

**立法會**  
***Legislative Council***

LC Paper No. CB(2)2323/03-04

(These minutes have been  
seen by the Administration)

Ref : CB2/PL/HA

**Panel on Home Affairs**

**Minutes of meeting  
held on Friday, 16 April 2004 at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon IP Kwok-him, JP (Chairman)  
Hon MA Fung-kwok, JP (Deputy Chairman)  
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 Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
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  
Dr Hon LO Wing-lok, JP  
Hon WONG Sing-chi

**Member absent** : Hon Albert CHAN Wai-yip

**Public Officers:  
attending** Item IV

Mr Eddie POON  
Principal Assistant Secretary for Home Affairs  
(Recreation and Sports)

Mr Alan SIU  
Deputy Director of Leisure and Cultural Services  
(Leisure Services)

Mr CHUNG Ling-hoi  
Assistant Director of Leisure and Cultural Services  
(Heritage and Museum)

Mrs Karen YUEN  
Chief Executive Officer (Planning)1,  
Leisure and Cultural Services Department

Item V

Mr Stephen FISHER  
Deputy Secretary for Home Affairs (1)

Mr David YIP  
Principal Assistant Secretary for Home Affairs (Special  
Duties)

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

**Staff in attendance** : Ms Joanne MAK  
Senior Council Secretary (2)2

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**I. Confirmation of minutes**  
[LC Paper No. CB(2)2000/03-04]

The minutes of the last meeting held on 22 March 2004 were confirmed.

**II. Information paper(s) issued since the last meeting**  
[LC Paper No. CB(2)1850/03-04(01)]

2. Members noted the letter dated 24 March 2004 on "Public fund-raising activities for non-charitable purposes under s. 4(17) of the Summary Offences Ordinance (Cap. 228)" issued by the Administration.

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**III. Items for discussion at the next meeting**

[Appendices I and II to LC Paper No. CB(2)1991/03-04]

3. Members agreed to further discuss the research report entitled "Monitoring mechanisms for the implementation of international human rights treaties in the United Kingdom, New Zealand and Canada" at the next meeting to be held at 10:45 am on Friday, 14 May 2004. Members agreed to invite deputations to attend the meeting to give views on the subject and put an invitation for public views on the website of the Legislative Council (LegCo). The Panel would also write to the 18 District Councils (DCs) to seek their views.

**IV. Priority of the provision of leisure and cultural services facilities**

[LC Paper No. CB(2)1977/03-04(01)]

4. At the invitation of the Chairman, Deputy Director of Leisure and Cultural Services (Leisure Services) (DDLCS(LS)) briefed members on the salient points of the Administration's paper on the latest position on the provision of new leisure and cultural facilities in Hong Kong. DDLCS(LS) said that the Administration had engaged consultants to analyse Expression of Interest submitted by developers on the following two pilot projects to be implemented under the Private Sector Finance (PSF) approach -

- (a) a leisure and cultural centre in Kwun Tong; and
- (b) an ice sports centre, a tenpin bowling centre and a town park in Tseung Kwan O.

DDLCS(LS) said that the Administration had consulted Sai Kung and Kwun Tong DCs on these pilot PSF projects in February and March 2004 respectively and both DCs had expressed support for the projects. The Administration would seek the Town Planning Board's support for the development plans of the two projects shortly.

5. DDLCS(LS) informed members that the Administration also decided to explore the adoption of the PSF approach for the development of a cultural complex in Tai Po. DDLCS(LS) also briefed members on other major facilities under planning, including the West Kowloon Cultural District and turning Kom Tong Hall into Dr Sun Yat-sen Museum.

Discussion

6. Mr Andrew CHENG said that the adoption of the PSF approach to implement leisure and cultural facilities was worth exploring given the financial constraint of the Government. Referring to paragraph 8 of the paper,

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Mr CHENG asked why the Administration did not require the pricing mechanism for facilities to be implemented under the PSF approach to be approved by DCs or LegCo, as these bodies were more representative of public views.

7. DDLCS(LS) explained that the Administration would adopt very objective standards in approving the pricing mechanism proposed by the project operators. DDLCS(LS) said that if the leisure/cultural facilities to be provided by the project operators were those also being provided by the Government (e.g. swimming pools), the proposed pricing level would have to be broadly comparable to that for the same Government facilities. As to those facilities which were not being provided by the Government (e.g. ice sports centre), the project operators would be required to make reference to the prevailing market rate in proposing the pricing level for such facilities.

