

立法會
Legislative Council

LC Paper No. CB(2)1176/04-05
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Monday, 17 January 2005 at 8:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon TAM Heung-man (Deputy Chairman)
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP
- Members attending** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon WONG Yung-kan, JP
Hon LAU Wong-fat, GBS, JP
Hon Albert CHAN Wai-yip
Hon Daniel LAM Wai-keung, BBS, JP
- Public Officers attending** : Dr Patrick HO
Secretary for Home Affairs

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 Linda LAI
Deputy Secretary (Family and Welfare), Health,
Welfare and Food Bureau

Ms Dora FU
Principal Assistant Secretary (Women), Health, Welfare
and Food Bureau

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

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

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- I. Briefing by the Secretary for Home Affairs on the Chief Executive's Policy Address 2005**
[LC Paper Nos. CB(2)649/04-05(01) and (02)]

The Chairman welcomed the Secretary for Home Affairs (SHA) and other Government representatives to attend the meeting.

Sports development

2. Referring to the establishment of the Sports Commission on 1 January 2005, Mr Andrew CHENG said that he had high expectations of its Community Sports Committee in promoting the public's interest and participation in sports. He considered that Hong Kong people in general were poor in quality of health. He suggested that every student should be required to participate in sports starting from a very young age and on a compulsory basis at school. He considered that it was not sufficient that at present sports were

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only made a kind of extra-curricular activities for students. He requested the Home Affairs Bureau (HAB) to follow up with the Education and Manpower Bureau (EMB) in enhancing students' participation in sports.

3. SHA responded that the Leisure and Cultural Services Department (LCSD) would sustain its efforts in promoting public participation in recreation and sports activities. He said that the "Healthy Exercise for All Campaign" jointly launched by LCSD and the Department of Health was aimed at encouraging the public to do exercise regularly and develop a healthy lifestyle. He further said that LCSD would promote the importance of active participation in recreation and sports activities to school children and their families through joint efforts with EMB. He added that the possibility of including sports as one of the key curricula in schools would be explored in collaboration with EMB.

4. Deputy Secretary for Home Affairs (3) (DSHA(3)) informed members that HAB was planning to conduct a survey jointly with the Mainland and Macau authorities concerned on the general health conditions of students in South China. She said that the findings would facilitate the Administration's planning for student sports activities. She further said that the formation of the Sports Commission marked an important milestone for sports development in Hong Kong as the new commission was the first central body to advise the Government on the overall policy planning for and provide coordination in sports development. She added that the Sports Commission would advise how to further promote student sports activities.

Provision of leisure and cultural services facilities

5. Mr Timothy FOK requested the Administration to provide a timetable for the implementation of the 25 leisure and cultural services (LCS) projects which had been identified for priority treatment. SHA responded that as a result of the recent review on the ex-Municipal Council (ex-MC) projects, the Administration would be taking forward 25 LCS (including four non ex-MC projects). He said that depending on the complexity and scale of the projects involved, they were tentatively scheduled for completion about six to seven years later. He further said that apart from these new projects being planned, the Administration had in the pipeline 14 projects under construction and 25 projects for which funding had been approved or earmarked for their implementation. SHA pointed out that taking these projects together, all the 18 districts in the territory would have new LCS facilities being completed or implemented in the next five years. He added that the Administration would closely monitor the progress of these projects to ensure their timely delivery.

Developing cultural and creative industries

6. Mr Andrew CHENG considered that the cultural and creative industries

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of Hong Kong were lagging behind South Korea. He and Mr Timothy FOK both asked for information on the Government's plan to promote cultural and creative industries.

7. SHA responded that the Administration would take measures, such as stepping up efforts in commercialising creative ideas and financing the establishment of creative industries, to foster the development of cultural and creative industries. SHA said that the Government's role was to provide appropriate training for nurturing of creative talents, open up new markets, continue to protect intellectual property rights and provide a platform to facilitate the matching of business investors and creative talents. He added that the Government would establish a consultative framework for cultural and creative industries as soon as possible so that relevant representatives from these industries could participate.

