

立法會
Legislative Council

LC Paper No. CB(2)1676/02-03

(These minutes have been seen
by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Friday, 14 March 2003 at 10:45 am
in the Chamber of the Legislative Council Building

Members Present : Hon Andrew CHENG Kar-foo (Chairman)
Hon IP Kwok-him, JP (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon NG Leung-sing, JP
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok
Hon WONG Sing-chi

Members Absent : Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-yan
Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon TANG Siu-tong, JP
Hon Henry WU King-cheong, BBS, JP
Hon MA Fung-kwok, JP

Public Officers Attending : Item IV

Mr Stephen FISHER
Deputy Secretary for Home Affairs (2)

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Mr CHAN Yun-cheung
Principal Assistant Secretary for Home Affairs (Special
Duties)

Mr HA Yung-kuen
Principal Assistant Secretary for Home Affairs (Special
Duties)(Designated)

Item V

Mr Stephen FISHER
Deputy Secretary for Home Affairs (2)

Ms Esther LEUNG
Principal Assistant Secretary for Home Affairs (5)

Mr Ryan CHIU
Assistant Secretary for Home Affairs (5)1

**Attendance by
Invitation** : Item VI

Equal Opportunities Commission
Ms Anna WU Hung-yuk
Chairperson

Mr Michael CHAN Yick-man
Director (Planning and Administration)

Mr Joseph LI Siu-kwai
Chief Equal Opportunities Officer

Ms Betty LIU Jia-shin
Head (Promotion and Education Unit)

**Clerk in
Attendance** : Miss Flora TAI
Chief Assistant Secretary (2)2

**Staff in
Attendance** : Miss Lolita SHEK
Senior Assistant Secretary (2)7

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Item IV

Mr Watson CHAN
Head, Research and Library Services Division

Ms Vicky LEE
Research Officer 3

Miss Augusta HO
Research Officer 4

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I. Confirmation of minutes

[LC Paper No. CB(2)1421/02-03 and CB(2)1422/02-03]

The minutes of the meetings held on 15 January and 14 February 2003 were confirmed.

II. Information paper issued since the last meeting

2. Members noted the following papers issued since the last meeting –

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|---|----|---|
| (a) LC Paper No.
CB(2)1185/02-03 | -- | submission from three Village Representatives (VRs) of So Kwun Wat expressing views on the electoral arrangements in the Village Representative Election Bill; |
| (b) LC Paper No.
CB(2)1204/02-03 | -- | proposed guidelines on election-related activities in respect of VR elections prepared by the Electoral Affairs Commission; |
| (c) LC Paper No.
CB(2)1219/02-03(01) | -- | an outline of the topics to be covered in the second report on the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Civil and Political Rights (ICCPR) provided by the Administration; |
| (d) LC Paper No.
CB(2)1288/02-03(01) | -- | paper on "2003 VR elections - way forward" provided by the Administration; |

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- (e) LC Paper No. CB(2)1391/02-03 -- letter of 28 February 2003 from the Administration on public fund-raising activities for non-charitable purposes;
- (f) LC Paper No. CB(2)1398/02-03(01) -- submission from Mr CHAN Kwan-ming expressing views on building management; and
- (g) LC Paper No. CB(2)1402/02-03(01) -- submission from Mr Tony TAM expressing views on the Culture and Heritage Consultation Paper 2002.

III. Items for discussion at the next meeting

[Appendix I to LC Paper No. CB(2)1419/02-03]

3. Members agreed to discuss the following items at the next regular meeting scheduled for Friday, 11 April 2003 at 10:45 am -

- (a) priority of the provision of sports, recreational and cultural facilities under current budgetary constraints; and
- (b) second report to be prepared by HKSAR under ICCPR.

4. On paragraph 3(a) above, members agreed that Secretary for Home Affairs (SHA) should be invited to brief members on the priority of the provision of cultural and performance, library and museum facilities, the implementation of the recommendations of the relevant consultancy studies, and the various large-scale sports and cultural facility projects mentioned in the Policy Agenda of the Home Affairs Bureau (HAB) under the current budgetary constraints. On paragraph 3(b) above, members agreed that deputations should be invited to express their views on the second report to be prepared.

5. Mr IP Kwok-him suggested and members agreed that the Administration should be requested to provide a progress report on its deliberation about legislation against racial discrimination for members' reference.

