

立法會
Legislative Council

LC Paper No. CB(2)531/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Monday, 16 October 2006, at 5:40 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Patrick LAU Sau-shing, SBS, JP
- Members attending** : Hon SIN Chung-kai, JP
Hon LEE Wing-tat
- Members absent** : Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Dr Hon Joseph LEE Kok-long, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon TAM Heung-man
- Public Officers attending** : Dr Patrick HO
Secretary for Home Affairs

Mrs Carrie LAM
Permanent Secretary for Home Affairs

Mrs Pamela TAN
Director of Home Affairs

Mr Thomas CHOW
Director of Leisure and Cultural Services

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

Miss Eliza LEE
Deputy Secretary for Health, Welfare and Food (Family
and Women)

Miss Hinny LAM
Principal Assistant Secretary for Health, Welfare and
Food (Women)

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

**Staff in
attendance** : Mrs Vivian KAM
Assistant Secretary General 2

Ms Joanne MAK
Senior Council Secretary (2)2

Ms Anna CHEUNG
Legislative Assistant (2)2

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**I. Briefing by the Secretary for Home Affairs on the Chief Executive's
Policy Address 2006-2007**

[LC Paper No. CB(2)29/06-07(01) and (02), the 2006-2007 Policy
Address "Proactive Pragmatic Always People First" and the 2006-2007
Policy Agenda booklet]

Briefing by the Administration

Secretary for Home Affairs (SHA) briefed members on the initiatives

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affecting the Home Affairs Bureau (HAB) in the 2006-2007 Policy Agenda.

[*Post-meeting note*: the speaking note of SHA was issued vide LC Paper No. CB(2) 113/06-07(01) on 18 October 2006.]

2. Deputy Secretary for Health, Welfare and Food (Family and Women) (DSHWF(F&W)) briefed members on the initiatives relating to the promotion of the well-being and interests of women as detailed in the paper [LC Paper No. CB(2)29/06-07(02)] provided by the Health, Welfare and Food Bureau (HWFB).

Review of the Personal Data (Privacy) Ordinance (Cap. 486) (the Ordinance)

3. Mr SIN Chung-kai said that the advent in information and communications technology had posed new challenges to the scope and the speed of transmission of any leaked personal data. He considered it necessary to review the Ordinance to enhance its effectiveness in the protection of personal data. He said that as shown in the recent incidents of disclosure of personal data on the Internet, e.g., the incident of disclosure of the personal data of persons who had complained against the Police, it was very difficult, if not impossible, to completely remove the leaked data from the Internet. He considered that, with regard to the Ordinance, there was room for improvement on the following two aspects -

- (a) even if the Privacy Commissioner for Personal Data (the Commissioner) was of the opinion that a data user had contravened a data protection principle of the Ordinance, it was only upon the issuance of an enforcement notice by the Commissioner to that data user and subsequent failure to comply with the terms of the enforcement notice that would give rise an offence; and
- (b) the scope of "personal data" as defined under the Ordinance was unclear, e.g., whether Internet Protocol addresses were regarded as a type of it.

4. SHA responded that, as the Ordinance had come into effect for a decade, it should be reviewed in order to better meet new challenges posed by rapid technological development to the work of protection of personal data which were now often stored and transmitted electronically. SHA informed members that the Commissioner was currently conducting a review of the Ordinance, which included studying the issues raised by Mr SIN. SHA said that when the Commissioner submitted his detailed recommendations to HAB, the Bureau would examine the feasibility of the proposals. He further said that in deciding if there was any contravention of the Ordinance, the Commissioner would have regard to whether there was contravention of any of the Data Protection Principles stipulated in the Ordinance. He added that there were views that the

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Data Protection Principles might need to be reviewed by making reference to overseas privacy legislation.

5. Mr SIN asked whether the Administration would put forward any legislative proposal concerning the Ordinance within the current legislative session, and whether the Administration would submit proposals put forward by the Commissioner to the Panel for discussion. SHA responded that the Administration was in close liaison with the Commissioner to review how to improve the Ordinance in order to resolve problems of implementation that had been encountered. He said that the Administration had not yet decided whether the Ordinance would need to be amended in the current legislative session. The Chairman pointed out that the subject had already been included in the list of outstanding items for discussion and the Panel would follow up.

