

Panel on Home Affairs

**List of outstanding items for discussion
(as at 8 October 2007)**

**Proposed timing
for discussion**

1. Grant of land at a nominal land premium to private groups or organizations for sports and recreational uses

An oral question was raised at the Council meeting on 13 November 2002 about the grant of government land at a nominal land premium to private groups or organisations for use as clubs or clubhouses. The Administration has been asked to review the criteria for the grant of land for sports and recreational uses.

Not suggested for discussion in the near future
(Note)

Note: The Administration has advised that the grant of government land at a nominal land premium to private groups or organisations for use as clubs or clubhouses has a long history, in some cases dating back to 100 years ago. The original justification for this policy was to facilitate the promotion of sports and recreational pursuits by providing land to sports associations and non-profit making bodies to develop sports and recreational facilities for the benefit of the community at large. With the extensive provision of public leisure facilities over the past decades, any similar applications for such land grants cannot be readily justified. However, a review of land grants or leases that are still in force would inevitably involve complex legal and financial issues. With competing priorities, the Home Affairs Bureau (HAB) has advised that it has no plan to conduct a comprehensive review on the matter. Leases for such associations or clubs that are due for renewal will be considered on a case-by-case basis taking into account of all relevant factors.

2. Enforcement of maintenance order

a. Setting up an intermediary body for the collection of maintenance payments

Item proposed by Hon CHOY So-yuk. This issue

Not suggested for

**Proposed timing
for discussion**

was last discussed by the Panel on 8 February 2002. The Bills Committee on Interest on Arrears of Maintenance Bill 2001 has requested this Panel to discuss the setting up of such an intermediary body.

discussion in the
near future
(Note)

Note: The Administration has advised that it remains of the view that improving the existing system of collecting maintenance payments and enforcing maintenance orders is more effective than setting up a maintenance board. Over the years, the Administration has amended the law, and improved the court procedures and administrative measures affecting maintenance payees to facilitate enforcement of maintenance orders and timely collection of maintenance payment.

b. Streamlining the relevant court procedures

Around early to
mid 2008
(Note)

The Bills Committee on Interest on Arrears of Maintenance Bill 2001 has requested the Panel on Administration of Justice and Legal Services (AJLS Panel) to follow up with the Administration on ways to streamline court procedures in relation to enforcement of maintenance order and address the problem of evasion of service of summons by maintenance payers who have defaulted on their maintenance payments. Some members of the Bills Committee have suggested that the summons should be considered to have been served so long as the summons has been served to the address provided by the payer.

AJLS Panel suggests that as the item falls under the policy area of HAB, it is more appropriate for it to be followed up by this Panel.

Note: The Administration has advised that to combat the problem of maintenance payers deliberately trying to evade service of judgment summons, HAB is working on legislative amendments to relax the requirement for judgment summonses to be served personally.

3. Membership of the Full Council and Executive

**Proposed timing
for discussion**

Committee of Heung Yee Kuk (HYK)

At the meeting of the Duty Roster Members (DRMs) with representatives of the Association of the New Territories (NT) Indigenous Residents on 16 December 2002, the latter expressed dissatisfaction with the Heung Yee Kuk (HYK) Ordinance (Cap. 1097) under which the NT Justices of the Peace (JPs) served as Ex Officio Councillors of the Full Council and Ex Officio Members of the Executive Committee of HYK. They considered that the NT JPs, and Special Councillors and Co-opted Councillors of HYK could not represent and protect the interests of the villagers and indigenous inhabitants of NT and requested that the HYK membership should be reviewed. Their views were referred to this Panel for consideration on 24 December 2002.

Not suggested for discussion in the near future
(Note)

The Administration has proposed to discuss this item along with item 5 on traditional rights and interests of indigenous villagers of NT.

Note: The Administration has advised that it does not propose to discuss this item and item 5 in the near future as more research work has to be carried out so that the discussions will be fruitful.

4. Promotion of youth development

At the policy briefing held on 15 January 2003, members noted that the Commission on Youth (COY) had submitted a draft report on unemployment problems of young people to the Chief Executive. The Panel requested to be briefed on how HAB would cooperate with COY in tackling youth problems. At the informal meeting between the Chairman and the Secretary for Home Affairs on 13 November 2006, the Administration said that as this was employment-related, HAB would liaise with the Labour and Welfare Bureau to provide an update.

Around 3rd
Quarter 2008
(Note)

Note: The new Centre on Youth Development, currently under construction, is planned to be commissioned some

**Proposed timing
for discussion**

time in mid-2008. The Administration will consider how the Centre can play a useful role in providing youth employment. The Administration plans to brief the Panel upon the commissioning of the Centre.

