

立法會
Legislative Council

LC Paper No. CB(2)1724/03-04

(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of meeting
held on Friday, 9 January 2004 at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon WONG Yung-kan
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, SBS, JP
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, JP

Member attending : Hon James TIEN Pei-chun, GBS, JP

Members absent : Hon MA Fung-kwok, JP (Deputy Chairman)
Hon NG Leung-sing, JP
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon CHOY So-yuk
Hon WONG Sing-chi

**Public Officers:
attending**

Item IV

Dr Patrick HO
Secretary for Home Affairs

Ms Shelley LEE
Permanent Secretary for Home Affairs

Mr Leo KWAN
Deputy Secretary for Home Affairs (Special Duties)

Mr Stephen FISHER
Deputy Secretary for Home Affairs (1)

Ms Lolly CHIU
Deputy Secretary for Home Affairs (3)

Mrs Pamela TAN
Director of Home Affairs

Ms Anissa WONG
Director of Leisure and Cultural Services

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

Dr Patrick HO
Secretary for Home Affairs

Ms Shelley LEE
Permanent Secretary for Home Affairs

Mr Stephen FISHER
Deputy Secretary for Home Affairs (1)

Mrs Hedy CHU
Principal Assistant Secretary for Home Affairs (3)

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2)2

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4 (agenda item V only)

Ms Joanne MAK
Senior Council Secretary (2)2

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I. Confirmation of minutes

[LC Paper Nos. CB(2)819/03-04, CB(2)912/03-04 and CB(2)913/03-04]

The minutes of the meetings held on 14 November, 28 November and 12 December 2003 were confirmed.

II. Information paper(s) issued since the last meeting

[LC Paper No. CB(2)679/03-04(01)]

2. Members noted that a booklet providing a brief introduction to the work of the Home Affairs Bureau (HAB), the Home Affairs Department (HAD) and the Leisure and Cultural Services Department (LCSD) had been issued since the last meeting.

III. Items for discussion at the next meeting

[Appendies I and II to LC Paper No. CB(2)910/03-04]

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 13 February 2004 at 10:45 am -

- (a) policy on the preservation of heritage and monuments; and
- (b) Government boards and committee system.

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IV. Briefing by the Secretary for Home Affairs on the Chief Executive's Policy Address 2004

[LC Paper Nos. CB(2)910/03-04(01) and (02) and CB(2)984/03-04(01)]

4. At the Chairman's invitation, Secretary for Home Affairs (SHA) briefed members on the following initiatives under the purview of HAB as set out in the 2004 Policy Agenda -

- (a) conducting consultation on the proposed legislation against racial discrimination;
- (b) conducting public consultation on review of built heritage conservation policy;
- (c) promoting creative industries;
- (d) enhancing cultural and sports exchanges and cooperation amongst Hong Kong, Macau and Guangzhou;
- (e) cultural policy; and
- (f) district administration.

(Post-meeting note : SHA's speaking note on the above initiatives was issued to Members vide LC Paper No. CB(2)984/03-04(01) dated 13 January 2004.)

5. At the Chairman's invitation, Deputy Secretary for Health, Welfare and Food (Women) (DSHWF(Women)) briefed members on the following initiatives taken by the Health, Welfare and Food Bureau (HWFB) in collaboration with HAB in enhancing women's participation in public affairs -

- (a) raising the gender benchmark used in the appointment of members to advisory and statutory bodies (ASBs) to 25%; and
- (b) including more female candidates on the Central Personality Index for appointments to ASBs.

Discussion

Legislation against racial discrimination

6. Mr Andrew CHENG expressed support for the proposed legislation against racial discrimination and enquired about the progress made. SHA responded that HAB had issued drafting instructions for a bill to the Department of Justice (D of J), as it intended to introduce a bill into the

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Legislative Council (LegCo) in the 2004-05 session. HAB was also preparing a consultation document for consulting the public on the legislative proposal.

Building management

7. Mr Andrew CHENG said that the Administration was not providing adequate resources and professional support to assist owners to form owners' corporations (OCs). Mr CHENG then queried why the government counsel who had been providing legal advisory service at the four regional Building Management Resources Centres had been transferred back to D of J.