IV. Research on the system of advisory committees in some overseas places

[LC Paper Nos. PR03/02-03 and CB(2)1419/02-03(01)]

6. At the invitation of the Chairman, Head (Research and Library Services Division) (H(RL)) highlighted the findings of the research on system of

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advisory committees in the United Kingdom (UK), Ontario, Canada, and New South Wales, Australia with the aid of a Powerpoint presentation. The aspects of the system of advisory committees covered by the research included the overseeing authority, establishment, appointment, remuneration, review policy and public accessibility. Deputy Secretary for Home Affairs (2) (DS(HA)2) also briefed members on the review on the government advisory and statutory bodies (ASBs) being conducted by the Administration and the guiding principles under consideration for the conduct of in-depth review of ASBs by individual bureaux.

Dissolution of advisory committees

7. Ms Emily LAU noted from paragraphs 30.23 and 30.24 of the research paper prepared by the Research and Library Services Division (RLSD) that no information was available as to whether there were guidelines for the dissolution of advisory committees in Hong Kong whereas in the three places under study, individual ministers were empowered to dissolve an advisory committee which was determined to be not achieving the pre-defined objectives. There were also guidelines for the dissolution of these committees in UK. Ms LAU suggested that Hong Kong should follow the example of these places and formulate similar guidelines.

Appointments to advisory committees

Principles and guidelines for appointment

8. Referring to items 9 and 10 in the Appendix to the research paper prepared by RLSD, Ms Emily LAU opined that Government should make reference to the good practice in the three places under study and establish a clear set of guidelines for appointments to the advisory committees in Hong Kong so as to increase their transparency, and ensure that selection of committee members would be based on merit and that the interests of all walks of society would be duly represented in the committees. She requested that Government should provide the Panel with more details of members of ASBs such as the number of ASB members who were also members of the Election Committee and those who served on more than six ASBs currently.

9. In response, DS(HA)2 informed members that individual bureaux would be required to set the appointment criteria before appointing members to ASBs. HAB was currently conducting a review on the appointment criteria in use and would compile and publish a comprehensive set of appointment criteria for the reference of the bureaux. It would also ensure that appointments to ASBs were made according to these criteria.

10. Ms CHOY So-yuk queried how HAB could ensure compliance with the principles and rules for appointment set by Government. She quoted the six-

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board rule as an example and pointed out that currently there were individuals who had been appointed to more than six ASBs.

11. DS(HA)2 assured members that bureaux were required to comply with the guiding principles for ASBs. A bureau would need to account for its decision to appoint to an ASB under its purview an individual who had already served on six ASBs concurrently. He stressed that bureaux should have the flexibility to adopt measures which they considered to be most suitable and effective for the ASBs under their purview. However, any exception to the principles should be proportional to the special circumstances of the case.

12. Mr IP Kwok-him asked how the Administration could uphold the principle of appointment on merit and recruit suitable and able persons to serve on ASBs. DS(HA)2 replied that Hong Kong was as experienced and effective as the other advanced countries in recruiting suitable members to ASBs. He explained that under the existing mechanism, District Offices helped identify able individuals from the community who were willing to serve society. Their curriculum vitae would be kept in HAB which, upon request from other bureaux, would recommend suitable candidates from this pool for appointment to relevant ASBs. DS(HA)2 cited an example in which an individual might first be invited to serve on an Area Committee then District Council and ASBs. He added that Government bureaux, while in contact with the trades, would also identify suitable professionals as potential members of ASBs. The bureaux had been liaising with one another closely and exchanging information in this aspect. DS(HA)2 stressed that this mechanism had been operating very well for many years and would continue to play an important role in the recruitment of members to ASBs.

13. In reply to a further question from Mr IP Kwok-him, DS(HA)2 explained that the Administration would also invite professional bodies to nominate candidates with the required professional knowledge and expertise for appointment to relevant ASBs. Professionals with good performance in serving ASBs might be further recommended for appointment to other ASBs.

14. Mr NG Leung-sing opined that since Hong Kong had modeled its system of ASBs on that of UK, it might be appropriate to compare the ASB systems in both places. He noted from paragraph 11.20 of the research paper prepared by RLSD that while all the appointments to advisory committees in UK were part-time, some appointments demanded as heavily on the time of members as two to three days a week. He expressed concern whether it would still be appropriate to appoint a member to a maximum of six committees with such a heavy demand on him from one committee only. He suggested that the Administration should consider setting a maximum number of hours a member should work for ASBs instead of adopting the six-board rule.