Cultural policy and heritage conservation

8. Ms Emily LAU said that when the Administration considered projects like the Central Police Station Compound Project and conservation of the "Wedding Card Street" (i.e. Lee Tung Street), it should give due regard to the historical and cultural value and not just the economic merit of these projects. She considered that before the formulation of a cultural policy, the Administration should not proceed with the above projects.

9. SHA responded that the Policy Recommendation Report submitted by the Culture and Heritage Commission in April 2003 had actually depicted the cultural policy of Hong Kong. He said that the Government was now reviewing the policy on built heritage conservation, which proceeded in two stages, with the first stage focusing on broad policy issues and the second stage on proposed implementation measures. He further said that HAB was conducting an in-depth analysis on views received during the first-stage public consultation and was formulating proposals on implementation measures for further public consultation in 2005.

10. SHA explained that at present the Administration carried out its heritage conservation work in accordance with the Antiquities and Monuments Ordinance (Cap. 53) (the Ordinance) and any historic building declared as a monument under the Ordinance would definitely be preserved. SHA added that, however, under the existing Ordinance, each and every building, structure, place or site declared as a monument had to meet the historical significance criterion. This had made it difficult, if not impossible, to conserve a whole street or neighbourhood since some buildings therein might not meet the full requirements for conservation. In response to Ms LAU, SHA said that before the new policy was formulated, the Administration would continue with its heritage conservation work in accordance with the existing policy in this area.

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Youth services

11. Mr WONG Ting-kwong asked whether any measures would be taken to strengthen young people's sense of national identity, widen their international horizon and enhance their exchanges with their Mainland counterparts.

12. SHA responded that HAB would be enhancing the work on the promotion of civic education outside schools in conjunction with the Committee on Promotion of Civic Education, particularly on promotion of national education among the general public. He added that HAB would also be enhancing the work on the promotion of youth development in conjunction with the Commission on Youth, particularly on civic and social participation of young people.

Building management

13. Mr Andrew CHENG said that in the Albert House case, the owners' corporation (OC) concerned had already paid out its share of compensation in accordance with the court's ruling in 1999. However, the OC's liability had increased as a result of the insolvency of the other four liable parties. He said that when the subject was last discussed at the special meeting of the Panel on 12 November 2004, he suggested that the Administration should consider setting up a building accident compensation assistance fund, similar to the Protection of Wages on Insolvency Fund, by collecting levy on the basis of a certain percentage of the premium paid by OCs in procuring third party risks insurance for their buildings. He added that the fund, if established, could cater for future cases similar to the Albert House case by providing assistance to owners concerned who were required to shoulder legal liabilities imposed under unjustifiable circumstances, such as the insolvency of other liable parties.

14. SHA responded that the Administration planned to introduce the Building Management (Amendment) Bill (the Amendment Bill), with the subsidiary legislation on the mandatory insurance requirement, into the Legislative Council (LegCo) in April 2005. He said that the Administration was open-minded about the suggestion of setting up a building accident compensation assistance fund, but the introduction of the Amendment Bill might be delayed if details of the fund had to first be worked out. He pointed out that if such a fund was to be set up and provided under the Building Management Ordinance (Cap. 344) (BMO), the aggrieved parties who could apply for it should be victims who had sustained injuries in accidents of buildings and not the property owners concerned who felt aggrieved at the share of compensation that they were required to pay for.

15. Mr Andrew CHENG said that the Administration should not defer the introduction of the Amendment Bill if it was ready. He urged the Administration to take a decision on the proposed fund as soon as possible

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since the relevant legislative process for its establishment would take some time. He took the view that property owners who faced a situation like that in the Albert House case, especially those who had genuine financial difficulties, should be given assistance under the proposed fund, if it was established. SHA undertook to explore the suggestion of setting up the proposed building accident compensation assistance fund.

