

立法會
Legislative Council

LC Paper No. CB(2)3063/03-04

(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of meeting
held on Friday, 11 June 2004 at 10:00 am
in the Chamber 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 WONG Yung-kan
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
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
Hon WONG Sing-chi

Members absent : Hon Andrew WONG Wang-fat, JP
Hon Timothy FOK Tsun-ting, SBS, JP

Public Officers attending : Mr Stephen FISHER
Deputy Secretary for Home Affairs (1)

Mr John DEAN
Principal Assistant Secretary for Home Affairs (4)

Miss Leonora IP
Assistant Secretary for Home Affairs (4)

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

Mr James O'Neil
Deputy Solicitor General (Constitutional)
Department of Justice

Ms Roxana CHENG
Senior Assistant Solicitor General
Department of Justice

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

Miss WONG Ming-lok
Assistant Secretary for Health, Welfare and Food
(Elderly Services)

Mr Paul CHENG
Assistant Secretary for Health, Welfare and Food
(Health)

Miss Sharon HO
Assistant Secretary for Health, Welfare and Food
(Women)

Ms IP Ling-bik
Principal Education Officer (HK)
Education and Manpower Bureau

Ms Mandy LAM
Senior Education Officer
(School Places Allocation)²
Education and Manpower Bureau

Mr HO Chung-cheung
Chief Housing Manager/Applications and Operations
Housing Department

Miss Carrie CHANG
Senior Administrative Officer (Policy Support)
Labour Department

Mr Dicky CHAN
Assistant Commissioner of Correctional Services
(Operations)

Ms Linda K P SO
Principal Assistant Secretary (Security)C

Mr Alan K M CHU
Principal Assistant Secretary (Security)D

Ms Winnie C C NG
Principal Assistant Secretary (Security)E

Attendance by invitation : Equal Opportunities Commission

Mrs Patricia CHU
Chairperson

Mr Ferrick CHU
Chief Equal Opportunities Officer

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Hong Kong Human Rights Commission

Mr WONG Chi-yuen
Member

Mr TSOI Yiu-cheong
Member

Hong Kong Bar Association

Mr Michael CHAI
Representative

Horizons

Mr Reggie HO
Secretarial Co-ordinator

Against Child Abuse

Mrs Priscilla LUI
Director

Parent's Association for the Implementation of Right of
Abode of Mainland Children

Mr CHOW Kwok-fai
President

Ms NGAN Siu-lai
Vide-President

Hong Kong Parents Association of Fighting for
Children's Right of Abode

Mr LIN Tao-cheng
Chairman

Mr FAN Kai-san
Member

Request for Family Reunion Association

Mr SIU Kong-ping
President

Mr CHOI Yuen-pei
Vice-President

Unison

Miss Fermi WONG
Social Worker

Mr Raj TIWARI
Counsellor

Society for Cultural Integration

Mrs Sithi HAWWA
Secretary

Hong Kong Christian Institute

Miss Rose WU
Director

Miss Vicky CHAN
Intern

Civil Rights for Sexual Diversity

Mr Roddy SHAW
Chairperson

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 of meetings

[LC Paper Nos. CB(2)2663/03-04 and CB(2)2593/03-04]

The minutes of the meetings held on 14 May 2004 and 27 May 2004 were confirmed.

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

[LC Paper No. CB(2)2324/03-04(01) and (02)]

2. Members noted the following papers issued since the last meeting -
- (a) paper on Yau Tsim Mong District Council (YTMDC) members' views on enhancing Government's support for owners' corporations [LC Paper No. CB(2)2472/03-04(01)];
 - (b) paper on YTMDC members' views on the policy against one-woman brothels [LC Paper No. CB(2)2472/03-04(02)];
 - (c) paper on the housing needs of and community services required by women earning low incomes and raising children in old districts [LC Paper No. CB(2)2472/03-04(03)]; and

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- (d) paper provided by the Administration on "Complaints handled by the Race Relations Unit of the Home Affairs Bureau (HAB)" [LC Paper No. CB(2)2647/03-04(01)].