8. Director of Home Affairs (DHA) responded that HAD attached importance to the provision of professional support to OCs and had enhanced the relevant training for the HAD staff to ensure that they were able to meet the needs of owners and occupiers in building management. DHA pointed out that it was, however, not cost-effective to solely rely on government resources to provide the necessary service. To enhance the professional support services, DHA said that HAD had mobilised community resources and had recently set up a team of voluntary lawyers who were experienced in building management to provide free on-site professional advice to OCs. DHA said that the outreach service was widely recognised and HAD would continue to recruit more voluntary lawyers to the team. Mr Andrew CHENG requested DHA to provide information on the number of voluntary lawyers recruited in each region. DHA agreed to provide the information.

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9. SHA said that despite financial constraint, HAD would continue to provide a wide range of support to owners and occupiers to facilitate their management of buildings. In addition, HAB was planning to introduce further amendments to the Building Management Ordinance in the 2004-05 session to improve some of its provisions.

10. Dr TANG Siu-tong said that at present, the Buildings Department (BD), the Food Safety and Environmental Hygiene Department and the Water Supplies Department were involved in handling complaints about problems of water seepage of buildings. Dr TANG asked whether consideration could be given to designating BD as a coordinator, acting as the contact point for complainants and coordinating Government efforts in handling such complaints.

11. SHA said that problems of water seepage of buildings were often related to building maintenance, which was under the purview of BD. He said that the Housing, Planning and Lands Bureau was currently conducting a public consultation on building management and maintenance. The consultation was being conducted simultaneously with the review of the Building Management Ordinance and it was intended that the two exercises would be complementary. The Chairman asked whether consideration would be given to putting the policy responsibility of building management under the purview of BD, which

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had the necessary professional expertise to support this area of work. SHA responded that the matter would be further considered upon completion of the public consultation on building management and maintenance.

12. Mr James TO urged the Administration to take active measures to promote the formation of OCs and increase the number of OCs to be formed each year. DHA said that HAD staff would strive to form more OCs each year, if resources permitted.

Sports development and promotion

13. Referring to the initiative of enhancing cultural and sports exchanges and cooperation with Macau and Guangzhou, Mr Andrew CHENG said that sports development in Hong Kong had lagged far behind the other two places in the past decade. Mr CHENG urged the Administration to take active measures to promote sports in Hong Kong and set specific targets in that regard. SHA agreed that there was a need to promote wider participation in sports. SHA added that upon completion of the restructuring of the administration of sports, a Sports Commission would be set up to promote, among others, sports in schools and the community by achieving optimal use of resources.

14. Mr Andrew CHENG further said that it was important to promote interest in sports from childhood and suggested that the Education and Manpower Bureau (EMB) should be engaged to promote students' interest in sports. SHA agreed to follow up the matter with EMB.

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15. Mr Henry WU asked whether consideration would be given to enhancing cooperation in cultural and sports programmes with other major cities outside the Guangdong province. SHA agreed to take into consideration Mr WU's suggestion.

District and rural administration

16. Mr Andrew CHENG and Ms Emily LAU urged the Administration to give District Councils (DCs) more power and responsibilities so that they could make greater contributions to community development. Ms LAU suggested that DCs should be responsible for consulting residents on matters relating to education, transport, housing, culture and sports, etc. Ms LAU further said that it was imperative for the Administration to consult DCs on all district construction projects. Ms LAU suggested that in future, when submitting a paper on any proposed work commitment for endorsement by the Finance Committee (FC), the Administration should set out in the paper whether the DC concerned had been consulted on the proposed project and the DC's views. The Chairman added that the same arrangement should be made in respect of papers submitted to the Public Works Subcommittee (PWSC).

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17. SHA responded that DCs were the Administration's important partner in promoting community development. SHA said that in the following four years, HAB would build closer partnership with the 18 DCs. HAB would fully consult DCs and seek their support in implementing policies affecting the well-being of the people in the district concerned. SHA undertook that he would also try his best to persuade other Principal Officials to adopt the same arrangements. SHA added that a review would be conducted on the role, functions and composition of DCs.

18. Mr WONG Yung-kan considered that the Administration often failed to take into consideration the comments of DCs. As an example, Mr WONG referred to the case of the Tolo Highway noise barriers, in which the Administration had ignored the opposing views of the Tai Po DC. Mr WONG suggested that SHA and other senior officials of HAB and HAD should pay more visits to the various districts to understand the concerns of the general public.

