2003 Policy Address.

2. At the invitation of the Chairman, Secretary for Home Affairs (SHA) briefed members on the policy agenda of HAB in the coming eighteen months which was formulated according to the five guiding principles of Government, i.e., effective governance, vibrant economy, caring and just society, enlightened people with a rich culture and environmentally responsible development.

(Post-meeting note : the speaking note of SHA was issued vide LC Paper No. CB(2)936/02-03(01) on 16 January 2003.)

Action

3. Both Mr Tommy CHEUNG and Mr Michael MAK commended SHA for providing the booklet on Policy Agenda of HAB to members within such a short notice. In response to the remarks from Ms Cyd HO that in the past, HAB had produced a booklet on the policy objectives and initiatives under each policy programme of the Bureau, Permanent Secretary for Home Affairs undertook to provide a further booklet to members.

Adm

4. Ms Cyd HO further commented that Legislative Council Members were dissatisfied with the revised format of the Policy Address 2003 which had failed to provide sufficient details of the Policy Agenda. Sharing the views of Ms HO, Ms Emily LAU opined that Government should review the format of the Policy Address in future so that more details of the policy objectives and initiatives under different policy programmes would be provided by the Directors of Bureaux to facilitate a meaningful debate on the Motion of Thanks in respect of the Policy Address.

Effective governance

Review of advisory and statutory bodies (ASBs)

5. Mr Michael MAK opined that there were cases in which a person were appointed to several different ASBs resulting in uneven distribution of workload and also low attendance of certain members at meetings of some ASBs. He suggested that the existing appointment system of members to ASBs should be reviewed.

6. In response, SHA explained that HAB was responsible for conducting the review. However, the decision and authority of appointments to ASBs vested with the respective Directors of Bureaux or higher ranking officials. To address the concern of Mr Michael MAK, SHA informed members that the "six-board rule" and the "six-year rule" had been adopted under which a person would not be appointed to more than six ASBs and to the same ASB for more than six years. The purpose of the rules was to ensure a reasonable distribution of workload and a gradual turnover of membership. In response to the enquiry from Dr TANG Siu-tong, SHA advised that the review of ASBs had already commenced and consultation with the bureaux concerned was in progress. He assured members that upon completion of the review, the Administration would revert to the Panel with the results and its recommendations.

Adm

Authorisation and regulation of soccer betting

7. Mr Tommy CHEUNG informed members that the Liberal Party was supportive of authorisation and regulation of soccer betting. He pointed out that although he did not believe that authorised soccer betting would lead to pathological gambling, there were pathological gamblers in Hong Kong who had not been given the required attention and assistance by Government. He

Action

hoped that Government would enhance the counseling services and other assistance to these people and their families.

8. Sharing the view of Mr Tommy CHEUNG, Mr Michael MAK said that he was supportive of authorisation of soccer betting, which, according to him, would not necessarily lead to pathological gambling. He opined that with the increase in revenue from betting duty, Government should allocate more resources to deal with the problem of pathological gambling in Hong Kong. He also pointed out that to ensure the successful enactment of the legislation for authorised soccer betting, it would be extremely important for Government to earn more support from the community by addressing the concerns and worries of those who were opposed to the policy. He hoped that authorised soccer betting would be conducted in the interest and benefit of the public.

9. SHA assured members of the sincerity of Government in tackling the problem of pathological gambling in Hong Kong. He added that since the Executive Council had endorsed the authorisation of soccer betting in November 2002, HAB had been liaising closely with the community to collect public opinion on the issue so as to devise an effective operational and regulatory framework that would help address the concerns of society and minimise the possible adverse effect of authorised soccer betting. He added that the details of the framework would be announced shortly.

Vibrant economy

Organisation of international sports events

10. Mr Tommy CHEUNG noted the policy objective under the principle of vibrant economy that Government aimed at developing a strategy in which a platform would be provided for the sports community to engage business partners in organising and promoting international sports events in Hong Kong. He suggested that with a beautiful harbour, Hong Kong should organise international yachting and sailing races which might also help boost the economy.

11. In reply, SHA explained that because of the construction and reclamation works along the harbour, regatta had not been organised in Hong Kong in the recent years. He said that HAB would liaise with the Hong Kong Yachting Association and other organisations concerned in exploring the possibility of organising these races again as well as international races in Hong Kong.

Action

Caring and just society

Protection of human rights

12. On the issue of human rights, Ms Cyd HO commented that Government had not implemented all the recommendations of the relevant committees of the United Nations in their concluding observations on the reports submitted by the Hong Kong Special Administrative Region (HKSAR) under the various international human rights treaties, in particular the recommendation for the establishment of a national human rights institution to coordinate the formulation of a comprehensive human rights policy and monitor the implementation of the relevant treaties in Hong Kong. She pointed out that such a monitoring mechanism was badly needed to counter-balance the powers of the enforcement authorities which would be increased after the enactment of the proposed legislation for the implementation of Article 23 of the Basic Law (BL). She urged Government to establish a human rights commission. She also asked whether Government had decided to legislate against racial discrimination in Hong Kong.

