

立法會
Legislative Council

LC Paper No. CB(2)317/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Wednesday, 20 July 2005 at 9:30 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
Hon WONG Yung-kan, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Patrick LAU Sau-shing, SBS, JP
- Member attending** : Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon CHOY So-yuk, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
- Public Officers attending** : Item I
Dr Patrick HO
Secretary for Home Affairs

Ms Shelley LEE
Permanent Secretary for Home Affairs

Ms Lolly CHIU
Deputy Secretary for Home Affairs (3)

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

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

Mr Francis NG
Assistant Director (NT) (Lands Administration
Office/Headquarters), Lands Department

Item II

Mr Stephen FISHER
Deputy Secretary for Home Affairs (1)

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

Miss Amy YEUNG
Assistant Secretary for Home Affairs (4)

Miss Hinny LAM
Assistant Secretary for Health, Welfare & Food
(Women) Special Duties

Attendance by invitation : Item I

Sports Federation & Olympic Committee of Hong Kong, China

Mr PANG Chung, BBS
Hon Secretary General

Hong Kong Sports Institute Limited

Dr Eric LI Ka-cheung
Chairman, Hong Kong Sports Institute

Dr CHUNG Pak-kwong
Chief Executive, Hong Kong Sports Institute

Item II

Hong Kong Human Rights Commission

Miss Annie LIN
Community Organiser

Society for Community Organization

Miss SZE Lai-shan
Community Organiser

Against Child Abuse

Mrs Priscilla LUI
Director

Miss LEUNG Bong-ying
Social Worker

Hong Kong Committee on Children's Rights

Dr Patricia IP
Executive Committee Member

Miss Billy WONG
Executive Secretary

Children's Council Working Committee

Mr Cheney CHENG
Representative

Miss Joanne NG
Representative

Hong Kong Human Rights Monitor

Ms Cyd HO Sau-lan
Chairperson

Mr LAW Yuk-kai
Director

Hong Kong Council of Social Service

Mr Anthony WONG Kin-wai
Chief Officer, International and Regional Networking

Ms Angela NG Ka-wah
Chief Officer, Service Development (Children and Youth)

Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)

Ms LIU Ngan-fung
Chairperson

The Democratic Party

Mr Nelson WONG
Spokesman of Youth Policy

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

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

Miss Sherman WOO
Legislative Assistant (2)2

Action

I. Government's proposed arrangements for co-hosting the 2008 Olympic Equestrian Events

[LC Paper Nos. CB(2)2313/04-05(01) and CB(2)2347/04-05(03)]

With the use of audio-visual equipment, the Secretary for Home Affairs (SHA) gave a presentation on the Administration's proposed venue arrangements and provision of support services and facilities for staging the 2008 Olympic Equestrian Events. It was planned that the existing sites of Penfold Park and the Hong Kong Sports Institute (HKSI) would be used to construct horse stables, equine facilities as well as horse training grounds. HKSI would also be used as the venue for staging two of the core equestrian events, namely, Dressage and Show Jumping. In addition, the Beas River Country Club and part of the Hong Kong Golf Club in Fanling would be used as the venue for the Cross-Country Events.

Action

[*Post-meeting note* : the Administration's presentation materials were issued vide LC Paper No. CB(2)2347/04-05(03) on 21 July 2005.]

Meeting with deputations

Hong Kong Sports Institute Limited

2. Dr Eric LI, Chairman of HKSI, said that the relocation of HKSI as planned by the Administration had aroused much concern among members of the sports sector. He considered that insofar HKSI was concerned, staging the Olympic Equestrian Events had provided the opportunity to upgrade and modernise the training facilities of HKSI, and this would be conducive to the favourable long-term development of local elite sports. He added that the management of HKSI would also take the opportunity to discuss the possibility of redeveloping the institute in the long term with the Administration.

3. Dr LI said that in the last two months, there had been in-depth discussions involving the persons-in-charge and the head coaches of all National Sports Associations (NSAs). He said that the management of HKSI was committed to providing the best training environment for athletes and he noted that, with the relocation plan becoming more certain, athletes had focused on their training again. He appealed to members for their support to the future renovation and development of HKSI.

4. Dr CHUNG Pak-kwong, Chief Executive of HKSI, said that he hoped that the Administration would conduct a comprehensive review of its long-term sports policy and work out a full range of measures for enhancing the sports development in Hong Kong.

Sports Federation & Olympic Committee of Hong Kong, China

5. Mr PANG Chung, Hon Secretary General of Sports Federation & Olympic Committee of Hong Kong, China (SF&OC), said that as the International Olympics Committee (IOC) had requested the discussions between the Beijing Organising Committee for the Games of the 29th Olympiad (BOCOG) and the Government over the proposal to relocate the 2008 Olympic Equestrian Events to Hong Kong be held on a strictly confidential basis, SF&OC had been able to learn of the progress only through media reports.

6. Mr PANG further that SF&OC was supportive of staging the equestrian events in Hong Kong, and it hoped that a coordinating committee would be set up to ensure that the events would be a success and help promote the development of sports in Hong Kong.

Action

Other submissions received

7. Members noted that the following submissions had been received from organisations which had not sent representatives to the meeting to present their views –

- (a) submissions from the Hong Kong Sports Policy Concern Group [LC Paper Nos. CB(2)2217/04-05(01) and CB(2)2347/04-05(01)]; and
- (b) submission from the Hong Kong Elite Athletes Association [LC Paper No. CB(2)2347/04-05(02)].