19. SHA responded that HAB would enhance communication with the 18 DCs as soon as possible. Permanent Secretary for Home Affairs added that starting from the following month, she and her colleagues would accompany SHA to pay visits to the 18 districts to meet DC members and the community.

20. Dr TANG asked for details of the review on the arrangements for rural elections e.g. whether village representatives would be consulted during the review. DHA responded that the review, the purpose of which was to identify areas for improvement for the cycle of rural elections in 2007, would be a comprehensive one. It would cover many aspects, including vote-counting procedures, constituency boundaries, voter registration, electoral arrangements, etc. and include a consultation exercise targeting all parties concerned.

21. Ms Emily LAU said that at an earlier FC meeting, DHA had agreed to consider advancing two months' Operating Expenses Allowance (OEA) to DC members to ease their financial burden. DHA confirmed that the requested arrangement would be made and the relevant guidelines on OEA would be revised to this effect in due course.

22. Mr James TO said that the staff of District Offices should be reminded that they had to be neutral in providing services to DC members of different political affiliations. DHA agreed to take note of Mr TO's comments.

Women affairs

23. Ms Emily LAU asked why DSHWF(Women)'s team, which came under HWFB, was attending this meeting instead of the meeting held by the Panel on Welfare Services. DSHWF(Women) said that when the decision was made to set up the Women's Commission, the Administration had decided to transfer

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the policy responsibility for women's issues to the then Health and Welfare Bureau. However, LegCo Members expressed that women affairs were not confined to welfare issues. Hence, the subject remained under the ambit of the Panel on Home Affairs. The Chairman requested the LegCo Secretariat to circulate the relevant minutes of meetings to members for their reference.

Clerk

24. Ms Emily LAU said that she and some other Members were all along in support of setting up a central mechanism to examine government policies from the angle of safeguarding equality of sexes, and assigning the policy responsibility for women's issues to the Chief Secretary for Administration. Ms LAU further said that under the present arrangement, the Secretary for Health, Welfare and Food (SHWF) would not know what this Panel had discussed about women affairs. At the Chairman's request, DSHWF(Women) agreed to convey Ms LAU's comments to SHWF.

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Gender balance in and appointment of members to ASBs

25. Ms Emily LAU requested the Administration to provide the following information to substantiate its claim that the minimum proportion of women on ASBs had reached 20% -

- (a) the existing number of ASBs;
- (b) the membership size of each of the existing ASBs; and
- (c) the proportion of women members on each of them.

Ms LAU further said that the 25% gender benchmark was low as compared with the same benchmark adopted by the international community, and was far lower than that adopted by northern Europe, which was no less than 40% for either sex. Ms LAU asked whether the Administration had consulted the Equal Opportunities Commission (EOC) on the 25% gender benchmark.

26. Deputy Secretary for Home Affairs (1) (DSHA(1)) said that there were about 500 ASBs established by the Government, with over 5 000 individual members, of whom about 20% were women. DSHA(1) said that each ASB would be required to comprise women members of at least 25% of its total membership starting from the next round of appointment exercises. If the target could not be reached, the relevant Principal Official would have to give an explanation. DSHA(1) further said that this was a major progress, as some ASBs currently had no women members at all. DSHA(1) added that HAB had issued a circular memorandum to all bureaux and departments to affirm the policy that the 25% gender benchmark should be taken into consideration in making appointments to ASBs in the next round of appointment exercises.

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27. Ms Emily LAU asked at present how many entries in the Central Personality Index were women and whether political parties could provide names for inclusion in it. DSHA(1) said that all community organisations, including political parties, were welcome to provide names of possible candidates by filling out nomination forms. Ms LAU further asked whether data on the political affiliations of members appointed to ASBs could be made public. SHA said that he would consider the suggestion.

28. Ms Cyd HO asked whether the political affiliation of a candidate was the most important consideration factor in making the appointments. SHA responded that appointments were made based on the principle of merit, and the political affiliation of a candidate was not a consideration factor.

29. Mr Tommy CHEUNG requested the Administration to explain how it defined "political parties". Mr CHEUNG said that the Administration had recently announced that the number of members belonging to the Democratic Alliance for Betterment of Hong Kong (DAB), the Liberal Party and the Hong Kong Progressive Alliance appointed to DCs had been much reduced. Mr CHEUNG asked whether the Administration regarded The Frontier, the Hong Kong Association for Democracy and People's Livelihood and other political groupings as political parties. Mr CHEUNG further asked whether it had become the policy of the Administration to reduce the number of DC members with political affiliations.