Enhancing the role of District Councils (DCs)

6. Mr LEE Wing-tat said that government departments should be asked to attach greater importance to views and suggestions put forward by DC members for enhancing district work. He cited an example that he had to get involved by approaching a deputy director of highways, in order to shorten the construction time of a 50-meter long metal railing for a road from 18 to four months. He said that the provision of metal railing involved the coordination between the Transport Department and the Highways Department, and the example he cited had demonstrated how the lack of inter-departmental coordination could result in delaying work to be taken to meet district needs. Mr LEE further said that the bulk of district work was about petty district issues, which could have been resolved if better inter-departmental coordination in district work had been achieved. He asked how improvements could be made in this regard, and whether the proposed Steering Committee on District Administration (SCDA) was going to focus on higher level policy matters or on resolving petty district issues.

7. Mr LEE further said that there was a need to strengthen communication between the Administration and DCs so that services delivered by government departments could better meet community needs. He asked whether HAB and related departments had a plan to form partnerships with DCs to facilitate implementation of district services and programmes.

8. SHA responded that the purpose of the package of proposals arising from the DC Review was for the Administration to enter into partnership with DCs in the management of district facilities. He said that the Administration was proactive and enthusiastic in striving to form partnerships with DCs. As regards SCDA, SHA explained that its purpose was to provide a forum for top management in various departments to exchange views on issues of mutual concern and resolve inter-departmental district management issues, as well as to formulate strategies on enhancing district work.

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9. Permanent Secretary for Home Affairs (PSHA) considered that high-level intervention might help expedite the effective resolution of district problems. For example, under the steer of HAB and with participation of relevant departments at the senior level, expeditious actions had been taken to eradicate nearly all used clothes collection cages from the streets to solve the problem of obstruction caused by these cages. Given the high level support and steer, District Officers (DOs) had carried out operations in their respective districts involving DCs. The Administration was of the view that this new strategy had proven to be effective in tackling district problems and had thus proposed setting up SCDA to improve district co-ordination work.

Promotion of human rights

10. Referring to paragraphs 39 and 40 of the Administration's paper, Dr Fernando CHEUNG raised the following questions -

- (a) whether the Sexual Minorities Forum was still in existence and, if so, whether it as well others such as the Ethnic Minorities Forum and the Children's Forum conducted meetings on a regular basis or had drawn up any work plans;
- (b) whether consideration would be given to extending the language training service, i.e. learning of traditional Chinese characters, being provided to ethnic minorities to new arrival women from the Mainland; and
- (c) whether there would be any more delay in the introduction of the Race Discrimination Bill.

11. SHA responded that the Sexual Minorities Forum had been set up since September 2004 to provide a formal and regular channel of communication between the Administration and sexual minorities and it would continue with its work. The Administration had also set up a Gender Identity and Sexual Orientation Unit in May 2005 to handle gender identity and sexual orientation issues and conduct activities to further promote equal opportunities of persons of different sexual orientation. The Unit maintained a hotline for enquiries and complaints about discrimination on the ground of gender identity and sexual orientation and liaised with relevant non-governmental organisations (NGOs) and government departments. SHA said that the Administration was spending more than \$1.5 million annually to support the work of the Forum and the Unit, and the Administration would not reduce its allocation of resources in this regard. He added that the Administration's approach was to facilitate more discussion by the public on the prohibition of discrimination against sexual minorities by legislation which was a controversial issue, and the Administration would consider introducing legislation only when the public had come to a consensus on the matter.

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12. SHA informed members that the Administration was finalising the draft Race Discrimination Bill. It aimed to introduce the Bill into the Legislative Council (LegCo) before the end of December 2006.

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13. SHA said that induction programmes which included learning of traditional Chinese characters were being provided to new arrival women through the post-migration centres. Dr CHEUNG said that, as far as he knew, all these centres had already ceased operation. The Chairman requested the Administration to provide a written reply.

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14. Dr CHEUNG asked about a new convention on the rights of persons with a disability recently adopted by the United Nations and whether HAB would undertake a co-ordinating role for fulfilling the reporting obligation as required under this new convention. As the Administration did not have information about the convention at the present moment, the Chairman suggested that HAB might sort out with HWFB as to which bureau would be responsible for the new convention. She requested the Administration to provide a written reply.