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)2696/03-04]

3. Members agreed to re-schedule the next regular meeting from Friday, 9 July 2004 to Wednesday, 14 July 2004 at 10 am and discuss the following items -

- (a) further discussion on the review of advisory and statutory bodies;
- (b) progress report on the Centre for Youth Development Project; and
- (c) research report on "The Economic and Social Impacts of Hosting Selected International Games".

IV. The second report of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China in the light of the International Covenant on Economic, Social and Cultural Rights, Report of the HKSAR under the Convention on the Rights of the Child, the second report to be prepared by the HKSAR under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and implementation of international human rights treaties in Hong Kong

[Relevant human rights reports/report outline and LC Paper No. CB(2)2324/03-04(01)]

4. The Chairman welcomed the representatives of the 13 deputations and the Administration to the meeting.

Hong Kong Christian Institute

[LC Paper Nos. CB(2)2762/03-04(02)&(03)]

5. Miss Rose WU presented the views of Hong Kong Christian Institute as detailed in its submissions. Miss WU urged the Administration to -

- (a) provide a timetable for the establishment of a human rights commission (HRC) responsible for monitoring the implementation of the United Nations (UN) human rights treaties in Hong Kong and promoting human rights;

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- (b) extend the coverage of the Hong Kong Bill of Rights Ordinance (BORO) (Cap. 383) to the private sector;
- (c) enhance the promotion of public awareness of the international human rights treaties applicable to the HKSAR;
- (d) allocate sufficient resources for the implementation of the international human rights treaties in Hong Kong; and
- (e) introduce anti-racial discrimination legislation, which should cover new arrivals from the Mainland, ethnic minorities and migrant workers in Hong Kong.

Against Child Abuse

[LC Paper No. CB(2)2638/03-04(02)]

6. Mrs Priscilla LUI presented the views of Against Child Abuse as detailed in the submission, which also included a response to the Report of the HKSAR under the Convention on the Rights of the Child (CRC). Mrs LUI urged the Administration to -

- (a) devise indicators for monitoring the progress of the implementation of CRC in Hong Kong;
- (b) put in place mechanisms for reviewing cases of child abuse, family violence and child deaths to find out the causes and whether problems existed in the co-operation between government departments in tackling those cases;
- (c) raise the alertness of the staff of the Social Security Field Units, social workers and the police towards the possibility that some of the cases they handled might involve child abuse or family violence, in order to expedite professional intervention in relevant cases;
- (d) prohibit corporal punishment in families; and
- (e) establish a Child Commission for monitoring the implementation of CRC.

Equal Opportunities Commission

[LC Paper No. CB(2)2638/03-04(01)]

7. Mrs Patricia CHU presented the views of the Equal Opportunities Commission (EOC) as detailed in its submission. Mrs CHU said that further to its comments made on the outline of the second report prepared under the

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International Covenant on Economic, Social and Cultural Rights (ICESCR), EOC urged the Administration to -

- (a) conduct public consultation on the proposal to enact anti-racial discrimination legislation as soon as possible;
- (b) conduct public consultation on legislating against discrimination on the ground of age and sexual orientation;
- (c) consider setting up a statutory HRC through careful planning and wide public consultation;
- (d) introduce the 14 amendments proposed by EOC five years ago to the Sex Discrimination Ordinance (Cap. 480) as soon as possible; and
- (e) address the recent significant increase in terms of number and seriousness of reported domestic violence cases by strengthening public education and adopting an integrated and holistic approach to prevent and tackle these problems.

8. Mrs Patricia CHU said that EOC would like to reflect concerns raised by some parents and educational institutions that most teachers in mainstream schools needed further training on the skills required for teaching students with a disability.

9. Mrs Patricia CHU requested the Administration to explain the reasons for the increase in the average number of electro-convulsive therapy treatments used for mental patients from 1995-96 to 1999-2000 and implications of the increase.