30. SHA said that information on political affiliations of candidates on the Central Personality Index was obtained by way of self-declaration. It was up to the persons concerned to declare whether they had any political affiliations. SHA reiterated that the Administration's major considerations in making appointments were the candidates' expertise, experience and track record in public service, etc. The political affiliation of a candidate was not a consideration factor in making appointments.

31. Mr James TO expressed concern about the recent appointments to the Women's Commission. Mr TO held the view that the new members were overwhelmingly those belonging to conservative bodies or pro-government groups.

32. DSHWF(Women) said that in making appointments to the Women's Commission, the Administration mainly took into consideration the candidates' experience in women's issues, professional background, and contributions they could offer to the work of the Women's Commission. She added that the appointments made were not affected by the candidates' political affiliations.

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Community-wide political network

33. Ms Cyd HO asked what role HAB would play in implementing the policy objective of building a community-wide political network as set out in paragraphs 57 to 66 in the Chief Executive (CE)'s Policy Address. In particular, Ms HO expressed concern as to how HAB was going to "make fuller use of District Offices, District Councils, the various advisory bodies and the many community organisations to form a community-wide political network", "collate views expressed on the Internet", and "step up link with the media". Ms HO requested SHA to provide details of the relevant work plan for implementing the above, and the principles of work in building the political network.

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34. SHA responded that the role played by HAB was the maintenance of a free-flow communication channel between the Government and the public. It had put in place mechanisms whereby the Government could effectively gauge and monitor community views and sentiments in the process of formulating public policies. SHA further said that CE's intention was that all policy bureaux should actively strive to open up channels of communication in order that the Government could listen to the opinions and aspirations of people from different sectors of the community. In response to Ms HO and the Chairman, SHA undertook to provide, in writing, the implementation plan for building the community-wide political network when such details were worked out.

35. Referring to paragraph 66 of CE's Policy Address, Ms Cyd HO suggested that HAB should issue guidance to bureaux and departments on the appropriate measures and practices that bureaux and departments should adopt in strengthening their link with the mass media and in enhancing transparency in the policy-making process. SHA agreed to take into consideration the suggestion.

Gauging public opinion

36. Dr TANG Siu-tong suggested that HAD should strengthen its work in gauging public views and sentiments on specific policy issues. SHA responded that HAB and HAD would mobilise all the available resources to do this work.

Local community economy

37. Mr WONG Yung-kan asked whether HAB had a plan to strengthen its cooperation with DCs and district organisations in promoting the development of local community economy (LCE) in Hong Kong. Mr WONG pointed out that last year, some LCE initiatives put forth by the market had not been implemented.

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38. SHA explained the role played by the Government in LCE development. SHA said that the Government looked to the market to put forth LCE initiatives, make investment and operate them. HAD and District Offices coordinated Government efforts in the provision of facilitation measures. SHA further said that some LCE initiatives had not been implemented because they were found not worth pursuing after considering the practical problems.

Built heritage conservation policy

39. Mr Henry WU declared that he was a member of the Council of the Lord Wilson Heritage Trust. Mr WU suggested that the SHA should strengthen communication within the Government on the conservation of built heritage, as he found that some government officials attending meetings of PWSC showed a lack of understanding of heritage conservation and failed to pay adequate attention to it. Mr WU further said that the Administration failed to take appropriate measures for conservation of the vicinity of a monument, such as in the case of Law Uk Folk Museum which was surrounded by all factory buildings. The Chairman suggested that the Administration should offer more economic incentives to encourage private owners to make contributions to built heritage conservation. SHA agreed to take into consideration Mr WU's and the Chairman's comments.

New arrivals

40. Mr Henry WU suggested that arrangements should be made for new arrivals, especially those from places outside Guangdong, to reside in Shenzhen or Guangzhou for a period of time before moving to Hong Kong. He said that such arrangements would enable the new arrivals to first have an exposure to an environment which was more like Hong Kong than other places on the Mainland. SHA said that two pre-migration centres were in place in Guangzhou and one in Fujian Province to provide orientation service for people who had been issued with one-way permits.

Rights of the child

41. Mr Henry WU expressed appreciation of the launching of the Child Ambassadors scheme and Hong Kong's first Children's Council in 2003. Mr WU asked whether HAB would launch similar programmes again. SHA said that children's rights were protected under the Convention on the Rights of the Child and HAB would continue to implement programmes to promote and safeguard children's rights.