8. Mr Andrew CHENG remained of the view that it would be preferable for the pricing mechanism to be approved by DCs or LegCo, which should examine and take a decision on the proposed pricing mechanism on behalf of the public. DDLCS(LS) explained that while the Administration would further consider Mr CHENG's suggestion, it did not want to impose too many restrictions in order not to deter the private sector developers from participating. DDLCS(LS) reiterated that the public interest would be protected by the mechanism outlined in paragraph 3 above which would require the proposed pricing level to be broadly comparable to that being charged by the Government or the private sector for similar facilities. DDLCS(LS) added that DCs had been consulted on the proposed arrangement and they had not expressed objection to it.

9. Ms Emily LAU requested the Administration to explain in greater detail the views and comments of Sai Kung and Kwun Tong DCs when they were consulted on the two pilot PSF projects, particularly their views on the pricing mechanism. DDLCS(LS) responded that the two DCs had at first expressed concerns about the question of pricing. However, after listening to Government officials' explanation of the proposed mechanism, the two DCs had accepted the overall PSF proposal. Ms Emily LAU asked the Administration to provide copies of the minutes of the relevant DC meeting(s) at which the subject was discussed for members' reference. The Chairman requested the Administration to provide the relevant information.

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10. Referring to the minutes of the meeting of this Panel held on 11 April 2003 when this subject had been discussed, Ms Emily LAU said that Mr Albert CHAN had mentioned that the Yan Oi Tong Community and Indoor Sports Centre in Tuen Mun seemed to be the only successful example of public facilities developed under the PSF approach. Ms LAU requested the Administration to provide information on successful local and overseas cases of involving the private sector in implementing leisure and cultural facilities.

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Ms LAU said that reference should be made to overseas experience to see whether facilities implemented under such an approach would result in a high pricing level.

11. DDLCS(LS) responded that the Administration had previously provided an information note (LC Paper No. CB(2)2821/02-03(01)) setting out successful overseas cases of involving the private sector in implementing leisure and cultural facilities. DDLCS(LS) said that the Sefton Council of the United Kingdom (UK) had succeeded in involving the private sector in the replacement of swimming facilities and provision of additional sports facilities in the Crosby area. The project had proved to be commercially viable. DDLCS(LS) briefed members on the agreement terms for the project. Unlike the case of Crosby Leisure Centre, the Government was not going to provide financial contribution to the operator under the PSF approach. DDLCS(LS) further said that as a means to control the fee levels for using the facilities of Crosby Leisure Centre, the operator was required to charge fees which could not exceed those for using similar facilities in the area by 10%. DDLCS(LS) said that the pricing mechanism for the facilities of Crosby Leisure Centre had proved to be successful and the Administration's current fee control proposal was along the same line.

12. DDLCS(LS) pointed out that the Yan Oi Tong Community and Indoor Sports Centre was of limited relevance as it was different from the two pilot PSF projects under discussion. He said that a heritage project planned for the former Marine Police Headquarters Building in Tsim Sha Tsui, which would also be developed into a heritage tourism attraction, was more relevant as it would be implemented by an approach similar to the PSF one.

13. Mr Henry WU welcomed the Administration's adoption of an objective mechanism to approve the pricing mechanism for facilities to be implemented under the PSF approach. In response to Mr WU's enquiry about the policy to facilitate the use of these facilities by National Sports Associations (NSAs), DDLCS(LS) said that under the current booking policy of the Leisure and Cultural Services Department (LCSD), higher priority was given to NSAs and schools in hiring the LCSD facilities for recreation and sports activities. However, at any time the LCSD facilities would not be reserved exclusively for NSAs or schools in order to allow members of the public to use the facilities also. DDLCS(LS) further said that the current booking policy for the existing LCSD facilities would be adopted for the same facilities to be implemented under the PSF approach.