Hong Kong Human Rights Monitor (HKHRM)

[LC Paper No. CB(2)2762/03-04(01)]

10. Mr LAW Yuk-kai took members through HKHRM's submission, which detailed concerns about the implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), CRC, ICESCR, the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All forms of Racial Discrimination (ICERD) in the HKSAR. Mr LAW pointed out that the case of HKSAR v. Chuen Lai Sze had not only aroused concern about the Administration's decision not to prosecute the police officers concerned under the Crimes (Torture) Ordinance (Cap. 427) (CTO) but had also demonstrated the inadequacies of CTO.

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11. Mr LAW Yuk-kai expressed concern about the Administration's failure to meet the deadlines of 31 October 2003 and 28 January 2003 for submitting reports under ICCPR and ICERD respectively to the UN committees concerned.

Civil Rights for Sexual Diversity

12. Mr Roddy SHAW urged the Administration to conduct public consultation on legislating against discrimination on the ground of sexual orientation and provide a timetable for introducing the legislation. Mr SHAW considered that the Administration should protect homosexuals who were cohabiting from domestic violence by reviewing the coverage of the existing related legislation, and review the legal age of consent to homosexual buggery.

Hong Kong Human Rights Commission (HKHRC)

[LC Paper No. CB(2)2660/03-04(02)]

13. Mr TSOI Yiu-cheong and Mr WONG Chi-yuen presented the views of HKHRC as detailed in HKHRC's submission. They urged the Administration to provide a timetable for the establishment of a HRC and implement the provisions of ICESCR through legislation. Commenting on the report of the HKSAR under CRC, they expressed concern about the following issues -

- (a) there were more than 80 000 families split between Hong Kong and Mainland China, many of which involved separation of the mothers from their children; and
- (b) the number of children on the Comprehensive Social Security Assistance (CSSA) Scheme had increased from 30 000 in 1993 to 150 000 in January 2004 and measures were required to improve the poor living conditions of children-in-need.

14. On the outline of the topics to be covered in the report of the HKSAR under CAT, Mr WONG Chi-yuen highlighted concern about the powers of detention, measures to prevent abuse of power by the police, extradition arrangements, and mutual legal assistance between the HKSAR Government and the Mainland authorities in relation to crimes of torture.

Hong Kong Bar Association

[LC Paper No. CB(2)2762/03-04(04)]

15. Mr Michael CHAI referred to the judgment of the Court of Final Appeal (CFA) in the case of Secretary for Security (S for S) v. Sakthevel PRABAKAR and raised the following concerns -

- (a) whether in its report to be prepared under CAT, the Administration would give an account of this court case and

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mention the court's judgment that S for S had failed to meet the high standards of fairness required in the situation of this case;

- (b) whether the Administration would state in the report that it had (or did not have) a legal duty not to deport a person to a country where the person's claim that he would be subjected to torture in that country was considered to be well-founded; and
- (c) whether the Administration would consider improving the existing procedures for handling a potential deportee's claim that he would be in danger of being subjected to torture if deported to the country concerned, in the light of the case of Mr Sakthivel PRABAKAR.

Horizons

[LC Paper No. CB(2)2660/03-04(01)]

16. Mr Reggie HO took members through Horizons' submission, which detailed concerns about discrimination suffered by sexual minorities, and problems arising from the policy of not allowing persons who had undertaken sex-reassignment surgeries to change their gender information on their birth certificates. Mr HO also called on the Administration to look into the adequacy of the existing measures to prevent maltreatment of sexual minorities committed by police officers.

Society for Cultural Integration

17. Mrs Sithi HAWWA said that she was not going to present views on this item for personal reasons.

Parent's Association for the Implementation of Right of Abode of Mainland Children

[LC Paper No. CB(2)2696/03-04(01)]

18. Mr CHOW Kwok-fai presented the views of Parent's Association for the Implementation of Right of Abode of Mainland Children as detailed in its submission. Mr CHOW urged the Administration to explain why it still had not implemented a recommendation made by the UN Committee on Economic, Social and Cultural Rights (UNCESCR) published on 11 May 2001 on extending the "concession policy" to right of abode (ROA) claimants who did not succeed in their appeals to CFA to stay in Hong Kong. Mr CHOW further requested Mr IP Kwok-him to move a motion on the ROA issue, in his capacity of the Chairman of the Panel, at a Council meeting before the end of the current term.