Gambling policy

42. Mr James TO expressed grave concern about the social impact of authorisation of football gambling and whether the policy had led to a large

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increase in the number of football gamblers. He said that as far as he knew, many housewives had become addicted to football gambling. SHA responded that the Administration was also very concerned about the issue and was planning to commission a university to conduct a study in 2004 on the impact of gambling participation, and prevalence of problem and pathological gambling in Hong Kong. The findings of the study would be provided to the Panel when available.

V. Way forward in relation to matters arising from previous discussions on issues relating to the appointment and termination of contract of Mr Patrick YU Chung-yin as Director (Operations) by the Equal Opportunities Commission and how the Government safeguards the credibility of the Equal Opportunities Commission

43. The Chairman said that the Administration had provided an information note explaining its decision not to set up an independent commission of inquiry to inquire into the recent incidents concerning EOC.

44. Ms Emily LAU said that as the Administration had decided not to conduct the inquiry, she proposed that a select committee should be appointed by LegCo to -

- (a) examine the process of selecting Mr Patrick YU for appointment as Director (Operations) of EOC with a view to ascertaining whether the appointment process had complied with the established procedures of EOC;
- (b) examine the process of terminating the employment of Mr Patrick YU as Director (Operations) by EOC with a view to ascertaining whether the termination of employment had complied with the established procedures of EOC; and
- (c) inquire into the circumstances surrounding the resignation of Michael WONG Kin-chow from the office of Chairperson of EOC and in particular, the details relating to his meetings with SHA and other parties on the nights of 4 and 5 November 2003.

Ms LAU added that the size of the proposed select committee should be small in view of the narrow scope of the inquiry.

45. Mr James TIEN expressed support for the proposal as he considered that there would be a conflict of roles for EOC to investigate itself. Moreover, EOC would not be able to inquire into the issues covered under paragraph 44(c) above. Mr TIEN agreed with Ms LAU that the size of the proposed select committee should be small in view of the narrow scope of the inquiry. Mr

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Tommy CHEUNG concurred with Mr TIEN.

46. Dr TANG Siu-tong said that since EOC was considering the setting up of a working group to conduct a review of the relevant matters, the Panel should consider the proposal for a select committee to be appointed after EOC had completed its own review to avoid duplication of efforts. Dr TANG further said that he did not see why LegCo should inquire into the details relating to the private gatherings held on the nights of 4 and 5 November 2003.

47. Mr Albert CHAN expressed support for Ms LAU's proposal as he considered that the recent incidents relating to EOC had done damage not only to the reputation of EOC but also to Hong Kong. Mr CHAN said that LegCo should conduct the proposed inquiry to do justice to all parties concerned and make recommendations for the restoration of EOC's credibility. He also agreed that the size of the proposed select committee should be small.

48. Mr Henry WU said that the appointment and termination of employment of Mr Patrick YU was a labour dispute. Mr WU further said that as EOC was considering the setting up of a working group to conduct a review of the relevant matters, he did not see why LegCo should appoint a select committee to conduct the inquiry.

49. Ms Cyd HO considered that even if EOC would conduct an internal review of the relevant matters, it could not serve the purpose of restoring the credibility of EOC because there would be a conflict of role for EOC to investigate itself. Mr Albert HO also expressed support for Ms LAU's proposal as he felt that many questions relating to the appointment and termination of employment of Mr Patrick YU and the resignation of Mr Michael WONG remained unanswered.

50. The Chairman said that DAB's stance was that if EOC decided not to conduct an independent inquiry into the relevant matters, it would support the proposal for a select committee to be appointed.

51. In response to the Chairman, Deputy Secretary for Home Affairs (1) said that the review being considered by EOC was restricted only to matters relating to its staff appointment and dismissal policies. He added that EOC had not yet decided whether or not it would conduct the review.

52. The Chairman put Ms Emily LAU's proposal to vote. It was passed by the Panel with six members voting in support of and three members voting against it. Members agreed that a further meeting should be held as soon as possible to discuss the proposed terms of reference of the proposed select committee and other relevant matters.

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53. There being no other business, the meeting ended at 12:50 am.

Council Business Division 2
Legislative Council Secretariat
16 March 2004