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15. To address Mr NG Leung-sing's concern, DS(HA)2 said that the advisory committees in Hong Kong were different from those in UK. In UK, some advisory committees were responsible for managing special organisations. The members concerned would therefore be required to dedicate more of their time to the work of these committees. In Hong Kong, advisory committees were mainly advisory in nature and hence demanded less time from their members. The Administration therefore considered it appropriate to adopt the six-board rule to ensure a reasonable distribution of workload among members of advisory committees. In some cases, the members concerned were both competent and willing to serve on more committees and had been so appointed.

16. Mr Andrew WONG, however, commented that statutory bodies in UK had not been covered by the research. Therefore, there should not be great differences in the functions of the committees under study in UK and those in Hong Kong. H(RL) confirmed that the research had covered only advisory committees but not statutory bodies in the three places under study.

Declaration of interest

17. Mr NG Leung-sing suggested that in addition to conflicts of interests, members of ASBs should also be required to make declarations of role conflicts, if any. He asked whether guidelines would be provided on this issue. DS(HA)2 informed members that there were two stages of declaration of interests by members of ASBs under the existing mechanism. Upon appointment to ASBs, members would be required to declare any personal or business interests or conflicts in the different roles they assumed which might, or might be perceived to, influence their judgment. The declarations would be filed and made available for public inspection. At the second stage, members were required to declare interests which might be in conflict with the items to be discussed at each meeting. The chairmen of the ASBs concerned would then decide on whether the members concerned would be allowed to continue to be present at the meeting and participate in the discussion of the items concerned. In addition, before any documents were issued to members, if the secretariat of ASBs detected a potential conflict of interest, it would seek the direction of the chairmen concerned whether such documents should be issued to the members concerned.

Accountability

18. Ms Emily LAU noted from section 34 of the research paper that the legislature played a more significant role in the system of advisory committees in all three places under study than that in Hong Kong. To increase the transparency and accountability of ASBs, she urged Government to enhance the role of the Legislative Council (LegCo) in the system of ASBs in Hong Kong.

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19. DS(HA)2 explained that the political system and structure in Hong Kong was different from that in the three places under study such as the parliamentary system in UK. Some ministers there used to appoint to ASBs individuals who would support their own parties. In view of this, the ASB system in UK was reviewed and reformed in recent years. He pointed out that the new system currently in operation there had to be observed and assessed over a longer period of time before its effectiveness could be established. It might therefore not necessarily be desirable to apply the ASB system of UK, especially the role of legislature, to Hong Kong.

20. Mr Andrew WONG, however, held a different view on the political system in UK and Hong Kong. He pointed out that there were also political parties in Hong Kong that could be regarded as ruling and opposition parties. The political system in Hong Kong, similar to that in UK, might therefore be classified as parliamentary system. DS(HA)2 reiterated that the two systems were different in that the principal officials in Hong Kong were not Members of LegCo while in UK, ministers were in fact Members of the Parliament.

21. Ms Emily LAU remarked that the interests of all walks of society should be duly represented in ASBs. Government of Hong Kong should not exert undue influence on ASBs through appointment of its supporters to the latter as in the case of the ministers in UK. To prevent this, she said that Government should increase the transparency of appointments to ASBs such as disclosing the number of ASB members who were members of the Election Committee. She remained of the view that the role of LegCo in the ASB system should be strengthened. She suggested that ASBs should be required to report to LegCo on an annual basis.

22. To enhance the accountability of ASB members, Ms CHOY So-yuk suggested that a certain proportion of the members of an ASB, say 50%, should be appointed through nomination by the relevant community or professional bodies. This would help ensure the representativeness and commitment of members of ASBs.

23. DS(HA)2 responded that the Administration had all along invited nominations from the trade concerned or relevant professional bodies for candidates for appointment to related ASBs. However, he pointed out that not all of these members would consult their trade or professional bodies on related issues and reflect the views of the latter to Government as expected. Some of them would only be willing to voice their opinion on personal basis.

Remuneration

24. Mr Tommy CHEUNG remarked that there was not a uniform rate of remuneration for ASB members. He suggested that Government should review the existing system so that ASB members would be fairly remunerated. He

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also considered that the current rate of remuneration was disproportionately low for the time and efforts members spent on the work of ASBs.