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Hong Kong Parents Association of Fighting for Children's Right of Abode
[LC Paper No. CB(2)2727/03-04(01)]

19. Mr LIN Tao-cheng presented the views of Hong Kong Parents Association of Fighting for Children's Right of Abode as detailed in its submission. Mr LIN urged the Administration to let all ROA claimants become permanent residents of Hong Kong.

Request for Family Reunion Association

20. Mr SIU Kong-ping requested the Administration to properly resolve the ROA issue to enable the families concerned to reunite.

Unison

[LC Paper Nos. CB(2)2559/03-04(01)&(02) and CB(2)2727/03-04(02)]

21. Miss Fermi WONG and Mr Raj TIWARI presented the views of Unison as detailed in its submissions. Miss WONG said that the joint research study conducted by Unison and the University of Hong Kong had found that ethnic minority students could not receive quality education and equal treatment in Hong Kong's education system. Many ethnic minority students interviewed had expressed frustration that Cantonese and written Chinese language classes were either unavailable or insufficient to cater for their needs. They had also complained about the lack of interaction with Chinese students, and difficulties in obtaining education-related information because much was presented in Chinese. Miss WONG urged the Administration to -

- (a) put in place adequate support measures to cater for the learning and adaptation needs of ethnic minority students allocated to mainstream schools;
- (b) put in place measures to meet the needs of ethnic minority students in areas of social participation and integration, employment, retraining, access to information, etc; and
- (c) promote equal opportunities for people of different races.

Administration's response to major concerns raised by deputations

22. Deputy Secretary for Home Affairs (1) (DSHA(1)) said that the Administration was firmly committed to eliminating all forms of discrimination. In addition to the existing three equal opportunities ordinances, the Administration had agreed to legislate against racial discrimination. DSHA(1) explained that the Administration was obliged to conduct public consultation on the legislative proposals on anti-racial discrimination at the most opportune time. DSHA(1) pointed out that although the consultation exercise on the

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legislative proposals was delayed by a few months, the drafting of the bill would not be affected and it was planned to be introduced into the Legislative Council (LegCo) during the 2004-05 legislative session. DSHA(1) added that according to a public opinion poll conducted in March, it was found that about 60% of the respondents were in favour of legislating against racial discrimination.

23. DSHA(1) said that the Administration would consider conducting an extensive public consultation on legislating against discrimination on the ground of sex orientation. Meanwhile, the Administration kept in view the on-going lawsuits concerning same-sex marriages in the United States and Canada.

24. DSHA(1) said that the Administration was also firmly committed to promoting equal opportunities and had adopted various measures to address common misunderstandings and assist the vulnerable groups of the community. For example, the Race Relations Unit under HAB was established to improve services to the ethnic minorities.

25. Assistant Secretary for Health, Welfare and Food (Women) said that as mentioned in paragraphs 31 to 33 of the Administration's paper (LC Paper No. CB(2)2324/03-04(01)), the second report of the HKSAR under the International Convention on the Elimination of All Forms of Discrimination against Women had been submitted to the Central People's Government in 2003. It formed part of China's combined fifth and sixth periodic reports under the Convention. The report was available on the websites of the Health, Welfare and Food Bureau (HWFB) and the Women's Commission. Printed and CD-ROM versions had been distributed to LegCo and interested parties.