5. Traditional rights and interests of indigenous villagers of NT

At the Legislative Council (LegCo) Members' meetings with HYK Councillors on 10 June 2003 and 2 March 2004, issues relating to the enactment of legislation to implement Article 40 of the Basic Law and exemption from payment of Government rent were discussed. Members agreed that the issues involving policy consideration about the traditional rights and interests of indigenous villagers in NT should be referred to this Panel for follow-up. Members also suggested that HYK Councillors should be invited to attend the relevant meeting(s) of this Panel to give views when the issues were discussed.

See item 3 above
(Note)

The Administration has proposed to discuss this item together with item 3 on membership of the Full Council and Executive Committee of HYK.

Note: See item 3 above.

6. Impact of authorised football betting and measures to address gambling-related problems

After its scrutiny of the Betting Duty (Amendment) Bill 2006, the Bills Committee agreed that issues concerning measures to address gambling-related problems and the scope of services financed by the Ping Wo Fund be referred to this Panel for discussion in 2007.

Mid 2008
(Note)

Note: As regards the scope of services financed by the Ping Wo Fund, HAB plans to review, in 2008, the effectiveness of the four pilot gambling counselling and treatment centres, and decide the way forward having regard to the operational experience gathered from the two new centres which were commissioned in early 2007, the findings of the review and

**Proposed timing
for discussion**

advice from the Ping Wo Fund Advisory Committee. HAB will report to the Panel on this item in 2008.

7. Submission of reports by the Hong Kong Special Administrative Region Government to the United Nations under international human rights treaties

The second report of the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Economic, Social and Cultural Rights (ICESCR) was submitted to the United Nations (UN) in June 2003. The related hearing was held in Geneva between 27 and 29 April 2005. The concluding observations, issued on 13 May 2005, were discussed by the Panel on 21 June 2005. China is required to submit its second periodic report before 30 June 2010.

As and when those reports are submitted by China to UN and published
(Note)

The initial report of the HKSAR under the Convention on the Rights of the Child (CRC) was submitted to UN in June 2003. The Panel discussed the report on 11 June 2004 and 20 July 2005. The related hearing was held in Geneva on 19 and 20 September 2005. The concluding observations, issued on 30 September 2005, were discussed by the Panel on 8 November 2005 and 10 February 2006. The second report of HKSAR under CRC is due for submission by 31 March 2009 as part of China's combined third and fourth report.

The Panel discussed the preparation of the second report of HKSAR under the International Covenant on Civil and Political Rights (ICCPR) on 11 April 2003. The report was submitted to the UN Committee on 14 January 2005 and was discussed by the Panel on 10 March 2006. The related hearing was held on 20 and 21 March 2006. The concluding observations, issued on 30 March 2006, were discussed by the Panel on 9 June 2006. The Panel noted that the Administration had been required to provide response to the recommendations in paragraphs 9, 13, 15 and 18 of the concluding observations on the second report to the UN Committee within one year. The Panel requested the Administration to make available its response to the Panel

**Proposed timing
for discussion**

for discussion when available. The third periodic report is due in 2010.

The HKSAR's second report under the International Convention in the Elimination of All Forms of Racial Discrimination (ICERD) will form part of China's 10th to 13th combined periodic report to be submitted to UN in 2007. The 10th and 11th reports of China were due to be submitted by 28 January 2003. The Panel discussed the preparation of the second report of HKSAR under ICERD on 13 December 2002. The Panel discussed the outline of HKSAR's second report under ICERD on 12 January 2007.

The Panel discussed the preparation of the second report of HKSAR under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 8 November 2002. The report was submitted as part of China's combined 5th and 6th reports in early 2004. The Panel discussed the HKSAR's second report on 9 June 2006. After conducting its hearing on China's report (including the HKSAR's second report) at its 36th session in August 2006 in New York, the UN Committee published its concluding comments on 31 August 2006. China is required to submit its combined 7th and 8th reports in September 2010. The Panel discussed the concluding comments on 9 February 2007.

The Administration's second report on implementation of international human rights treaties in Hong Kong in 2004 was issued vide LC Paper No. CB(2)2403/04-05(01) dated 1 August 2005.

Note: The Administration has finalised its contribution to the China report under ICERD. It will be published and made available to Members when the consolidated China Report is submitted by China to UN. Meanwhile, there are no immediate matters for discussion.

For the response to the Concluding Observations on HKSAR's second report under ICCPR, the report has been submitted to UN through China. The Administration is awaiting confirmation of receipt from UN. Thereafter, The Administration shall arrange for it to be published and made

**Proposed timing
for discussion**

available for the Panel's consideration as soon as practicable.

8. Review of advisory and statutory bodies

The item was last discussed on 13 January 2006. The Panel discussed 14 interim reports and a progress report on the review during the 2003-2004 and 2004-2005 sessions, and the interim report No. 15 on 13 January 2006. The Administration will continue to submit interim reports on various topics concerning the review to the Panel.