Discussion

Relocation plan and arrangements for the equestrian events

8. Mr Andrew CHENG asked whether the Administration had explored if the Chinese University of Hong Kong (CUHK) had suitable venues and facilities to serve as a training ground for the elite athletes after temporary removal from HKSI in early 2007.

9. In response, Permanent Secretary for Home Affairs said that the Administration would meet with the management of CUHK the following day to discuss the matter. She said that she had initially discussed it with some of the senior staff members of CUHK and had learnt that CUHK might have difficulties in providing its sports venues and facilities for the exclusive use of the elite athletes, as this would greatly affect the use of such venues and facilities by the University students and the sports programmes already scheduled by the University.

10. Referring to the submission made by the Hong Kong Elite Athletes Association [LC Paper No. CB(2)2347/04-05(02)] which expressed grave concern about the relocation of HKSI, the Deputy Chairman asked Dr Eric LI whether he had striven to make the best arrangements for athletes after he had learnt that the Administration had decided to relocate HKSI. She also asked Dr LI whether he considered that he should bear responsibility for not being able to provide athletes with a training environment with up-to-international standard training facilities, as HKSI was going to be reprovisioned to YMCA Wu Kwai Sha Youth Village (WKS) only.

11. In response, Dr Eric LI pointed out that these were all Government's decisions regarding Hong Kong co-hosting the equestrian events and the choice of venue for staging the events. He said that it was only in April 2005 that the Administration had informed the management of HKSI of the possibility of staging of the equestrian events in Hong Kong and that the news had been

Action

confirmed only when IOC made the announcement about 10 days ago.

12. Dr LI further said that in the last two months, the management of HKSI had conducted several rounds of internal consultation with the persons-in-charge and the head coaches of all NSAs as well as in-depth discussions with the Administration. He pointed out that athletes had indicated that they preferred a place in Sha Tin, near to the headquarters of HKSI, to be the temporary training venue and would like to make use of the nearby supporting facilities. He informed members that after consultation with coaches and athletes of NSAs, the option of reprovisioning HKSI at WKS was considered the most feasible one. He said that the suggestion of using CUHK's venues and facilities had been raised by athletes at a late stage and the management of HKSI had not yet explored it. He considered that given that the temporary training venue was required to have a large area (8 000 square metres for the area of WKS) and for exclusive use by the athletes for two years, CUHK might not be able to accommodate. He felt that in working out the reprovisioning plan, the management of HKSI had tried its best to minimise the adverse impact of the reprovisioning of HKSI on coaches and athletes.

13. Mr Patrick LAU suggested that the Administration should provide further information on the reprovisioning plan, including photographs and architectural drawing of WKS for illustration. He requested the Administration to address the concern raised by some athletes that they might have to waste time travelling from place to place after the reprovisioning at WKS.

Admin

14. SHA responded that the Administration could provide additional information after the meeting. He informed members that the Administration was in the stage of discussing the preliminary option of reprovisioning HKSI at WKS with the sports organisations and the persons-in-charge concerned for further refinement based on their views. He said that the Administration was committed to ensuring that the daily training of the athletes would not be affected due to the temporary relocation of HKSI. He further said that in fact, the Administration was taking this opportunity to strengthen its support for NSAs in terms of provision of training venues to further enhance their training programmes.

15. SHA pointed out that, for example, following discussions with the two NSAs for table tennis and squash, a training venue would be provided, under the reprovisioning arrangements, for the exclusive use by these two elite sports. The training venue would also provide the necessary supporting services and facilities for the elite athletes, so that the athletes would not have to spend too much time travelling from venues to venues. SHA said that such arrangements were better than those provided by HKSI and would better satisfy the need of NSAs to have their own training venue. In addition, transport service would be arranged for delivery of the athletes between WKS and the training venue. SHA added that the Administration would also work towards this direction

Action

with regard to other sports, such as windsurfing, and would do its best to meet the needs of the NSAs concerned.

16. SHA further said that like HKSI, WKS would also provide accommodation and meal as well as office and supporting services and facilities for the athletes. He pointed out that for sports like fencing, badminton and wushu, suitable training facilities would be available at WKS or at certain LCSD venues nearby.

17. Mr Patrick LAU asked whether the facilities in HKSI would be reinstated after the equestrian events. SHA responded that the Hong Kong Jockey Club (HKJC) had undertaken that after the events coming to an end in 2008, except for those newly built facilities which were found to be still of use to athletes, all facilities of HKSI would be reinstated and suitably upgraded before they were handed back to HKSI for use.

18. Mr LEE Cheuk-yan expressed dissatisfaction with the Administration's handling of the reprovisioning plan and pointed out that many elite athletes had expressed great disappointment with the reprovisioning of HKSI at WKS. He asked what alternative arrangements the Administration would make in case the elite athletes did not accept reprovisioning of HKSI at WKS. In response, SHA pointed out that the Administration had conducted in-depth discussions in the last two months with the management of HKSI, the persons-in-charge and the head coaches of all NSAs before they had agreed on the option of reprovisioning of HKSI at WKS. He reiterated that the Administration was still in the stage of discussing this preliminary option with the sports organisations and the persons-in-charge concerned for further refinement and amendment based on their views.

19. Ms Emily LAU shared Mr LEE Cheuk-yan's concern about the impact of the reprovisioning of HKSI at WKS on the morale of athletes and she urged the Administration to address the concerns raised by the Hong Kong Sports Policy Concern Group as set out in its submissions. She said that many athletes had expressed great disappointment with the option of reprovisioning of HKSI at WKS and she also did not see how the reprovision plan would be beneficial to the athletes in any way.