26. Principal Education Officer (HK) (PEO) said that in the past, non-Chinese speaking (NCS) children participating in the Primary One Admission (POA) central allocation could only select those schools with the tradition of admitting more NCS children. Under the Secondary School Places Allocation (SSPA) system, a separate list of secondary schools offering a third language (e.g. French or Urdu) and accepting this group of students was provided for parents' choice in the Central Allocation stage. Under the revised arrangements, NCS children participating in the current cycle of POA and SSPA central allocation could choose both NCS schools and local schools like their Chinese counterparts. Sufficient Secondary One places from those schools which had traditionally admitted more NCS students had been reserved in school nets with NCS students for their choice. In addition, support measures would be made available to those schools which admitted NCS children and to those NCS children allocated to mainstream schools. Some of the measures were quoted as below -

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- providing school-based support and working in collaboration with teachers to tailor/adapt the curriculum to suit students' needs and giving advice on teaching, learning and assessment strategies;
- organising sharing sessions/workshops for schools allocated with NCS students to provide them with more background information on the tradition, culture and habits of these children, and also enable them to learn some good practices of those schools which had admitted a greater number of NCS students;
- lining up non-government organisations (NGOs) and voluntary service providers to provide support to schools, parents and NCS students;
- subsidising the schools to provide appropriate services to help promote the caring school culture and small group activities for ethnic minority children and parents to facilitate their social adjustment to the new school environment; and
- organising a four-week bridging programme in the summer to help those NCS children allocated a Primary One place adapt to the new learning environment.

PEO said that the Administration hoped that through these support measures and collaboration among NGOs, schools and parents, NCS children would be able to integrate into the local community.

27. Principal Assistant Secretary (Security)C (PAS(S)C) said that the Administration handled the ROA issue fully in accordance with the law. PAS(S)C pointed out that the Interpretation (the Interpretation) issued by the Standing Committee of the National People's Congress on 26 June 1999 was valid and legally binding on Hong Kong courts, as so recognised by CFA. PAS(S)C said that a recommendation made by the UN Committee in its concluding observations (Concluding Observations) concerning the HKSAR published in May 2001 was that the HKSAR Government should "reconsider extending the concession" made following the Interpretation. PAS(S)C said that after receiving the Concluding Observations, the Administration had very carefully considered the question of extending the concession having regard to all relevant factors, including local laws and international obligations. In the end, the Administration had concluded against making any extension to the concession. However, the Director of Immigration might exercise his discretion under the Immigration Ordinance (Cap. 115) on a case-by-case basis where there were exceptional humanitarian and compassionate grounds. PAS(S)C said that the Administration's decision had been conveyed through the Ambassador and Deputy Permanent Representative of the People's Republic of China to UN to the UNCESCR in his letter dated 26 July 2002.

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She added that a copy of the letter had been provided to Members for reference (LC Paper No. CB(2)1465/02-03(01)).

28. Principal Assistant Secretary (Security)D (PAS(S)D) said that much of the comments made by representatives of the deputations concerning CAT were related to a case which was the subject of an appeal to CFA. PAS(S)D informed members that the CFA's judgement had been handed down on 8 June 2004. He added that the Administration would study the judgement carefully and review the assessment procedures for CAT claims.

Discussion

29. Mr James TO said that as laid down in CAT, no State Party would return a person to another State where there were substantial grounds for believing that he would be in danger of being subjected to torture. To comply with the provision, the Administration was obliged to try its best to seek information and, where necessary, enlist the assistance of experts, in considering any torture claim made by a potential deportee before rejecting it. Mr TO recalled that when LegCo subcommittees scrutinised proposed mutual legal assistance in criminal matters orders (made under the Mutual Legal Assistance in Criminal Matters Ordinance, Cap. 525) and requested information on up-to-date social and political situations of the countries concerned, the Administration had been able to provide detailed information. Mr TO considered that the Administration should try its best to conduct an independent assessment of any torture claim. The Chairman requested the Administration to take note of Mr TO's comments.

30. Noting that the HKSAR's reports under ICESCR and CRC were both scheduled for hearing in mid-2005, Ms Emily LAU asked whether the representatives of deputations wanted the Administration to forward to the UN committees concerned their views made at this meeting/in their submissions by submitting updating reports. Ms LAU also asked why the Administration failed to submit its second report under ICCPR on or before the deadline date of 31 October 2003.