13. SHA replied that human rights in Hong Kong were protected through various means such as an independent judiciary, the legal aid system, Hong Kong Bill of Rights Ordinance (Cap. 383), Basic Law, and various international human rights treaties. He said that Government would investigate into the need for other forms of protection of human rights when considering the issue of legislation against racial discrimination.

14. Ms Cyd HO, however, urged Government to expedite its review since legislation would soon be introduced for the implementation of BL 23. She also considered that a mediation mechanism through the establishment of a human rights commission would be more effective in protecting human rights than the existing legal aid system. She pointed out that individuals would need to pass a stringent asset assessment test before they could be granted legal assistance. Although the test did not apply to cases involving human rights, the plaintiffs would still need to pay for one third of the huge court costs. With a mediation mechanism, disputes over human rights might not need to be resolved at courts and the parties concerned would not be required to pay for huge court costs.

15. The Chairman expressed support for Ms Cyd HO's suggestion of establishing a human rights commission. Ms Emily LAU said that she agreed to Ms HO's views and suggestions on the protection of human rights and urged Government to legislate against racial discrimination.

Action

Enlightened people with a rich culture

Promotion of creative industries and local community economy

16. Noting that both the Commerce, Industry and Technology Bureau (CITB) and HAB were responsible for the development of creative industries, Mr MA Fung-kwok sought clarification on the division of labour between the two bureaux. He also pointed out that protection of intellectual property rights was crucial to the development of creative industries. He therefore expressed concern that although HAB had acknowledged this in page 18 of its booklet on Policy Agenda, CITB seemed to hold a different view as reflected in the remarks of Secretary for Commerce, Industry and Technology (SCIT) at his briefing on Chief Executive's (CE's) Policy Address on 13 January 2003, and the relevant proposed provisions in the Copyright (Amendment) Bill 2001.

17. SHA assured members that Government was determined to protect intellectual property rights and would strike a balance between promotion of culture and meeting the needs of the economy. He explained that industries such as design and fashion which were related to commerce were under the purview of CITB whereas those such as arts and handicrafts which were related to creativity were overseen by HAB. The two bureaux would liaise closely with each other in coordinating the promotion of creative industries.

18. Mr MA Fung-kwok remarked that CITB might be more concerned about the commercial development instead of the promotion of culture. He expressed concern that if the Copyright (Amendment) Bill 2001 was passed, some of its provisions might not be conducive to the development of creative industries in Hong Kong. He urged SHA to liaise with SCIT immediately on this issue as the scrutiny of the Bill would soon be completed.

19. Both the Chairman and Mr WONG Sing-chi criticised that some of the projects to promote local community economy such as the establishment of a flea market in Wong Tai Sin and a bazaar in Sheung Wan had not helped boost up the economy. They had only created competition between the stalls in the markets and the shops in the neighbourhood since they offered similar items for customers. Mr WONG Sing-chi added that to implement the same project in several different districts would also reduce the room for creativity of the public. Both the Chairman and Mr WONG urged the Administration to review such an arrangement. Mr WONG further remarked that the proposed legislation for the implementation of BL 23 would also impose restrictions on the creativity of the public. He quoted as an example the restriction on the use of the images of political leaders in advertisements under the proposed legislation. He said that SHA should bring this adverse effect of the proposed legislation to the attention of the Government.

Action

Adm

20. SHA stressed that creativity was crucial for sustaining the development of industries and the economy. The local community economy projects initiated in the districts were therefore just a starting point. The creativity of the operators would enable their business to prosper and become financially viable. In response to a further question from the Chairman, SHA advised that the Administration would brief the Panel on the details of the implementation plan for the promotion of creative industries and local community economy before July 2003.

Sports Policy Review

21. Mr Timothy FOK declared interest as President of the Hong Kong Football Association. He said that the provision of performance and sports facilities in Hong Kong was inadequate. As the national sports association of soccer in Hong Kong, the Hong Kong Football Association had not been allocated its own venue for training and other programmes. He urged Government to tackle this problem in the Sports Policy Review. He also requested it to expedite the development of the stadium complex and sports facilities in South East Kowloon which had been planned for a long time.

Adm

22. SHA responded that the feasibility study on the technical and financial aspects of constructing a multi-purpose stadium in South East Kowloon was expected to be completed by mid 2003. It was estimated that the complex would be built by 2010. He advised that the Administration would provide the Panel with the detailed recommendations once they were available.

Proposed integrated arts, cultural and entertainment district in West Kowloon

23. In response to the question from Ms Emily LAU, SHA informed members that an international competition on the design for the proposed integrated arts, cultural and entertainment district in West Kowloon had been conducted in 2001. The design that had been awarded the first prize of the competition had an extensive canopy design dividing the district into cultural, recreational and commercial areas, and had been adopted for the district. Detailed planning and administration arrangements of the district had yet to be determined. SHA added that consultation of the trade and organisations concerned would be conducted and a detailed proposal would be announced in due course. Ms Emily LAU urged Government to ensure that the design of the district would be a beautiful one which the people of Hong Kong could be proud of.