25. DS(HA)2 replied that the basic principle was that the service of non-official members was voluntary and, as a general rule, un-remunerated. However, at the same time, no individual should suffer a pecuniary embarrassment through public service nor should Government be obtaining the services of highly qualified, professional persons "on the cheap". Therefore, there would be allowance to compensate for members' time and efforts spent on ASB work. There was currently a set of guidelines on the payment of honoraria/allowances to chairmen/members of ASBs. The bureaux and departments decided whether the chairmen/members of ASBs under their purview should be remunerated according to these guidelines and had to account for any deviations.

Appraisal of members

26. In response to the question from Mr NG Leung-sing on the criteria based on which performance of members of ASBs was appraised, DS(HA)2 said that official members of ASBs might conduct a performance appraisal on members. In some ASBs, the principal officials served as the chairmen while in others, the latter were non-official members. In both cases, the chairmen were responsible for reviewing the performance of individual members according to the latter's attendance, performance at meetings and other relevant criteria.

27. Mr NG Leung-sing sought further clarification whether there were provisions in the terms of appointment for the termination of appointment of ill-performed ASB members. DS(HA)2 advised that for statutory bodies, there might be such a provision in the related ordinances. For non-statutory committees, the approving authorities for appointment might terminate the appointment of committee members. He added that as an alternative, the committee chairman might discuss with the member concerned his performance and the latter might choose to resign from the committee voluntarily.

Public accessibility

28. Mr Tommy CHEUNG asked whether there were guidelines and standard governing the accessibility of the public to the papers of ASBs. DS(HA)2 clarified that in order to gain public confidence, the work of ASBs should be open and transparent. The agenda and papers of ASBs should be made available to the public upon request. However, for information which was market sensitive or policy related, the papers concerned would remain classified for a period of time.

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Public consultation

29. Ms Emily LAU enquired whether the Administration would conduct public consultation on the guiding principles for ASBs. She pointed out that related organisations should be consulted on the principles such as the recommendation of at least 25% of either gender in an ASB.

30. DS(HA)2 explained that there would be two stages of consultation in the review of ASBs. In the first stage, relevant bureaux would be consulted while the views of ASBs would be collected in the second stage. He said that the Administration might also consult relevant organisations in the second stage as suggested by Ms Emily LAU. Ms CHOY So-yuk suggested that professional bodies should also be consulted.

Way forward

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31. The Chairman requested the Administration to revert to the Panel upon completion of the first-stage review by June/July 2003. He also suggested that deputations should be invited to present their views on the recommended guidelines for ASBs at the meeting.

V. Operational and regulatory framework for authorised soccer betting

[LC Paper No. CB(2)1419/02-03(02)]

32. At the invitation of the Chairman, DS(HA)2 introduced the paper provided by the Administration which set out the major provisions in the Betting Duty (Amendment) Bill to be introduced into LegCo to give effect to the authorisation of football betting in Hong Kong and the major conditions in the licence for conducting football betting.

Licence for football betting

33. Ms Cyd HO queried why Government had decided that the Hong Kong Jockey Club (HKJC) should be licensed as the sole operator of football betting in Hong Kong instead of granting the licence through open tender so that Government might be able to derive more benefits from authorisation of football betting. With HKJC as the sole operator, she wondered how authorised football betting would continue to be operated if HKJC's licence was revoked because of non-compliance with the Betting Duty Ordinance or licensing conditions. She criticised that it was unfair that HKJC would be appointed as the sole operator of football betting in Hong Kong without any tendering process and Government had tried to protect the interest of HKJC in doing so.

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34. DS(HA)2 responded that Government decided to license only HKJC to operate football betting mainly because the majority of the public who were in support of authorising football betting were in favour of HKJC as the operator. Moreover, HKJC's experience and reputation in running gambling in Hong Kong would command public confidence in authorised football betting. However, he stressed that Government had the right to issue more than one licence under the proposed legislation so that there was no question of monopoly by HKJC. DS(HA)2 further explained that the licence for football betting would be granted to a fully-owned subsidiary of HKJC set up specifically for the purpose. This was to ensure that football betting would be operated as an on-going and self-sustainable stand-alone business, without any cross-subsidisation from HKJC's horse racing and other business. With the unique risk element inherent in the operation of fixed odds football betting, such arrangement would also ensure that any legal liability arising from football betting would not adversely affect HKJC's other business.

Hedging or laying-off of bets

35. Noting from paragraph 9 of the paper provided by the Administration that HKJC would be allowed to lay off football bets with overseas bookmakers, Ms Cyd HO expressed dissatisfaction about such arrangement. She pointed out that betting with an unauthorised bookmaker was illegal under section 8 of the Gambling Ordinance and queried why exemption should be granted to HKJC. She considered such favourable treatment of HKJC as unfair to the general public.