16. Mr WONG Kwok-hing asked what the Administration was going to do to alleviate the financial problems faced by the owners of Albert House. He pointed out that in the future, even though the Administration required all OCs to procure third party risks insurance for their buildings on a mandatory basis, the amount of compensation that could be claimed might be inadequate to cover the liability claim arising from an accident occurred in a building.

17. SHA said that through arrangements made by the Hong Kong Mediation Council, the owners of Albert House had recently met with the liquidator, who had offered free advice to the owners of Albert House on the relevant legal procedures and consequences. SHA informed members that the Administration planned to enlist the assistance of a public organisation in providing low-interest or even interest-free loans for the owners of Albert House. He said that while the Administration was prepared to help individual owners of Albert House who had genuine financial difficulties, the other owners of Albert House should take an initiative to tackle their financial problems and should not just rely on the Government to help them out. He added that another possible way to help the owners repay their debts was to explore whether there was any unrealised potential in the property value of Albert House and see how the owners could benefit from it.

18. Referring to the sudden closure of a property management company in August 2003, Miss TAM Heung-man expressed concern about the lack of penalty clauses in the BMO to address the problem of improper operation of property management companies. She also suggested that the Amendment Bill should impose regulation on the operations of non-statutory owners' committees as about two-thirds of buildings in Hong Kong had only formed such committees.

19. SHA responded that the Amendment Bill to be introduced into LegCo in April 2005 would include a series of proposals which aimed at assisting OCs to perform their duties of building management and offering better protection to property owners. He added that the Administration was open to any suggestions raised by members as to what additional amendments should be made to the BMO to enhance building management.

Review of the role, functions and composition of District Councils

20. Mr CHEUNG Hok-ming asked for more information on the review of

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District Councils (DCs) scheduled to be conducted before the end of 2005. He said that subsequent to the abolition of the former Municipal Councils, the Administration had not enhanced the role and functions of DCs as it had undertaken. He considered that the Administration also failed to take into account the views and comments of DCs on the provision of district services and facilities. Taking the proposed construction of a civic centre in Tai Po as an example, Mr CHEUNG said that Tai Po DC (TPDC) had discussed the subject for almost 10 years and yet the Administration still had no plan to provide it.

21. SHA responded that the Government planned to conduct a review of the role, functions and composition of DCs before the end of 2005 and the Constitutional Affairs Bureau (CAB) would be the responsible bureau for the review. He said that CAB and the Home Affairs Department (HAD) had set up a working group to make preparations for the review which would pay due regard to the relevant legal provisions, the original rationale for introducing the district administration scheme, the recommendations in the 2001 Report of the Working Group on DCs Review, and the experience of the operation of the second term DCs. He added that a public consultation document would also be issued to canvass views from different sectors of the community.

22. On the proposed construction of a civic centre in Tai Po, SHA informed members that the Administration intended to adopt Private Sector Finance (PSF) approach for the project. Director of Leisure and Cultural Services (DLCS) supplemented that at present most of the cultural activities in Tai Po were held at the school hall of the Tai Po Government School at which improvement works had been carried out for enhancement of facilities. She further said that the Administration had identified two pilot PSF Projects: a leisure and cultural centre in Kwun Tong, and an ice sports center, a tenpin bowling center and a town park in Tseung Kwan O. The Administration was still examining the policy and technical issues with respect to the two pilot projects and would apply the experience learnt from taking forward the two pilot projects to the Tai Po civic centre project in due course. She undertook to keep TPDC posted of any progress.

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23. Citing the case of the Canton Road Station of Kowloon Southern Link (KSL) of West Rail, Mr WONG Kwok-hing said that despite the unanimous support expressed by the Chairmen and Deputy Chairmen of the 18 DCs for its construction, the responsible policy bureau had decided not to provide it. He expressed doubt as to whether Policy Secretaries other than SHA really attached importance to the advice of DCs on local matters.