20. SHA responded that the Administration had conducted an internal assessment of the impact of the temporary reprovisioning of HKSI on athletes and it understood that the relocation would to a certain extent disrupt and affect the training of athletes. He said that the Administration would make the best effort to ensure that the reprovisioning plan would meet the training needs of the athletes. Moreover, the Administration would take this opportunity to enhance its support to the NSAs of elite sports. He said that for example, while there were only eight to 12 table tennis tables at HKSI, there would be 12 to 18 table tennis tables at the Cornwall Street Squash and Table Tennis Centre,

Action

which would be the training base for the use by the Hong Kong Table Tennis Association.

21. Dr Eric LI said that the concern felt by the athletes about the relocation of HKSI should not be underestimated. He noted that the Administration would supplement the facilities of WKS by providing other suitable training venues for the exclusive use by some of the NSAs of elite sports, in order to ensure that the elite athletes would not be adversely affected by having to move out of HKSI. Dr LI further said that apart from the “hardware”, the “software” (e.g. supporting services and overseas training opportunities) was of the same importance, and the management of HKSI had consulted every NSA about its training needs in this respect and had reflected their views to the Administration. He said that the Administration had agreed to actively consider their views.

22. Ms Emily LAU asked whether the Administration had conducted any feasibility study for the proposed venue arrangements and whether it had worked out the budget of staging the events or conducted any assessment on the cost-effectiveness. Referring to a letter from the Greenpeace to SHA, Ms LAU also asked whether the Government would have to sign a contract for staging the equestrian events and if so, whether the contract could be made public. She pointed out that at the meeting of the Subcommittee to Follow Up the Outstanding Leisure and Cultural Services (LCS) Projects of the Former Municipal Councils on the previous day, representatives of Sha Tin District Council (STDC) had expressed grave concern about the Administration’s decision of re-allocating some LCS facilities at Ma On Shan, which had very high utilisation rates, for use by athletes in connection with the staging of the equestrian events.

23. SHA responded that HKJC had commissioned an internationally accredited equestrian architectural consultant, which had conducted detailed site investigation and studies before recommending that the Penfold Park and HKSI adjacent to the Sha Tin Racecourse were the most ideal sites for staging the events. SHA explained that one of the considerations was that the Sha Tin Racecourse was well equipped with core supporting facilities which could provide efficient and cost-effective back-up services for the equestrian events. He pointed out that this was the most important consideration for the site selection and the main reason for staging the events in the vicinity of such facilities. In response to Ms LAU, SHA agreed to request HKJC to provide the findings of the consultancy study for members’ reference.

Admin

24. SHA further said that the Government would have to discuss details of the contract with BOCOG and would provide further information after working out the details. Ms Emily LAU requested information to be provided by the Administration on the terms and conditions of the contract.

Admin

Admin

Action

25. In response to Mr Albert CHAN's enquiry about why the construction of the arena could be delivered in as early as 2008, SHA said that it was because HKJC would be responsible for the construction. He explained that the delivery of public capital works projects usually took a much longer time as they had to go through all the procedures of public works programmes. Mr Albert CHAN expressed worry that the Administration, in treating the equestrian events with top priority, would neglect the needs and sacrifice the interests of athletes of other elite sports who also needed to prepare for other competition events of the 2008 Olympic Games. He urged the Administration to make the best efforts to meet the training needs and requirements of these athletes as well.

26. Dr Fernando CHEUNG took the view that under the above proposed arrangements, the interests of not only the elite athletes but also the general public would be compromised as a result of the relocation of HKSI and the shutdown of some LCS facilities, e.g. the Penfold Park, a large part of WKS and LCS facilities elsewhere. He asked whether the Administration would take measures to compensate members of the public in this regard.

27. SHA said that by staging the equestrian events, the Administration wished to provide an opportunity to foster the development of sports culture in Hong Kong and enhance social cohesion. He further said that there was already a plan to enhance the facilities at WKS, which would be retained for public use after athletes moving back to HKSI at the end of 2008. He further pointed out that after the equestrian events, the Penfold Park would also provide an equestrian arena for horse-riding by members of the public and for the disabled. The Administration had reported such a plan to STDC. He added that the Administration would also explore with CUHK the possibility of opening its venues and facilities for public use to make up for the shutdown of LCS facilities within the district.

28. Dr Fernando CHEUNG further asked whether the Administration had a plan for redeveloping HKSI. SHA responded that the Administration also aimed at seizing the opportunity of staging the equestrian events to upgrade and modernise the training facilities in HKSI. He informed members that a task force, under the joint chairmanship of Dr Eric LI and the Vice-chairman of the Elite Sports Committee, had been set up to conduct a comprehensive review of existing facilities at HKSI and make recommendations on the long-term development of HKSI to the Sports Commission and the Government in about six months' time.

Financial arrangements

29. SHA said that the Government had reached a consensus with BOCOG that the arena construction cost of \$800 million would be borne by HKJC while other direct cost incurred in the equestrian events would be borne by BOCOG.

Action

He said that it had been agreed that the cost of the reprovisioning exercise would be borne by BOCOG. The budget of the reprovisioning exercise, however, had yet to be worked out.