31. DSHA(1) responded that the closing date for the second report was 30 June 2003 but the Administration considered that developments occurring after that date would be of interest to the UN Human Rights Committee and therefore should be discussed in the report. The Administration was in the process of finalising the report and would submit it to UN shortly. DSHA(1) added that compared with other States Parties, the HKSAR actually had a very good record in observing the deadlines of submission. If the HKSAR submitted its report within the next few months, it was still keeping a very good record in UN.

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32. Mr LAW Yuk-kai expressed support for Ms Emily LAU's suggestion that the Administration could incorporate the views and comments of the deputations in an updating report to be submitted to UN. Mr LAW further said that actually the Administration in the past had also adopted the practice of submitting updating reports to update UN on any new developments which occurred after submission of the previous report and before the UN hearing on the report was held. Mr LAW pointed out that had the Administration adhered to this practice in the case of the HKSAR's second report under ICCPR, it would have been able to submit the second report on time. Mr LAW invited members to note that the HKSAR's second report under ICERD was also overdue.

33. DSHA(1) responded that based on the information it had obtained, the Administration noted that UN did not want to receive updating reports on top of a previous report already submitted to UN under a human rights treaty. The Administration would have to further consider whether NGOs should submit their own reports to UN direct or through the Administration.

34. Mr Albert HO said that he fully agreed with the deputations regarding the importance of establishing a HRC in the HKSAR. Mr HO said that given the diversity and complexity of human rights issues, it was desirable to set up a specialised body responsible for monitoring the implementation of the international human rights treaties and promoting human rights.

35. Since EOC was likely to be the body responsible for the implementation of the racial discrimination law if it was enacted, Mr Albert HO asked whether EOC was already making preparation for the task to expedite full implementation of the legislation when it was in place. Mr HO further asked whether EOC would enlist the assistance of any experts in this field to prepare the code of practice on education and how long it would take to finish the work.

36. Mrs Patricia CHU responded that EOC had held meetings with representatives of ethnic minorities to discuss their problems especially education problems of ethnic minority children. Mrs CHU further said that if the anti-racial discrimination law was enacted and if EOC was the implementation body, EOC would make use of its past experience in preparing codes of practices for implementation of other legislation and work out the codes of practices on anti-racial discrimination as soon as possible. Mr Ferrick CHU of EOC said that it had taken about four years to prepare the code of practice on education under the Disability Discrimination Ordinance (Cap. 487). However, with the benefit of its previous experience, EOC should be able to work out the relevant code of practice under the anti-racial discrimination ordinance, if it was enacted, in one to two years. Mr CHU added that EOC had already started to collect information in preparation for the drafting work by conducting meetings with various parties concerned.

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37. Mr Albert HO asked whether the Administration would consider releasing details of the litigation cases in which officers of disciplinary services were alleged to have assaulted persons arrested or detained and compensations had been issued to relevant parties. Mr HO also asked whether the Administration would examine these cases to see whether provisions of CAT had been violated. DSHA(1) undertook to convey Mr HO's request to the Security Bureau for consideration and follow-up.

Admin

38. Ms Emily LAU said it seemed that the Administration had not said much about policies on protection of the rights of the child. Ms LAU expressed grave concern about a point made by a representative of HKHRC that the number of children on CSSA had increased from 30 000 in 1993 to 150 000 in January 2004 and sought the Administration's response. Principal Assistant Secretary for Health, Welfare and Food (Welfare) (PASHWF(W)) said that the Administration's response to this issue had been set out in the HKSAR's report under CRC. In response to concerns raised on child abuse, PASHWF(W) said that the Director of Social Welfare had undertaken to examine the proposal of post-event multi-disciplinary committee on child abuse cases involving serious injuries or deaths. Assistant Secretary for Health, Welfare and Food (Elderly Services) undertook to provide detailed information on the breakdown of the number of children on CSSA. She pointed out that actually the overall increase in the number of CSSA cases between 1993 and 2004 had also been substantial.