24. SHA responded that the Government attached great importance to the views and comments of DCs on district matters, and in the past four months, Principal Officials had been proactive in conducting visits to meet with district personalities and listen to public opinions. In addition, the Director of Home

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Affairs (DHA) had been conducting monthly meetings with District Officers to understand problems that could not be resolved at the DC level and she would raise these issues with SHA, who would in turn bring them to the attention of the Policy Secretaries concerned for consideration. SHA said that when CE met with representatives of the 18 DCs in the previous month, the issue of the KSL Canton Road Station of West Rail had also been raised. He also confirmed that he had personally raised this issue for discussion at his meeting with other Policy Secretaries. He explained that the policy decision reached on this matter was based on economics, technical and other policy considerations.

Review of advisory and statutory bodies

25. Dr Fernando CHEUNG considered that the Administration should adopt measures to enhance the transparency of the current review of the existing advisory and statutory bodies (ASBs) in the public sector and enhance the participation of community and academic groups in the review.

26. Deputy Secretary for Home Affairs (1) (DSHA(1)) said that the Administration would report the findings and conclusions in respect of the current review of ASBs to the Panel in a series of interim reports. He further said that the Administration had so far submitted 13 interim reports on various topics to the Panel, focusing on a wide range of issues relating to the appointment system and the operation of these bodies. He informed members that the Administration might issue a paper summarising the findings of the interim reports, any new measures introduced to enhance the operation of ASBs and the effectiveness of such measures before the end of 2005. He added that the findings of the interim reports might also be provided to the Public Consultative Forum which would be set up soon for discussion.

27. DSHA(1) further said that as the existing 500 ASBs straddled various policy bureaux, the current approach of HAB was that following consultations with the Panel on a progress report of the review, HAB would, where necessary, issue a circular memorandum to all bureaux and departments to remind them to observe any new guidelines that had been set for ASBs. He said that, for example, following discussions with the Panel, HAB had issued circular memoranda to all bureaux and departments to remind them to observe the 25% gender benchmark as well as the six-year and six board rules in making appointments to ASBs. He added that the Administration had confidence in achieving the 25% gender benchmark in one to two years' time and all bureaux and departments were making an effort to comply with the six-year and six board rules in making appointments to ASBs.

Rural elections

28. Mr LI Kwok-ying said that there had been several prosecutions relating to improper conduct in elections in the wake of the 2003 rural elections. In

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most of the cases, the persons involved had been prosecuted mainly because they had not clearly understood the Electoral Procedure (Village Representative Election) Regulation or relevant guidelines and had inadvertently breached them. Mr LI said that subsequent to these prosecutions, many villagers had reflected to him that they had lost confidence in participating in rural elections. He asked what actions the Administration would take to restore the villagers' confidence in participating in the rural elections in 2007.

29. DHA responded that HAD had organised briefings to explain the electoral procedures and the relevant regulation/guidelines and yet some villagers had violated the relevant provisions in the law during the 2003 rural elections. She said that HAD would conduct more such briefings for the 2007 cycle of rural elections to ensure that villagers would have a better understanding of the relevant regulation/guidelines. She added that HAD was conducting a comprehensive review of the arrangements for rural elections on the basis of experience gained and HAD would look at what improvements could be made during the review.

Gender mainstreaming

30. Referring to paragraphs 8 to 10 of the paper provided by the Health, Welfare and Food Bureau, Dr Fernando CHEUNG requested information on the outcome of the review of the implementation of gender mainstreaming in various policy areas conducted on the basis of the Gender Mainstreaming Checklist and the recommendations drawn up based on the outcome.

31. Deputy Secretary (Family and Welfare) responded that since 2002, the Checklist had been applied to 13 policy areas or programmes. She informed members that plans were being prepared to roll out the Checklist to more policy areas on an incremental basis and to review the implementation of gender mainstreaming. She said that the review would take about one to two years to complete and the Administration would provide the findings of the review when it was completed. She also agreed to provide an interim report of the review in due course.

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32. The meeting ended at 9:40 am.