14. Mr Henry WU and the Chairman were both concerned about the arrangements to be made for assessment of the leisure/cultural facilities provided by the project operators. DDLCS(LS) responded that the Administration would require the project operators to put in place measures to ensure that these facilities provided by them were of a standard acceptable to

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the users. DDLCS(LS) said that the Administration would also conduct assessments on the standards of these facilities based on the findings of customer satisfaction surveys and the number of complaints received.

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15. DDLCS(LS) further said that in addition to the above monitoring measures, the developer who was awarded the tender would enter into a service standard agreement with the Administration. The developer would be required to meet prescribed service standards and there would be penalties for breaching the relevant provisions. The penalties would range from fines, issue of warnings and, for fundamental breaches, re-entering upon the land. At the Chairman's request, DDLCS(LS) agreed to provide a copy of the tender calling document setting out the terms and conditions relating to the pricing mechanism and the service standard agreement for members' reference, when the tender was issued.

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16. Ms Emily LAU asked whether the Administration would put in place a mechanism for representatives from the DCs concerned to meet with the Administration and developers to facilitate the consultation of DCs on matters relating to the design and standards of the leisure/cultural facilities. DDLCS(LS) responded that as far as the two pilot PSF projects were concerned, the Administration had been consulting the relevant DCs at various stages. He undertook to consider how to further consult the DCs concerned and local residents on the projects.

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17. Mr WONG Yung-kan said that when Tai Po DC discussed the proposal of developing a cultural complex in Tai Po through the PSF approach, DC members had expressed concern about the pricing mechanism for using the facility in the future. Mr WONG requested the Administration to take into account the views and concerns expressed by DC members and LegCo Members in this regard and put in place measures to facilitate the use of the facility by members of the public at an affordable pricing level.

18. Referring to the Annex to the Administration's paper setting out the latest position of the 28 priority projects, Mr WONG Yung-kan noted that indoor heated pools would be provided at Lai Chi Kok and Yuen Long. Mr WONG asked whether the Administration would also consider providing an indoor heated pool for Tai Po where the construction of which had been requested by the residents for years.

19. DDLCS(LS) responded that when the issue was discussed at a meeting of Tai Po DC, Government officials had pointed out that the relevant conversion work would affect the use of other existing swimming facilities at the Tai Po Swimming Pool. It had therefore been agreed that the conversion work should be shelved temporarily. DDLCS(LS) said that the Tai Po Sports Association had obtained subsidies from the Hong Kong Jockey Club for it to convert part of its swimming facilities into a heated pool. This should to a

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certain extent address local demand. DDLCS(LS) added that as the Administration and Tai Po DC members had scheduled an on-site visit to the Tai Po Swimming Pool for the following Tuesday, the Administration would further explore how to improve the existing facilities to meet the needs of Tai Po residents as far as possible. Mr WONG Yung-kan pointed out that Tai Po residents and Tai Po DC had never given up their pursuit for an indoor heated pool at the Tai Po Swimming Pool. DDLCS(LS) undertook to explore how to accommodate the request for provision of an indoor heated pool in Tai Po.

20. Mr Tommy CHEUNG expressed support for involving the private sector in implementing leisure and cultural facilities. However, Mr CHEUNG pointed out that the investment costs for the provision of leisure/cultural facilities were substantial and it was impractical to require the developers to charge a very low fee for using the facilities. Mr CHEUNG was also opposed to imposing too many restrictions on the operators since they would have to develop and operate the facilities on a self-financing basis.

21. DDLCS(LS) clarified that the Administration would only impose the restriction that the pricing level for those leisure/cultural facilities to be implemented under the PSF approach had to be broadly comparable to that for the same Government facilities. As to those facilities which were not being provided by the Government, the Administration would only require the operators to make reference to the prevailing market rate in proposing the pricing level.

22. Mr Timothy FOK expressed support for the implementation of the pilot PSF projects. Mr FOK suggested that this new approach should also tap into the expertise of the sports sector including NSAs to enhance the design of the leisure/cultural facilities to be provided by the developers. Mr FOK said that arrangements should be made by the developers to widely consult the views of the sector on the design of these facilities.

23. DDLCS(LS) responded that the developers would attach great importance to the design of the facilities in order to attract users. DDLCS(LS) explained that the Administration intended to allow the project operators flexibility in their implementation of the projects and not to interfere more than necessary. DDLCS(LS) added that the leisure/cultural facilities to be provided by the developers would be required to follow international standards (such as in terms of the seating capacity and size of the facilities) to enable the staging of international events there.