30. Mr James TO asked whether Hong Kong would get a share of the revenue derived from television rights and sale of merchandise products to be generated from staging the equestrian events. SHA responded that this matter would have to be further discussed with BOCOG to work out the details. Mr PANG Chung of SF&OC also said that up to the present moment, there had been no information in this respect. Mr TO considered that public money would inevitably have to be spent on staging the equestrian events and, in his view, the money spent by HKJC was also to a certain extent public money. He said that Hong Kong should get a fair share of the revenue to be generated from staging the equestrian events. SHA responded that the Administration would have to further discuss the detailed financial arrangements with BOCOG and undertook that the Administration would report to Panel on any progress made.

Admin

31. Dr Fernando CHEUNG queried how the Administration could justify allowing HKJC, which was a charitable organisation, to spend such a large sum of money of \$800 million on the construction of the arena when various social welfare services had encountered substantial cut in resources in the last two years. He considered that the money could have been better spent on provision of welfare services for people in need.

32. SHA responded that according to HKJC, the \$800 million was not to be allocated from HKJC's charitable fund but its development fund. Therefore, there should be no impact on the annual allocations made by HKJC for charity purpose.

Long-term sports development

33. Mr Patrick LAU considered that the reprovisioning plan should tie in the plan on long-term sports development in Hong Kong. In response to Mr LAU's enquiry about the Administration's plan in this regard, SHA said that the Administration had conducted a review on sports policy in 2002. He said that the Administration's policy objective was to promote the community's interest and capability in sports. He further said that with a view to pursuing the new vision for sports development in Hong Kong, the Sports Commission had been established on 1 January 2005 and it had three functional committees under it, namely, the Community Sports Committee, the Major Sports Events Committee and the Elite Sports Committee. Mr LEE Cheuk-yan criticised the Administration for providing inadequate support and assistance to foster the development of local elite sports. SHA said that he welcomed an early opportunity to discuss the policy on the long-term development of sports, including development of elite sports, with the Panel.

Action

Use of three pieces of land adjoining HKSI and the Sha Tin Racecourse

34. The Chairman said that the Liberal Party was supportive of staging the equestrian events in Hong Kong. Referring to recent media reports, the Chairman said that the Liberal Party was, however, concerned whether there were any agreements reached between the Government and HKJC that HKJC, by paying the arena construction cost of \$800 million, would be allowed to retain the long-term use of the above three pieces of land. The Chairman further said that if that was the case, the Liberal Party would oppose it and would prefer the Administration applying to the Legislative Council (LegCo) for the necessary funds through the standard procedure.

35. Referring to the last paragraph of the Administration's paper [LC Paper No. CB(2)2313/04-05(01)], the Chairman requested the Administration to explain the Government's view on the long-term use of the three pieces of land in question after the 2008 Olympic Equestrian Events and to confirm whether it had reached any agreements with HKJC. The Chairman also expressed concern as to whether HKSI would be affected by any changes in the long-term use of these three pieces of land.

36. SHA clarified that the Government had not reached any agreements with HKJC on the long-term use of the three pieces of land. He stressed that HKJC had agreed to bear the arena construction cost of about \$800 million without any conditions. SHA further said that, however, IOC and the Federation Equestrian Internationale (FEI) also wished to see that the built equestrian facilities would be retained after the events for good use and resource optimisation so that the community could benefit from the legacy value of the facilities. SHA added that the Administration, however, had not come to a view on such an option.

37. SHA further said that that the Government was of the view that the long-term use of the three pieces of land after the 2008 Olympic Equestrian Events should be handled in accordance with standard government procedure. He pointed out that should HKJC wish to retain the facilities built on the three pieces of land for future use upon completion of the Olympic Equestrian Events, HKJC would be required to submit an application with detailed justifications to the departments concerned and go through standard procedure under the existing mechanism, including the approval by the Executive Council (ExCo).

38. Mr Andrew CHENG said that the Democratic Party also supported the Administration co-hosting the 2008 Olympic Equestrian Events. He, however, expressed worry as to whether the Government actually had the intention to let HKJC retain the facilities (e.g. about 200 horse stables) built on the three pieces of land for use upon completion of Olympic Equestrian Events. Mr CHENG also expressed concern that when HKJC submitted such an

Action

application to the Government, it would be considered by ExCo only and not by LegCo. Mr CHENG further said that if HKJC was really allowed to retain the facilities, this might pave the way for HKJC to conduct all-year-round horse racing, and would adversely impact on the established policy on land use control as well as the long-term development of HKSI. Mr CHENG added that as regards the view expressed by IOC and FEI as cited by SHA above, the Administration should take into consideration the fact that equestrian events did not prove to be very popular in Hong Kong.

39. In response, SHA reiterated that the Government had not reached any agreements with HKJC concerning the long-term use of the three pieces of land. He said that if HKJC applied for retaining the facilities built on the three pieces of land for future use upon completion of the Olympic Equestrian Events, HKJC would have to justify its application by explaining why this would be in the interest of the public. He added that the HKJC chairman, at a recent press conference, had made it clear that HKJC's intention to retain the facilities built on the three pieces of land for future use after completion of the equestrian events had nothing to do with conducting all-year-round horse racing.

40. Assistant Director (NT) (Lands Administration Office/Headquarters) (AD(NT)) of the Lands Department supplemented that if HKJC submitted an application to retain the facilities built on the three pieces of land for future use, departments concerned including the Home Affairs Department, the Drainage Services Department and other technical departments would be consulted to see if they had any objections. He explained that if the proposed use of the land did not contravene the relevant Outline Zoning Plan, according to which the land being zoned as "Government, Institution or Community" ("G/IC"), it would not be necessary to seek the approval of the Town Planning Board. He added that anyway the application would have to be considered by ExCo.