Dec 2007
(Note)

When the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2005 discussed a proposed amendment to the Legal Aid Services Council (LASC) Ordinance (Cap. 489) on extending the deadline for LASC to submit its annual report, some members expressed concern that there should be consistency in the time limit within which statutory bodies should submit their annual reports. HAB has then agreed to include review of the time limit for submission of annual reports by statutory bodies in its current review of advisory and statutory bodies.

Note: The Administration has advised that it has completed internal consultations on the time limit for submission of annual reports by statutory bodies and will report to the Panel shortly.

9. Central Police Station Compound Project (the Project)

The item was proposed by Hon CHOY So-yuk at the meeting on 13 October 2005. She expressed concern whether the Administration had already finalised the tender arrangements for the Project. Members noted that the subject fell under the purview of the Commerce and Economic Development Bureau (CEDB) and the former Panel on Economic Services had taken the lead in following up the Project. Members were of the view that this Panel and the former Panel on Economic Services should discuss the item at a joint meeting.

To be confirmed
(Note)

**Proposed timing
for discussion**

According to CEDB, the Bureau is examining the public views received during the public consultation exercise in considering the way forward and the timetable for the tender is not yet available at this stage.

Note: The Project has been taken over by the Development Bureau after reorganization of policy bureaux of the Government Secretariat in July 2007. Government will consider the optimal arrangement for preserving the Central Police Station Compound and engage the public at the earliest opportunity.

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

The Panel on Information Technology and Broadcasting (ITB Panel) discussed the subject of "Information Security" with the Administration and the Privacy Commissioner for Personal Data at its meeting on 17 March 2006. Members of the ITB Panel shared the Privacy Commissioner's view that since the Personal Data (Privacy) Ordinance (the Ordinance) had been in force for a decade, a thorough review of the Ordinance should be conducted. It was agreed at the meeting that this Panel should be requested to follow up with the Administration and the Privacy Commissioner on the review of the Ordinance.

To be confirmed
(Note)

The Administration has informed the Secretariat that as the Privacy Commissioner is conducting a review on the Ordinance, and any proposal put forward by the Privacy Commissioner will need to be further examined by the Administration, the Administration is not in a position to propose a date for discussion of this item.

Note: The Administration has advised that the Privacy Commissioner is undertaking a comprehensive review of the Ordinance and will examine, among others, whether the existing provisions of the Ordinance still afford adequate protection to personal data having regard to the developments (including technological advances) in the last decade. The Constitutional and Mainland Affairs Bureau has yet to receive the review proposals from the

**Proposed timing
for discussion**

Commissioner and hence is not in a position to propose timing for discussion at this stage.

11. Amendments to the Sex Discrimination Ordinance (SDO) and the Disability Discrimination Ordinance (DDO) proposed by the Equal Opportunities Commission (EOC)

This item is proposed by Hon Margaret NG. The Administration informed the Secretariat on 11 May 2006 that one of the amendments proposed by EOC was to extend the definition of sexual harassment in SDO to cover conduct which created a sexually hostile or intimidating environment at an educational establishment. The Administration pointed out that since the Race Discrimination Bill would also deal with racial harassment in a similar manner, the Administration would incorporate this proposed amendment to SDO in the Bill.

To be confirmed
(Note)

As regards the other amendments proposed by EOC, the Administration pointed out that some of them were technical amendments and the others might have read-across implications to other anti-discrimination ordinances. The Administration would consider the most appropriate way to take forward these proposed amendments after the enactment of the Race Discrimination Bill (RDB) and would further report progress to the Panel accordingly.

Note: The Administration will as a consequential amendment to RDB extend the definition of sexual harassment in SDO to cover conduct which creates a sexually hostile or intimidating environment at an educational establishment. The Administration will consider the most appropriate way to take forward the other proposed amendments after the enactment of RDB.

12. Nuisances caused by holiday flats to residents nearby

As proposed by Hon Albert CHAN at the meeting on 12 January 2007, the Panel agreed to discuss this subject in due course with the relevant licensing authority, i.e. the Home Affairs Department.

Dec 2007

**Proposed timing
for discussion**

13. Research study on built heritage conservation policy in selected places conducted by the Research and Library Services Division

The Panel endorsed the outline of the above research study on 9 March 2007. It agreed on 13 July 2007 that the places to be studied should be Australia and Macao. It is estimated that the research report should be completed by November 2007.

To be confirmed

14. Management of public records - issues relating to access to information

Hon TAM Heung-man has proposed to discuss this item including a proposal of introducing legislation on public records. The Panel agreed at its meeting on 11 May 2007 to discuss the item from the perspective of access to information.

To be confirmed