39. Mr WONG Sing-chi referred to an investigation conducted by the Society for Community Organisation on the poor living conditions of children living in partitioned rooms and asked whether the Administration had a policy to ensure that the basic needs of poor children were met. Mr WONG sought the views of the representative of Against Child Abuse as to whether it was also a kind of child abuse for children to be forced to live in very poor living conditions.

40. Ms Priscilla LUI said that the living conditions of a child would have a direct impact on the overall development of the child. She further said that many child abuse and domestic violence cases involved CSSA families. Therefore, the Administration should heighten the awareness of the frontline staff in handling CSSA recipients and, if they discovered that their clients had any domestic problems, they should make appropriate referrals for the families concerned as early as possible.

41. PASHWF(W) responded that the Administration had provided many different kinds of services and assistance to children on CSSA. DSHA(1) said that the increase in the number of children falling into CSSA net was related to the overall economic downturn. DSHA(1) further said that the Administration had devoted substantial resources to providing various services for children,

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and children in Hong Kong were not particularly worse off as compared with children in overseas countries.

42. Mr WONG Sing-chi further asked whether a two-member family, of which the child was a Hong Kong permanent resident but the parent was not, was eligible to apply for public housing. Chief Housing Manager/Applications and Operations (CHM/AO) of the Housing Department (HD) replied in the affirmative. He said that the eligibility criterion was that 50% of the household members applying for public housing had to be Hong Kong permanent residents. Ms Cyd HO said that she had handled many cases in which the parent was a Hong Kong permanent resident but had not resided in Hong Kong for seven years, and his child was born on the Mainland and had newly moved to Hong Kong. Ms HO said that these families had all been regarded ineligible by HD to apply for public housing. In view of CHM/AO's explanation on the eligibility criterion, Ms HO said that she would provide details of the cases to HD to seek clarification.

(Post-meeting note : The Administration clarified on 8 July 2004 that at the time of public housing allocation, at least 50% of the household members in the application had lived in Hong Kong for seven years.)

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43. Ms Cyd HO further said that it was necessary for the Administration to devise a scientific method in collaboration with NGOs concerned for calculating the number of non-CSSA children who were actually living below the poverty line, and formulate a policy to assist the families concerned. DSHA(1) undertook to convey the suggestion to HWFB and provide a written response later.

44. Ms Cyd HO, Ms Emily LAU and Mr Albert HO agreed that the Chairman should move a motion on the ROA issue for debate before the end of the current term, given the importance of the subject matter. Ms Cyd HO invited representatives of the deputations concerned to suggest what they would like Members to follow up with the Administration regarding the ROA issue in the next legislative term.

45. Mr CHOW Kwok-fai said that he was still awaiting DSHA(1)'s response to his question raised earlier. Ms NGAN Siu-lai said that the 6 000 ROA claimants were individual cases which warranted the Administration's re-consideration. DSHA(1) said that the Administration was fully committed to the rule of law in dealing with the ROA issue. The Administration had also taken into full account its international obligations and local laws in handling the ROA issue.

46. The Chairman said that the Panel would have to seek the agreement of the House Committee for a slot to be allocated to hold a debate on the ROA

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issues at a Council meeting before the end of the current term if members so wished. The Chairman also invited views on the wording of the draft motion.

Clerk

47. Ms Emily LAU suggested that the motion should be drafted along the line that the Council urged the Administration to extend the application of the concession policy in the light of the Concluding Observations of UNCESCR published in May 2001 and let the 6 000-odd ROA claimants stay in Hong Kong now. Ms Cyd HO further suggested that the Administration should be urged to extend the concession policy to also cover those ROA claimants who had already returned to the Mainland. The Chairman said that since a quorum was not present at the meeting and members would have to further consider the wording of the draft motion, he proposed that the Clerk should prepare a draft motion and circulate it to members to seek their views and comments. Members agreed. Ms Emily LAU suggested that the Panel should hold an urgent meeting to discuss the matter if necessary.

48. There being no other business, the meeting ended at 1:10 pm.

Council Business Division 2
Legislative Council Secretariat
13 July 2004