41. Mr LEE Cheuk-yan expressed concern that if the proposed use of the land was for retention of the facilities built on the three pieces of land for future use, this might not be regarded as in contravention of the prescribed land use and, if that was the case, the application would have to be approved by ExCo only. He suggested that, in order to ensure transparency of the scrutiny process of HKJC's application, the application, if submitted, should also have to be approved by LegCo. Mr Andrew CHENG also considered that consultation with LegCo and STDC would be necessary before any decision was made on the future use of the three pieces of land after completion of the equestrian events.

42. In response, SHA pointed out that this would deviate from the standard procedure. AD(NT) explained that as there was very limited information about HKJC's plan, such as details of the facilities to be built on the land and whether the facilities, if retained, would be open to the public, it could not be determined at the present stage whether the suggested land use would be

Action

regarded as in contravention of the prescribed land use or not.

43. Mr LEE Cheuk-yan requested the Administration to give an estimate of the actual value of the three pieces of land in question. AD(NT) responded that since the land use was zoned "G/IC", there had not been any estimate made by the Administration regarding the value of the land involved.

44. Dr Eric LI said that the Board of Directors of HKSI as well as heads of NSAs of elite sports, coaches and athletes all supported staging the equestrian events in Hong Kong and it was in this spirit that they had accepted reprovisioning of HKSI. Dr LI further said that it was the consensus between the Board of Directors of HKSI and the Administration that at the end of 2008, HKSI would recover its original site in whole. Moreover, any unwanted facilities built on the site would be removed and the overall facilities had to be no worse off than the present. Dr LI added that the Board of Directors of HKSI considered that the HKJC's suggestion regarding the retention of the facilities built on the three pieces of land for future use was only a hypothetical question at the present stage, and the Board of Directors of HKSI reserved all its right of opposition.

II. Report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child

[LC Paper Nos. CB(2)2313/04-05(02) & (03) and Report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child]

Meeting with deputations

Hong Kong Human Rights Commission

[LC Paper Nos. CB(2)2313/04-05(04) and CB(2)2347/04-05(04)]

45. Ms Annie LIN, community organiser of Hong Kong Human Rights Commission (HKHRC), presented the views of HKHRC as detailed in its submissions. She said that there were about 57 children who were refugees or children seeking asylum in Hong Kong, who did not get any assistance or support from the Administration. These children were not provided with shelter, food or education, and the Administration had just left it to the United Nations High Commissioner for Refugees (UNHCR) to support all refugees and asylum seekers in Hong Kong. Ms LIN further said that HKHRC urged the Administration to reconsider its position regarding the extension of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol to its territorial jurisdiction. HKHRC also recommended that Hong Kong should cooperate with UNHCR to formulate a clear and coherent asylum policy based on the principle of non-discrimination. Other recommendations of HKHRC were set out in the last paragraph of its submission [LC Paper No.

Action

CB(2)2347/04-05(04)].

Society for Community Organisation

[LC Paper Nos. CB(2)2313/04-05(04) and CB(2)2347/04-05(04)]

46. Miss SZE Lai-shan, community organiser of Society for Community Organisation (SOCo), presented the views of SOCo as detailed in its submissions. Miss SZE said that the United Nations Committee on the Rights of the Child (UNCRC) encouraged State parties to define children as anyone under the age of 18. SOCo, however, noted that different child related ordinances only covered children under the age of 15. SOCo was of the view that the Administration should extend the legal protection in different areas to cover children of 15 to 17 years of age as well.

47. Miss SZE pointed out that according to information from the Census and Statistics Department, in 2004 there were about 378 000 children under the age of 18 living in poverty. She further said that the number of children on the Comprehensive Social Security Assistance (CSSA) Scheme had increased by about seven times from 1994 to 2004 and yet the Administration had cut CSSA payments in 1999 and 2003 instead of taking measures to tackle child poverty. She drew members' attention to the adverse impact on the psychological and physical development of children as a result of their poor living conditions and malnutrition.

48. Ms SZE said that SOCo urged the Administration to formulate a policy for children, and put in place an independent mechanism to monitor the implementation of policies in relation to the rights of the child and safeguard their interests. She urged the Administration to scrap the seven years' residence requirement as one of the criteria for eligibility to social security benefits, and accord high priority to applications for public housing submitted by families with children living in small partitioned rooms. Other recommendations put forward by SOCo were set out in the last paragraph of its submission [LC Paper No. CB(2)2313/04-05(04)].

Against Child Abuse

[LC Paper No. CB(2)2313/04-05(05)]

49. Mrs Priscilla LUI, director of Against Child Abuse, presented the views of Against Child Abuse as set out in its submission. She urged the Administration to devise objective indicators to measure progress made in the implementation of the provisions of the Convention on the Rights of the Child (CRC). She said that Against Child Abuse considered that the Administration should conduct a survey on the situation of children and how far their rights had been fulfilled. Against Child Abuse also urged the Administration to put in place a high-level, central body to monitor the implementation of policies to safeguard the rights of the child.