24. Dr TANG Siu-tong said that funds for the implementation of the 28 priority projects had been earmarked a long time ago. He queried why the works start dates for some of the projects would be as late as 2005 and 2006. DDLCS(LS) responded that as some of the projects were awaiting upgrading to Category A, the Administration would need time to seek the funding

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approval of the Public Works Subcommittee and the Finance Committee, and then to conduct tendering for the projects. Dr TANG asked whether the Administration would consult Yuen Long DC on the design of the conversion of the outdoor non-heated secondary pool of the Yuen Long Swimming Pool into an indoor heated pool. DDLCS(LS) replied in the affirmative.

25. Ms Cyd HO also expressed concern about charges for use of the facilities. Ms HO suggested that when the Administration invited tenders for the PSF projects, it should specify as one of the requirements that the project operators should also provide inexpensive catering facilities in these projects. She further suggested that free seats should be provided so that people could bring in their own food and drinks. DDLCS(LS) responded that it would be made a tender specification that the pricing level for facilities provided in the PSF projects should be broadly comparable to that for similar facilities being provided by the Government. However, if the operators provided other premium services, such as sauna at a sport facility, the operators could set their own charges for the sauna service.

26. Ms Emily LAU asked whether the developer would be required to use profits derived from other commercial development at the site to cross-subsidise the core leisure/cultural facilities. DDLCS(LS) responded that given the current high level of Government subsidies for the existing leisure/cultural facilities, the developer would have to rely heavily on the revenue generated from other commercial development at the site to cross-subsidise the core leisure/cultural facilities. DDLCS(LS) further said that since the developer could only charge a fee for the core facilities at a level broadly comparable to that for the same Government facilities, the cross-subsidy level could be expected to be quite high. However, the developer would not be required to lower the fee level for the core facilities even if he derived great profits from other commercial development at the site.

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27. Ms Cyd HO suggested that the developer should be required to charge a fee for the leisure/cultural facilities at exactly the same rate as that for the same Government facilities. DDLCS(LS) responded that the Administration would consider Ms HO's suggestion while it would also make reference to overseas experience, such as the pricing mechanism for the facilities of Crosby Leisure Centre (i.e. not to exceed Government prices by 10%).

28. Ms Cyd HO further asked how comparison could be made with the pricing level of similar Government facilities, if such facilities were all contracted out in the future. DDLCS(LS) explained that even if a Government facility was contracted out, the fee level of the facility was still set by the Government.

29. Ms Cyd HO expressed concern about the minimum wages of the frontline workers of the PSF projects and asked what measures the



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Administration would take to ensure that the developer would not try to balance their accounts by exploitation of their frontline non-skilled workers. DDLCS(LS) responded that reference would be made to the monitoring mechanism in this regard as laid down by the Treasury.

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30. The Chairman expressed support for the implementation of leisure/cultural facilities through the PSF approach. The Chairman requested the Administration to take into consideration members' concerns about the pricing mechanism in taking forward the PSF projects.

**V. Further discussion on the review of advisory and statutory boards**  
[LC Paper No. CB(2)1991/03-04(01)]

31. At the Chairman's invitation, Deputy Secretary for Home Affairs (1) (DSHA(1)) briefed members on the four interim reports on the above review. DSHA(1) invited members' attention to a typographical error in item 70 of the Chinese version of Annex to the Review of Advisory and Statutory Bodies (ASBs) Interim Report No. 5 where the first figure should read "111,650" instead of "111,6500". A replacement sheet for that page had been provided to the Panel and issued to members before the meeting.

Discussion

32. Mr Albert HO expressed dissatisfaction with the situation of non-compliance with the six-year and six-board rules, as set out in the interim reports. Referring to paragraph 8(a) and (b) of the Interim Report No. 6, Mr HO queried whether there were really no other suitable talents for appointment to replace those who had served in the same post for over six years and whether the appointment period had to be as long as over six years in order to provide continuity. Mr HO also sought information on the attendance rates of those whose appointments were in breach of both the six-year and the six-board rules.