Promoting sports development

15. Referring to the HAB's leaflet on "Promoting Sports Development on All Fronts", Ms Emily LAU asked what measures would be taken to "cultivate the younger generation's interest in sport and encourage their participation in regular sports activities" as well as to achieve the objective of "one student, one sport". She further asked whether HAB had collaborated with the Education and Manpower Bureau in facilitating schools to utilise sports facilities which were under the management of the Leisure and Cultural Services Department (LCSD) during non-busy hours, in order to promote students' interest and participation in sport. She said that many teachers had found it difficult to make arrangements for their students to make use of the LCSD sports facilities because of transport or other logistical problems.

16. SHA responded that the Administration would further enhance the "School Sports Programme" (SSP) to cultivate the younger generation's interest in sport. LCSD aimed to increase the school participation rate from 70% at present to over 90%, and achieve the overall objective of "one student, one sport". In response to Ms LAU's enquiry about SSP, Deputy Director of Leisure and Cultural Services (Leisure Services) (DDLCS(LS)) explained that SSP was a sports promotional activity jointly organised by the National Sports Associations (NSAs) and subvented by LCSD. The SSP activities were organised in consultation with schools so that students could participate in the activities in the school environment after school hours. In order to encourage schools to make use of LCSD facilities, the Department has launched a Recreation Facilities Free Use Scheme under which schools could apply for free use of the sports facilities at the nearby LCSD sports centres from 7 am to 5 pm on weekdays. DDLCS(LS) said that the Sports Award Scheme had also

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been launched to give recognition by means of awards to schools that had promoted sports development in schools and to give encouragement to students who had participated in sports actively. In addition, schools could identify potential sports talents for recommendation to relevant NSAs for further training.

17. Ms Emily LAU and Mr Albert CHAN asked about the measures that would be taken to support the development of elite athletes in Hong Kong. Ms LAU further asked what the Administration had done to instill confidence in parents that there would be a good career prospect for their children should they wish to pursue a career in sports.

18. Mr Albert CHAN considered that the Hong Kong athletes' achievements in major sporting events and competitions were not commensurate with the level of investments made by the Administration in sports facilities, and this had to do with the serious shortcomings of the administrative structure for sport in Hong Kong and the various malpractices of NSAs as he had elaborated before during discussion on the operational problems of NSAs at the meeting of the Panel on 3 July 2006. He expressed worry that the Administration would again devote substantial resources to enhancing sports venues in the next few years for the 2008 Olympic and Paralympic Equestrian Events and the 2009 East Asian Games, and yet the parties who would benefit were senior sports administrative personnel and NSAs and not the athletes. He said that the elite athletes in Hong Kong had dim future and some had ended up with difficulties to make a living or some had to switch to jobs in other fields.

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19. Mr CHAN further requested the Administration to provide an information paper detailing what measures it would take to support the vocational development and the livelihood of the elite athletes in Hong Kong. He also urged the Administration to ensure that the bulk of its investment in sports development would go to enhancing support to athletes and not to the senior sports administrative personnel. He added that he had made a detailed proposal to the Administration two years ago on how to enhance support to athletes and promote sports development, but he had not received any feedback so far.

20. SHA responded that the current plans of promoting wider participation in sports and collaborating with all sectors to promote sports development had already incorporated many of the views and suggestions put forward by Mr CHAN in his submission. He said that the Administration was committed to creating a sustainable and community-wide sporting culture, and it had now recommended that a more comprehensive athletes support plan be developed. He further said that the new Community Sports Committee of the Sports Commission would advise the Administration on the policy and funding priorities for promoting community sports. He added that the Administration's strategy to promote community sports was by establishing close partnership with district organisations and providing financial support to local communities

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for organising sports programmes.

21. Referring to the Tai Po Soccer Team which had been promoted from Division Two to Division One within two years, Mr LI Kwok-ying said that, despite its popularity and excellent performance, the Tai Po Soccer Team had a serious shortage of funds and its players only received a monthly subsidy of about \$2,000 to \$3,000. As a result, the players had to take up other jobs to support their living and they could hardly concentrate on playing soccer. He questioned how athletes in Hong Kong could develop a career in sports and professionalism when the income they earned from playing sports was so little.

22. SHA said that the Administration would make sustained efforts to promote an active sporting culture in Hong Kong because by promoting wider interest of the community in sports, the community would give greater support to sports events, which would in turn attract more sponsorship of sport by the private sector. This would hopefully boost the incomes of local sports teams and the athletes in Hong Kong.