Action

Hong Kong Committee on Children's Rights

[LC Paper No. CB(2)2279/04-05(01) and the NGO Report of Hong Kong under the Convention on the Rights of the Child]

50. Miss Billy WONG, executive secretary of Hong Kong Committee on Children's Rights (HKCCR), presented the views of HKCCR as detailed in its submission. She said that the report submitted by Hong Kong Special Administrative Region (HKSAR) under CRC lacked objective information and data to show any improvements had been made in safeguarding the rights of the child in different areas. Miss WONG said that HKCCR urged the Administration to set up a Child Commission, and provide a platform for collection of children's views on any policies or programmes which would impact on them. HKCCR suggested that the Administration should produce a children's version of the report to facilitate children's perusal of it.

Children's Council Working Committee

[LC Paper No. CB(2)2279/04-05(02) and Report on the Rights of Children in Hong Kong submitted to the United Nations Committee]

51. Miss Joanne NG and Mr Cheney CHENG, representatives of Children's Council Working Committee (CCWC), presented the views of CCWC as detailed in its submission. They pointed out that at the last hearing of the United Nations Committee on the Rights of the Child (UNCRC), representatives of CCWC had suggested that a Child Commission should be established in Hong Kong to monitor the implementation of policies which safeguarded the rights of the child and that UNCRC had positively responded to the suggestion. They expressed disappointment that the Administration, however, had not done anything about it despite the fact that people under the age of 18 constituted 20% of the Hong Kong population. They said that even for policies or programmes impacting on children, the Administration seldom conducted consultation to specifically collect children's views and the Education Reform was such an example. They added that a lot of the children in Hong Kong were not aware of CRC and its content.

Hong Kong Human Rights Monitor

52. Mr LAW Yuk-kai, director of Hong Kong Human Rights Monitor (HKHRM), expressed support for setting up a Child Commission and, if not, a statutory human rights commission with a broad mandate, including monitoring children's rights and the implementation of CRC. He said that HKHRM suggested that improvements should be made in the procedures of handling divorce and separation cases to enable children to voice out their views on any decisions affecting them.

53. Referring to paragraph 220 of the HKSAR's report under CRC,

Action

Ms Cyd HO, chairperson of HKHRM, pointed out that there was a need for the Administration to enhance parent education, which would be conducive to the prevention of child abuses and problems pertaining to children. She said that it was regrettable that the Administration had only made a one-off allocation of \$50 million on parent education in 1999, and existing initiatives in respect of parent education at the preventive level were very limited in scope. She called on members to urge the Administration to increase funding allocations on parent education in the coming budget. Referring to paragraph 373 of the same report, Ms HO pointed out that there was very inadequate support and assistance rendered to gifted children. She said that e.g. the Fung Hon Chu Gifted Education Centre in Tsuen Wan was going to be closed due to resources cut by the Administration.

The Hong Kong Council of Social Service

54. Mr Anthony WONG, Chief Officer (International and Regional Networking) of the Hong Kong Council of Social Service (HKCSS), said that in relation to the preparation of reports under CRC, the Administration should not have only invited certain non-governmental organisations (NGOs) or concern groups to give views during the consultation. He also considered that the Administration should produce a children's version of reports submitted under CRC in order to encourage children to read them. He said that NGOs and concern groups often found it very difficult to monitor the Administration's implementation of recommendations made by UNCRC, and they considered that the Administration should draw up a plan of action for the implementation.

55. Ms Angela NG, Chief Officer of Service Development (Children and Youth) of HKCSS, expressed support for the establishment of a Child Commission. She said that HKCSS agreed that there was a need for the Administration to provide more support and assistance to gifted children. In addition, the Administration should enhance provision of support services to assist juvenile offenders, and further raise the minimum age of criminal responsibility in order to better protect the interests of children.

Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)

56. Ms LIU Ngan-fung, chairperson of Hong Kong Association for the Survivors of Women Abuse (Kwan Fook), said that according to the Social Welfare Department, in 2004 there were some 3 000 cases of family violence but it had only recorded about 600 child abuses. She queried whether the actual number of child abuses might be even larger. She criticised the Administration for requiring single parents and other child carers on CSSA with the youngest child aged 12 to 14 to seek at least part-time employment, and deducting \$200 from their CSSA payment should they fail to meet their obligations under the mandatory employment assistance programme. Ms LIU

Action

said that under this policy, children would receive much less care and attention from their parents after they had taken up employment. She pointed out that children also were not receiving adequate allowances under the CSSA scheme to meet their needs for basic necessities, and the Administration should review the CSSA system and increase CSSA payment for children. She added that Kwan Fook also supported the establishment of a Child Commission to enhance protection of children's interests.

The Democratic Party

[LC Paper No. CB(2)2347/04-05(05)]

57. Mr Nelson WONG, spokesman of youth policy of the Democratic Party (DP), presented the views of DP as detailed in its submission. He pointed out that in 2004, children under the age of 18 had formed the largest age group of Hong Kong population and yet there was not a child policy. He urged the Administration to formulate such a policy and ensure that the interests of children were fully taken into account in the formulation of policies by bureaux. He urged the Administration to implement the provisions of CRC as applied to Hong Kong through legislation, and set up an independent monitoring body, such as a Child Commission, to protect children's interests. Mr WONG further said that DP was concerned about the inadequate care and protection rendered to children by policies and programmes in the following areas –

- (a) regulations regarding the right of abode had contributed to the separation of children from their parents and had hindered family reunification;
- (b) the Domestic Violence Ordinance (Cap. 189) should be reviewed to improve protection for children and safeguard them from being subjected to abuses;
- (c) the imposition of fees for maternity services at public hospitals for persons who were not Hong Kong residents and the recent fee increase for such services had prompted pregnant women from the Mainland to delay seeking hospitalisation in order to save money, and this had increased the risk of complications for the mothers and the newborns; and
- (d) the implementation of the seven-year residence requirement for social security benefits had rendered some members of CSSA households ineligible for CSSA and as a result, these family members had resorted to the CSSA payment for their children and this had made these children suffer.