33. DSHA(1) pointed out that at present there were 45 persons serving on more than six boards/committee, and this figure had represented a great improvement owing to the efforts made by the Home Affairs Bureau (HAB) to liaise with other bureaux in the past few years. Acknowledging that the enforcement of the six-year rule was far from satisfactory, DSHA(1) undertook that HAB would closely monitor compliance to seek improvements in the next few years.

34. In response to Mr Albert HO's comments, DSHA(1) further said that certain boards/committees did have difficulty in finding other suitable persons to replace their existing members even though they had served on the same board/committee for a long time. He said that an example was the Hong Kong War Memorial Pensions Advisory Committee comprising members who had

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served as soldiers in the British/Hong Kong military forces during the Second World War and their knowledge was really indispensable to the work of the committee. DSHA(1) added that although some appointed members of ASBs might not have a high attendance rate, not all of them were so.

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35. Mr Albert HO said that the Hong Kong War Memorial Pensions Advisory Committee was an exceptional case and the Administration had still failed to provide an explanation for the large number of cases (1 695) breaching the six-year rule. Mr HO urged the Administration to seek improvements and avoid giving the impression that the Government was only appointing those who supported it. DSHA(1) undertook to follow up on this matter. He added that HAB would issue a circular memorandum to all bureaux and departments to remind them to comply with the six-year rule. In addition, HAB would write to the bureaux responsible for the ASBs which had a significant number of non-official members who had served more than six years in the same post in the same board or committee.

36. Mr Albert HO also expressed dissatisfaction with the inconsistency with regard to the remuneration of non-official members of ASBs. Mr HO pointed out that the members of some appeal boards were paid remuneration but some were not and the same problem was found with statutory bodies. Mr HO further said that although members of some statutory bodies did not receive any remuneration for their work, some of them were subsequently given other benefits, such as being awarded Government contracts. Mr HO cited the case that the chairman of the construction committee under the Housing Authority, who had been appointed to conduct an investigation into the substandard piling scandal, was subsequently awarded a contract involving tens of millions of dollars. Mr HO said that the Government in so doing had undermined the independence of the investigation conducted by that member, as people could not help thinking that the Government was offering the member rewards.

37. In response, DSHA(1) briefed members on the procedural arrangements for determining rates of remuneration of non-official members of ASBs, details of which were set out in paragraphs 8 to 10 of the Interim Report No. 5. As to why the non-official members of some statutory boards were paid but some were not, DSHA(1) explained that in some cases, this could be traced back to the legislation establishing such boards/committees. Remuneration was often justified on the grounds that the business of certain boards or committees was very time-consuming and that professional experience and expertise were required and ought to be appropriately recognised. DSHA(1) said although he agreed that the remuneration rates should be reviewed from time to time, he did not think that the mechanism for setting such remuneration was unfair. DSHA(1) pointed out that the rates of remuneration payable to non-official members of all ASBs were set out in a publicly-accessible document which was available on the Internet. DSHA(1) added that many of these members actually did not apply for the remuneration.

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38. On the avoidance of conflicts of interest, DSHA(1) said almost all policy bureaux had confirmed that they had put in place either the one-tier or the two-tier reporting system for declaring interest, as set out in the Interim Report No. 8. As regards the case cited by Mr Albert HO in paragraph 36 above, DSHA(1) said that he did not want to comment on it as he did not have sufficient relevant information. However, he pointed out that it was rather a technical issue for any board/committee to depart from the present mechanism and this had nothing to do with the mechanism per se.

39. Mr Albert HO said that in cases where there were obvious conflicts of interest, mere declarations of interest would not suffice. Mr HO considered that in some circumstances, the members concerned might have to resign. Moreover, the relevant authorities themselves should avoid creating conflicts of interest e.g. the Government should not award any contracts to any key members of ASBs.

40. DSHA(1) pointed out that the mechanism was such that the declaration of interest should be made by the individual. He said that even under the common law principle, declaration of interest of an individual should be the responsibility of that individual. If a board/committee member saw that there might be a problem, the member should make a declaration of interest. After the declaration was made, it was up to the chairman and the board/committee concerned to decide whether or not that member should continue to participate in the discussion. DSHA(1) further said that while he welcomed any comments on how to improve the existing system for handling conflicts of interest, he did not consider it appropriate to discuss the enforcement of the system in detail at this meeting.