23. Mr Timothy FOK said that, since there would be several international and national major sports events as well as a few such events (e.g., the Hong Kong Games with participation of representatives from 18 districts) which would be organised by Hong Kong in the next few years, a coordinating mechanism should be put in place to avoid requiring athletes in Hong Kong to take part in every one of these sports events in order not to exhaust them.

24. SHA responded that the Administration would take into consideration Mr FOK's suggestion. SHA added that it was proposed that the Hong Kong Games would be held in collaboration with DCs once every two years starting from 2007 for a few popular sports initially.

Venue support for the arts groups

25. Mr Timothy FOK said that the shortage of performing arts venues had posed a major problem to the development of culture and the arts. He asked whether the Administration had a plan to involve the cultural and the arts sectors in the arrangements for the provision of venues.

26. SHA responded that, pursuant to the recommendation of the Committee on Performing Arts Recommendation Report (I), the Administration would put in place a Venue Partnership Scheme whereby a partnership arrangement would be established between the venue management and the arts groups so as to encourage community involvement and to make the best use of existing venues through collaboration with the arts groups.

Review of advisory and statutory bodies (ASBs)

27. Mr Albert HO raised the following concerns and suggestions regarding

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the current review of ASBs -

- (a) what measures the Administration would take to demonstrate its determination in the implementation of the six-year and six-board rules in the appointment of non-official members to ASBs;
- (b) the Administration should set a higher gender benchmark, which should be raised from the present 25% for each gender to 40% in the making appointments to ASBs;
- (c) the existing mechanisms for handling conflict of interest and potential conflict of interest situations should be enhanced, and the relevant principles should be set out clearly; and
- (d) the Administration should put in place a mechanism with a high degree of transparency for the selection of respective chairmen of ASBs.

28. SHA responded that, notwithstanding the improvements made to the implementation of the six-year and six-board rules in recent years, the Administration would make sustained efforts in improving overall compliance with the rules. He informed members that, while the Administration had set an initial working target of at least 25% for each gender, the women participation rate was near to 30% at present and further improvements would be made.

29. Mr Albert HO, however, expressed dissatisfaction with the slow progress made in improving non-compliance with the six-year and six-board rules and queried how those members serving in a number of posts could devote adequate time to the work of different boards.

30. As regards the issue referred to in paragraph 27(c) above, SHA said that there was already a set of guidelines for declaration of interests by non-official members of ASBs, and for handling conflict of interest and potential conflict of interest situations. The guidelines had set out two systems for declaring interests: a one-tier reporting system where relevant interests of members would need to be declared at a meeting, and a two-tier system where there was an additional requirement for disclosure of interests by members on appointment of them. SHA further said that the Administration might consider requiring every ASB to implement a two-tier system. Mr HO, however, considered that this was inadequate and suggested that any possible "transfer of interests" between the Government and individual members of ASBs should also be prevented. SHA said that the Administration would take note of Mr HO's concerns.

31. As regards the issue referred to in paragraph 27(d) above, SHA said that the appointing authority of the chairpersons of many ASBs, especially statutory bodies, had been stipulated in laws. Mr HO held the view that consideration

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should be given to selecting the chairpersons by open recruitments. He also suggested that the Administration should make reference to overseas experience (e.g., Ireland) and put in place a mechanism, such as by way of the appointment of a commissioner, to be responsible for recommending suitable candidates for appointment by the Chief Executive.

Review of built heritage conservation policy

32. Professor Patrick LAU expressed dissatisfaction with the slow progress made by the Administration in conducting the review of the built heritage conservation policy (the review). He urged the Administration to come up with proposals on possible implementation measures in order to effectively conserve built heritage. He considered out that the absence of a built heritage conservation ordinance in Hong Kong had made such conservation work even more difficult. He also expressed concern about the slow progress made with the implementation of the Central Police Station Compound Project and urged the Administration to decide on its way forward as soon as possible.

33. SHA said that there were many inadequacies in the existing legislative and administrative framework, making it difficult for the Administration to effectively conserve built heritage. He explained that the principles adopted by the Administration were that it should conserve but not take over ownership, due regard should be given to private property rights, maintain suitable balance between conservation need and economic cost, and conservation should be based on heritage value and not simply the age of a building.