Other submission received

Action

58. Members noted that the Equal opportunities Commission (EOC) had also made a submission [LC Paper No. CB(2)2254/04-05(01)].

Discussion

Suggestion of setting up a Child Commission

59. Regarding the suggestion of setting up a Child Commission, Deputy Secretary for Home Affairs (1) (DSHA(1)) said that the Administration was of the view that existing arrangements for attaining the necessary institutional cooperation for the implementation of CRC had adequately served Hong Kong's needs. He explained that since CRC covered various policies under the purview of different bureaux, setting up a Child Commission under one policy bureau to oversee the implementation of initiatives, which straddled a wide spectrum of policy areas, would not be the most effective arrangement. He said that the Administration, rather, considered that the present arrangement that each policy bureau was responsible for ensuring that the interests of children were well taken into account in its formulation of policies was more effective. He said that nevertheless, the Administration would re-consider its position should changing circumstances so warranted. He pointed out that the Administration had to consider different interests and strike a balance between protection of these rights and the availability of resources. He added that Hong Kong actually had done a good job in terms of protection of children's rights as compared with many other countries.

60. Dr Fernando CHEUNG said that the greatest concern expressed by the deputations was that there seemed to be a regression in the fulfillment of children's rights, as reflected in the large numbers of child abuses and domestic violence cases. In addition, there seemed to be little improvements made to the plight of children in poverty, and the adoption of the seven years' residence requirement to be an eligibility criterion for social security benefits had even made the situation worse for new arrival children. Dr CHEUNG also drew attention to EOC's submission which had pointed out that inadequate support and assistance were being provided to children with a disability and ethnic minority children to resolve their learning problems and enable them to assimilate into the local education mainstream. Dr CHEUNG pointed out that the deputations considered that the Administration should demonstrate its determination to face these problems and improve children's situation by, like many other countries did, establishing a Child Commission which should be a high-level, central mechanism and adopt an interdisciplinary approach for tackling children's problems.

61. DSHA(1) said that the Administration would take into full consideration the views expressed by deputations and members regarding the setting up of a Child Commission. He further said that the last time that the Administration had reviewed the need for such an institution was in 1996 and he undertook to

Action

review it again this time.

62. Ms Emily LAU asked whether the deputations expected that the proposed Child Commission should assume similar role and functions as those of the Women's Commission and the Commission on Youth (COY). Ms LAU pointed out that the women's commission as advocated by the relevant UN Committee was actually one with the power and responsibility of examining policies, funding allocations and legislation to assess their impact on women's interests and well-being. She asked the deputations whether they wanted the proposed Child Commission to be such a high-powered mechanism or one similar to the Women's Commission.

63. Miss SZE Lai-shan of SOCo responded that SOCo did not want to see that a Child Commission, if established, to be similar to the Women's Commission which was dispensable and not performing really effective functions. Mr LAW Yuk-kai of HKHRM and Ms LIU Ngan-fung of Kwan Fook said that the Women's Commission fell far short of their expectations. Mr LAW further said that HKHRM considered that the following three organisations were also needed to ensure effective implementation of CRC –

- (a) a Child Commission with powers and functions to be provided for by statute;
- (b) a children's council for collection of children's views and opinions; and
- (c) a human rights commission with a broad mandate to oversee the implementation of various international human rights treaties.

64. Mr LAW further said that there should be a corresponding Government organisation to implement recommendations made by the above organisations. Mr Nelson WONG of DP said that if the Administration could not set up a high-powered Child Commission similar to the kind mentioned by Ms Emily LAU, the Administration should at least establish a Child Commission and enhance its roles and functions later. He considered that the problem with the Women's Commission might lay with its membership, and the problem with COY was that the Administration had not actively followed up the recommendations made by COY.

65. Ms Audrey EU requested the Administration to explain why it had managed to set up various commissions, such as COY, the Elderly Commission and the Women's Commission, the Commission on Poverty and EOC, but had reservations about setting up a Child Commission.

66. DSHA(1) pointed out that issues relating to children straddled different policy bureaux, such as the Education and Manpower Bureau (EMB), the

Action

Security Bureau and the Health, Welfare and Food Bureau (HWFB). He reiterated that the Administration would be willing to review the need for setting up a Child Commission and consider under which bureau it should be put.

67. The Deputy Chairman expressed disappointment with the lack of progress made by the Administration ever since UNCRC had recommended HKSAR setting up an independent monitoring institution in 1996. She invited views from the deputations on any adverse effects caused due to the absence of such an institution in Hong Kong.

68. Mrs Priscilla LUI of Against Child Abuse said that there were already signs of children's rights to development and even to survival being threatened. She and Dr Patricia IP of HKCCR both considered that a Child Commission should be an independent central body and not to be put under a particular bureau. Ms LIU Ngan-fung of Kwan Fook and Miss SZE Lai-shan of SOCo also considered that if the proposed Child Commission was set up under a policy bureau, e.g. HWFB, this would give the impression that children affairs were confined to welfare issues. They said that the Administration should set up a central mechanism to examine Government policies from the angle of safeguarding children's interests and appoint a commissioner for children to speak for children's interests.