Heritage preservation

24. Referring to the new initiative in CE's Policy Address that the Central Police Station, Victoria Prison and former Magistracy would be converted into a retail, dining, cultural and entertainment area, Mr MA Fung-kwok expressed

Action

concern that this decision might not be consistent with the policy of preservation of historical buildings. He sought clarification on the latter policy and whether legislation would be introduced for this purpose.

Adm

25. SHA informed members that at present there were around 300 buildings that had been classified as historical buildings which should be preserved out of which 270 buildings were private properties. Under the existing arrangements, Government would liaise with the owners/developers concerned to devise plans that could strike a balance between the development needs of owners and conservation of the buildings. SHA admitted that there were limitations on the existing legislation which did not provide a legal basis for the conservation of historical buildings. HAB had therefore initiated a review of the policy and the relevant legislation as well as the necessity to entrust the Antiquities and Monuments Office with the powers required for the effective implementation of relevant Government policies. SHA informed members that the Administration would revert to the Panel with the results and recommendations of the review in due course.

26. Referring to a recent proposal from the Central and Western District Council to relocate the statue of King George VI in the Hong Kong Zoological and Botanical Gardens in Central, Ms Emily LAU expressed concern about the preservation of Hong Kong's colonial history. She said that the proposal had aroused international concern. She considered the British rule as a part of the history of Hong Kong and should therefore be preserved instead of being erased from the memories of the people of Hong Kong.

Adm

27. Agreeing with Ms Emily LAU that its colonial past was part of the history of Hong Kong, SHA said that it would be preserved as a part of the collective historical memory of the people of Hong Kong. He added that the review of heritage preservation would not only cover assessing the architecture of historical buildings, but also consider their value in the history of Hong Kong. He assured members that a detailed plan for heritage preservation would be submitted to the Panel for comments before June 2003.

Promotion of youth development and civic education

28. Referring to Government's decision to wrap up the trees and sculptures outside the Cultural Centre in Tsim Sha Tsui and disperse the crowds from the area on the New Year Eve, Mr WONG Sing-chi commented that the measures had imposed restrictions to the activities of the young people and was not conducive to the holistic development of the latter. He considered that Government should provide more room for creativity for the young people and urged the Administration to review its crowd control measures on future festive occasions.

Action

29. SHA explained that measures were taken on the New Year Eve to protect the Cultural Centre as well as the trees and sculptures outside which had been sprayed with graffiti on the Christmas Eve, causing permanent damages to some of them. He commented that the vandals had displayed a lack of respect towards the sculptors concerned and other members of the public in damaging the sculptures which were public properties. He said that Government would ensure that appropriate measures would be taken in future to ensure that while the young people were able to enjoy the freedom to celebrate on festive occasions, they should also concern about the safety of themselves and others as well as respect private and public properties.

30. Noting that CE had appointed the Commission on Youth to submit a report on youth unemployment problem, Mr WONG Sing-chi pointed out that without the necessary powers and resources for the implementation of the relevant Government policies, the Commission should not be charged with the responsibility to tackle youth problems alone. Mr WONG sought clarification whether HAB would cooperate with the Commission on Youth in this respect.

31. SHA stressed that the Commission on Youth was a very important advisory body under the purview of HAB. HAB provided secretariat and other support to the Commission the members of which included representatives from both the community and Government Bureaux including HAB, Education and Manpower Bureau, Health, Welfare and Food Bureau, and Security Bureau. SHA further informed members that the Chairman of the Commission had submitted the draft report on the unemployment problem of the young people in Hong Kong to CE recently. Discussions on the report were being conducted by members of the Commission and a brain storming session would be held in due course. He assured members that HAB would work closely with the Commission in tackling youth problems and would revert to the Panel with detailed recommendations in due course.

Adm

32. Mr Michael MAK asked how Government would promote culture and civic education in Hong Kong so as to transform Hong Kong from a "cultural desert" to an international cultural metropolis, to eliminate discrimination against ethnic minorities and new arrivals, and to promote interpersonal relationships to turn Hong Kong into a caring and embracing society.

33. In reply, SHA explained that Government would provide a favourable environment and the necessary support and assistance for the development of culture. The direction of cultural development in Hong Kong would, however, be determined by society.

Action

II. Any other business

Special meeting to discuss the second report to be prepared by HKSAR under the International Covenant on Economic, Social and Cultural Rights (ICESCR)

34. Members noted that the special meeting originally scheduled for 14 January 2003 at 2:30 pm to continue the discussion of the second report to be prepared by HKSAR under ICESCR had been deferred as briefings on CE's Policy Address 2003 were held that afternoon. Members agreed that the special meeting should be held on Friday, 7 February 2003 at 4 pm immediately after the meeting of the House Committee.

35. There being no other business, the meeting ended at 1:45 pm.

Council Business Division 2
Legislative Council Secretariat
13 March 2003