41. Ms Emily LAU said that very often the Administration appointed people from the business sector to serve on ASBs. Ms LAU suggested that the Administration should put in place a mechanism to prevent possible "transfer of interest" between the Government and the members of ASBs. DSHA(1) reiterated that mechanisms for declaration of interests and for handling conflicts of interest or possible conflicts of interest were in place and it would be up to the relevant boards/committees and their chairmen to strictly enforce the relevant rules and regulations. DSHA(1) added that the Administration would consider drawing up a set of fundamental principles for members of ASBs to follow based on similar guidelines published in Australia, Canada and UK.

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42. Ms Emily LAU proposed that a board/committee should publish in its annual report which of its members had succeeded in bidding for any Government contracts in the previous year (and the cost involved) as well as attendance rates of its members. DSHA(1) responded that for ASBs which had put in place a two-tier reporting system, their register of members' interests

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should have included such information. DSHA(1) agreed to consider whether ASBs which had only put in place a one-tier reporting system should have a mechanism to facilitate public inspection of the award of any Government contracts to their members.

43. Dr TANG Siu-tong shared the view that it was not sufficient to merely rely on a system of declaration of interest to address the problem of pecuniary interest during the discussion of a matter under consideration by a board/committee. DSHA(1) explained that the declaration of interest system was such that it was the responsibility of each member to judge and decide if any relevant interest should be declared. If a declaration of interest was made, the board/committee and chairman concerned would have to decide whether or not the member could stay or would have to withdraw from the meeting. DSHA(1) explained that the integrity of members of a board/committee must be subject to self-monitoring. The most effective way of monitoring was to have the chairmen and members monitoring one and other. DSHA(1) pointed out that if the interest involved was of a direct pecuniary kind, the member concerned should not participate in the discussion. However, if the interest was not material, the chairman concerned could decide to let the member stay. DSHA(1) added that the media and LegCo also played the role of monitoring on matters of conflicts of interest.

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44. Ms Cyd HO suggested that ASBs should hold open meetings and make public the minutes of their meetings as far as possible, except for discussions which might involve confidential or sensitive information. In this way, the rationale and justifications for any members' decisions could be monitored by the public and the media. Ms HO said that this would be the most effective way to enhance the transparency of ASBs' work and facilitate monitoring of whether there were any conflicts of interest, especially for cases where the interest involved was not immediate and direct. DSHA(1) responded that it was planned that one of the papers to be submitted to the Panel in June would address the issue of transparency and provide guiding principles on the release of information and declaration of interest by ASBs.

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45. At the request of Ms Emily LAU, DSHA(1) agreed to provide information on the 45 members who were serving on more than six boards/committees as set out in paragraph 8 of the Interim Report No. 7.

46. Referring to the Annex to the Interim Report No.5, Dr TANG Siu-tong and Ms Emily LAU both queried why the remuneration rate for non-official members of ASBs ranged from a few hundred thousand dollars to \$50 only.

47. DSHA(1) said that the procedures for approving remuneration for non-official members of some statutory bodies were set out in the relevant legislation. DSHA(1) further said that the cases which had aroused members' concern were probably those involving the financially autonomous non-

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government funded public bodies (e.g. Kowloon-Canton Railway Corporation and the Airport Authority) which were similar to large corporations. DSHA(1) pointed out that the work handled by the boards of these bodies was also similar to that handled by the boards of international banks and consortiums. The Administration was therefore of the view that appropriate directors' honorarium should be provided to the relevant non-official members in recognition of the amount of time spent on their voluntary public service. DSHA(1) added that non-official members of some 400 ASBs, out of the existing 500, were actually unpaid.

48. Miss CHOY So-yuk also considered that it would be difficult for people who served on a number of bodies at the same time to spare adequate time to attend meetings of these bodies. Miss CHOY further suggested that consideration should be given to automatically deleting the membership of a person if he/she failed to attend 80% of meetings of the board/committee on which he/she served.