34. SHA further said that the Administration had conducted the first stage public consultation on the review in 2004, and the public was very supportive of built heritage conservation. The review involved complicated issues such as cultural and heritage value, public interest, private property rights, and planning and land matters, etc. SHA explained that, since the improvement measures involved land use and town planning, ownership and development rights of private properties as well as deployment of public resources, the Administration needed some time to assess the feasibility of different measures, and to sort out the implementation details and seek legal advice as necessary. He added that consideration was being given to the need for the setting up of a heritage trust fund. He agreed with Professor Patrick LAU that the policy should seek to achieve adaptive re-use of built heritage and due regard should be made to the Administration's heritage conservation policy in the context of town planning.

35. Professor LAU was of the view that sufficient economic incentives should be provided by the Administration to encourage owners of built heritage to take active measures in protecting their buildings. In this connection, he asked why the Administration still had not introduced a policy on transfer of development rights since there seemed to be general support for such a policy. SHA responded that formulation of the policy involved inter-departmental

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collaboration, and HAB was already studying possible implementation measures in conjunction with relevant bureaux and department.

36. The Chairman considered that the Administration was rather passive in its heritage conservation work, as seen from the cases of Kom Tong Hall and the Central Police Station Compound, in which the Administration had taken actions to conserve the built heritage only after the public and the media had exerted pressure on the Administration demanding for the conservation of the buildings. She further said that, as reported by the press recently, the owner of a walled village in the New Territories would have demolished the built heritage, if he had not taken the initiative to enquire with the Administration in connection with the demolition and, only when he did so, he was advised not to demolish the walled village for its historical value. The Chairman suggested that the Administration should consider compiling an inventory of Hong Kong's built heritage based on heritage value, with a view to facilitating the Administration in taking proactive measures to conserve the built heritage.

37. SHA responded that as the implementation of demolition work in the urban area required the issuance of a Demolition Order and, in the course of processing relevant applications, the Antiquities and Monuments Office would be notified. This mechanism therefore served to keep the Administration fully informed of the demolition work intended to be undertaken and to enable the Administration to assess whether any necessary actions had to be taken.

Shortage of community halls

38. The Chairman expressed concern that there was a serious shortage of community halls for use by the public. Ms Emily LAU said that the Administration should look into the existing allocation system for the use of community halls to ensure fairness and to avoid users being required to line up overnight to make an application for use.

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39. SHA said that he understood that some community halls were too old and required renovation and one district had no community halls at all. At the Chairman's request, he agreed to provide the list of recreation and sports facilities planned to be provided in the next five years at a capital cost of \$9 billion, which would include provision of community halls. He also agreed to follow up with Ms LAU's concern.

Promoting interests and well-being of women

Women's safety

40. Ms Emily LAU asked about the timetable for introducing legislative amendments to the Domestic Violence Ordinance and the adequacy of the existing refuge centres for victims of domestic violence.

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41. DSHWF(F&W) responded that the Administration intended to consult the Panel on Welfare Services on the proposed legislative amendments to the Domestic Violence Ordinance before the end of 2006. The Administration aimed to introduce the amendment bill into LegCo within the current legislative session.

42. DSHWF(F&W) further said that there were four refuge centres for women and their children operated by NGOs with full subvention from the Social Welfare Department (SWD). The addresses of these centres were kept confidential for the sake of security. In addition, for individuals or families having genuine and imminent housing problems which could not be solved by themselves, social workers would recommend eligible applicants to the Housing Department for compassionate rehousing or offer of conditional tenancy under compassionate rehousing. In response to Ms LAU's further enquiry, DSHWF(F&W) said that LegCo Members could refer needy women to SWD for assistance in arranging admission to the refuge centres.

Gender mainstreaming

43. Ms LAU requested the Administration to explain what improvements had been brought about by applying the Gender Mainstreaming Checklist. DSHWF(F&W) said that the Administration had applied the Gender Mainstreaming Checklist to 19 policy or programme areas since 2002. In 2006-2007, the Administration would continue to introduce the use of the Gendering Mainstreaming Checklist in more policy areas on an incremental basis. She further cited the examples that the Food and Environmental Hygiene Department and the Electrical and Mechanical Services Department had respectively taken the needs of women into consideration in reviewing the standard of provision for public toilets and in stepping up publicity targeted at women about safety in the use of electrical appliances.

44. There being no other business, the meeting ended at 6:50 pm.