69. Mr James TO considered that the existing institutional arrangement not effective in fostering children's rights. He also noted that under the UN reporting mechanism, HAB checked with other bureaux their progress made in implementing the relevant recommendations of UNCRC only when HAB started preparation of HKSAR's reports under CRC, i.e. once about every five years. Mr TO suggested that consideration should be given to creating the post of Commissioner for Children which should be pitched at the rank of a permanent secretary, and assigning the Commissioner to draw up a green paper on policies and services for children. Mr TO further suggested that HAB should recommend to the Chief Executive to hold summit meetings on children's rights with a view to mapping out a comprehensive strategy for tackling problems pertaining to children. DSHA(1) agreed to take note of Mr TO's comments.

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Need for review of legislation in relation to protection of children and representation of children in courts

70. Mr Albert CHAN urged the Administration to review its legislation in relation to protection of children, such as the Protection of Children and Juveniles Ordinance (Cap. 213) which in his view was behind by at least 20 years as compared with the corresponding legislation of some overseas jurisdictions. He asked about the Administration's plan for conducting such a review as well as a review of arrangements on representation of children in

Action

courts.

71. Assistant Secretary for Health, Welfare & Food (Women) Special Duties (ASHWF(W)SD) responded that child welfare was the policy responsibility of HWFB, which had introduced a new scheme to provide legal representation service for children and juveniles involved in care or protection proceedings since October 2003 and had recently reviewed the scheme to seek further improvements. The Administration would keep in view developments and make continuous efforts to ensure the effectiveness of the legal framework for protection of children.

Children in divorce/separation cases and right of abode cases

72. Ms Audrey EU requested representatives of HKHRM to further explain its suggestion that improvements should be made in divorce proceedings to enable children to voice out their views on decisions affecting them. Mr LAW Yuk-kai responded that in divorce cases, very often children involved were not given a chance to directly express their views on arrangements affecting them, and it was not uncommon to find that children had been inadequately informed of what was happening and the rationales behind the decisions affecting them and their families. HKHRM suggested that social workers and family mediators should also assess the needs of the children involved and work out arrangements to allow the children to voice out their opinions on arrangements which would affect them. He added that as for right-of-abode cases, the views of the children involved should also be solicited and taken into full consideration by the court.

Education and support for children in poverty

73. Ms Emily LAU sought the views of the depositions on small class teaching and on the adequacy of the Administration's support for children living in poverty. Miss SZE Lai-shan of SOCo responded that she supported the implementation of small class teaching and starting it with children from poor families first, if resources did not allow the Administration to implement it across the board. She further said that the Administration had not worked out effective measures to assist children in poverty in their studies even though education was so important to these children and to tackling inter-generation poverty. Mrs Priscilla LUI of Against Child Abuse pointed out that in implementing small class teaching by first targeting it at children from poor families, the Administration should ensure that there would be no labelling effect of these children. Ms Cyd HO of HKHRM said that EMB should not use the experience of the United States (US) as an excuse to delay the implementation of small class teaching in Hong Kong. She pointed out that the marginal benefit of introducing small class teaching was understandably small in US where school class sizes were originally relatively small. Ms HO called on members to urge the Administration to allocate sufficient funds, in the next

Action

budget, for full implementation of small class teaching.

74. Dr Fernando CHEUNG asked whether there was a plan to extend free and compulsory education to the sixth year of secondary education. DSHA(1) said that he could not speak on behalf of EMB. He noted that, however, many overseas places had also adopted nine years as a benchmark for free and compulsory education. He added that for children who wished to proceed to senior forms of secondary education after completing Secondary 3, they could have the means since Hong Kong provided subsidised education and assistance for students in need.

75. Dr Fernando CHEUNG said that there were still some 20 000 children living in caged homes and small partitioned rooms. He asked whether the Administration had a plan for tackling the problem. DSHA(1) explained that actually the existing public housing policy had accorded priorities to these families if they submitted applications for public housing. However, very often these families had chosen not to move out from their caged homes or small partitioned rooms for various reasons.

The 1951 Convention Relating to the Status of Refugees

76. Dr Fernando CHEUNG asked why the 1951 Convention Relating to the Status of Refugees (the Convention) had not yet been extended into Hong Kong and whether the Administration would provide basic protection for the refugee and asylum seeking children.

77. DSHA(1) pointed out that according to a previous reservation relating to refugees and children seeking asylum which was applicable to Hong Kong, Hong Kong reserved the right not to apply provisions of CRC to persons who did not have the right of abode. He said that actually the Administration was offering assistance to refugees and asylum seeking children as far as possible. He explained that in view of the great impact of the past influxes of refugees on Hong Kong, it was necessary for the Administration to carefully consider the possible implications of extending the Convention into Hong Kong. He added that the Administration was of the view that Hong Kong did not have the prerequisites for the extension of the Convention to the territory.

Seven years' residence requirement to social security benefits

78. Dr Fernando CHEUNG asked whether the Administration had a timetable for reviewing the seven years' residence requirement to social security benefits in view of the many problems caused to CSSA children by this requirement. DSHA(1) clarified that Hong Kong residents under 18 years of age were not required to satisfy any prior residence requirements to be eligible for CSSA. Dr CHEUNG, however, pointed out that CSSA children still suffered from this requirement as some of their family members, failing to

Action

be eligible for CSSA due to this requirement, also resorted to the CSSA payment for the children.

79. There being no other business, the meeting ended at 12:48 pm.

Council Business Division 2
Legislative Council Secretariat
7 November 2005