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49. DSHA(1) said that the Administration attached importance to attendance rates and that all bureaux and departments were required not to re-appoint members who had very low attendance rates. DSHA(1) agreed to take on board Miss CHOY's suggestion and explore whether it would be possible to stipulate certain benchmarks with regard to attendance rates of non-official members of ASBs. Miss CHOY said that she had found that the Administration had kept re-appointing some persons to serve on certain bodies even though these persons had very low attendance rates. DSHA(1) said that Miss CHOY was welcome to provide further details of those cases so that HAB could refer them to the bureaux/departments concerned for follow-up.

50. Commenting on the gender balance in ASBs, Miss CHOY So-yuk said that although the present membership rate of women was not too bad, there was very little participation by women of grassroots level and that the Administration had kept appointing the same group of women. As a result, there was very little participation for other women. DSHA(1) responded that while the present women membership rate of ASBs was 22%, the Administration had set a 25% gender benchmark, which might be raised in the longer term in line with international norms of 50% for each gender. DSHA(1) added that the Administration aimed at achieving the 25% gender benchmark within a few years.

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51. DSHA(1) said that the Administration was also anxious to see greater participation by women of grassroots level, but it was not easy to identify these women for appointment. Miss CHOY So-yuk said that the use of English for conducting meetings of many ASBs had been an impediment to the participation of grassroots women. Miss CHOY requested the Administration to look into the problem.

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52. DSHA(1) responded that while gender balance was one of the principles in making appointments, it should not take precedence over the principle of merit. He explained that if a man and a woman were equally meritorious, the woman would be appointed in order to boost the rate of women participation. However, if a woman would not be able to contribute as much as a man to the work of a certain body, the principle of merit should be the overriding principle and the man would be appointed to serve on that body.

53. Ms Cyd HO said that she could not understand why the Administration was unable to find adequate meritorious grassroots women for appointment. Ms HO pointed out that there were actually many qualified women from the grassroots level and there were more female graduate than male graduates from the local universities. Ms HO considered that the Administration had imposed too many restrictions and had limited its choice of suitable candidates for appointment to a small group. Ms HO added that the 25% gender benchmark was low as compared with that adopted by the international community and the Administration was obliged to account for why it could not even achieve this low benchmark. DSHA(1) clarified that by "grassroots women", he referred to those who had not received tertiary education and who were not professionals and did not possess any special skills.

54. Ms Emily LAU requested the Administration to explain the reason for the delay in conducting the current review. DSHA(1) said that a consultation paper for this review had been issued in April 2003, and a large number of submissions had been received. The Administration had originally planned to complete an initial report on the review early this year. However, the Chief Executive (CE) had then given some instructions regarding the overall policy for ASBs, and some further study was therefore required to incorporate the new instructions into the review. DSHA(1) said that, in addition, the Equal Opportunities Commission (EOC) incident had revealed that the governance of ASBs should be further looked at, e.g. whether there should be an executive EOC Chairperson, or whether the role of Chairperson should be separated from that of Chief Executive Officer.

55. DSHA(1) further said that the EOC incident had also pointed to the need to review the role played by the Government in relation to statutory bodies, which would form the subject of the next study to be conducted under this review. DSHA(1) explained that as the Administration still needed some time to complete the review, it intended to report its findings and conclusions in a series of interim reports to the Panel for discussion. He said that the Administration had so far submitted eight interim reports, and a few more interim reports would be submitted to the Panel in June 2004.

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56. Referring to CE's Policy Address in 2004 which mentioned that the Government would appoint more middle class people and professionals into the Government's advisory boards/committees, Ms Emily LAU asked how this

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policy objective would be implemented. Ms LAU considered that the problem of violations of the six-year and six-board rules would be quickly resolved if the Government would appoint more middle class people to ASBs.

57. DSHA(1) said that one of the options being considered was that the Administration might take the initiative to consult the members of some ASBs which dealt with high-level technical matters on major policy issues, even though such policy issues were outside the purview of their respective ASBs. However, Ms Emily LAU considered that such an option could not achieve the purpose of boosting more middle class representation in the Government's advisory boards/committees because the Administration would just be gathering the views of the same group of people instead of casting the net wider. DSHA(1) said that another option being considered was that the Administration might set up an advisory body comprising several hundred members who were not existing members of ASBs, and this body would be consulted on government policies. DSHA(1) added that the above options being considered were just very preliminary ideas and details had yet to be worked out.

58. The meeting ended at 12:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 May 2004