36. DS(HA)2 replied that owing to the unique risk element inherent in the operation of fixed odds football betting, the Administration had proposed to allow HKJC to lay off football bets with overseas bookmakers as a risk management measure. To illustrate that hedging might be necessary on some occasions, he quoted as an example one of the matches of the World Cup Finals in 2002 in which South Korea played against Turkey. On that match, punters in Asia had mostly betted on South Korea while those in Europe on Turkey. Hedging would therefore help reduce the risk of loss of Asian bookmakers arising from the rather unbalanced position i.e. in the event of South Korea winning the match. He clarified that betting with an unauthorised overseas bookmaker was an offence under section 8 of the Gambling Ordinance. However, since there was no other operators of authorised football betting in Hong Kong, the Administration had proposed to exempt HKJC from the application of the provision so as to enable it to reduce its risk through hedging its bets with overseas licensed bookmakers. He further explained that hedging was a common practice amongst licensed bookmakers in the world and was not illegal in overseas countries. Ms Cyd HO, however, remained unconvinced that exemption should be granted to HKJC for hedging.

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Gaming Commission

37. Mr Tommy CHEUNG remarked that the proposed Gaming Commission would play a very important role in regulating football betting and handling public complaints relating to the compliance of the licensing conditions by the licensee. He therefore considered that members of the Commission should be carefully selected and vetted. He expressed concern that it might be difficult to recruit suitable members for the Commission since there would only be a few suitable candidates with the required knowledge and expertise in football betting but their personal or other interests might be in conflict with the appointment. Mr Tommy CHEUNG requested that the particulars of members of the Commission should be tabled with the Betting Duty (Amendment) Bill at LegCo.

38. DS(HA)2 advised that the composition of the Gaming commission would be set out in the Bill but not the particulars of the members. He explained that the Administration had not yet considered the candidates for appointment. He assured members that potential conflicts of interest would be taken into account in making such appointments.

Mark Six Lottery

39. In response to the question from Ms CHOY So-yuk on the calculation of betting duty on Mark Six Lottery, DS(HA)2 clarified that under the Betting Duty Ordinance, 54% of the proceeds of the lotteries would be paid to punters as dividends, 6% to HKJC to cover operating expenses, 15% to the Lotteries Fund while the remaining 25% would be distributed to Government as betting duty. He said that Government had not intended to amend this provision even if the Hong Kong Lotteries Board was to be abolished.

Licensing conditions for football betting

Types of matches and bets

40. Ms CHOY So-yuk sought clarification whether the types of matches and bets offered by the licensee would be regulated by the Gaming Commission. In response, DS(HA)2 informed members that the broad categories of matches and games would be set out in the licence. The Administration had proposed not to specify the names of the particular games in the licence so as to provide the licensee with the flexibility to offer and adjust bet types in line with the changing demand in the market, hence ensuring its competitiveness vis-à-vis illegal operators.

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Preventive measures against gambling-related problems

41. Referring to paragraph 30 of the paper provided by the Administration, Ms Emily LAU sought further information on the proposed Codes of Practice on preventive measures against gambling-related problems to be provided by SHA.

42. DS(HA)2 replied that according to the proposed licensing conditions for football betting, SHA could issue the Codes of Practice requiring the licensee to display signs and other notices of reasonable size and clarity within its premises, and issue warnings when bets were made through telecommunications means, etc, for the purposes of informing punters that excessive gambling could create problems and providing information on avenues for seeking help relating to problem and pathological gambling.

43. Dr LO Wing-lok said that he supported authorisation of football betting. However, he considered that there would be role conflict for HKJC as the operator of authorised football betting to implement the proposed preventive measures against gambling-related problems. He suggested that it might be more desirable for Government or a non-government organisation to undertake such a responsibility.

44. In reply, DS(HA)2 explained that the proposed arrangement was similar to the requirement of tobacco companies to print warnings against smoking on the cigarette packs. He added that past experience had proved that notices in the betting outlets and warnings through telecommunications betting devices were effective measures to prevent problem and pathological gambling. The Administration therefore considered it appropriate for the licensee to implement these preventive measures.

45. Dr LO Wing-lok sought clarification whether the Administration considered the possible adverse effects of football betting similar to those of smoking and whether it aimed at deterring people from engaging in football betting as in the case of the anti-smoking campaign. DS(HA)2 clarified that the adverse effect of smoking was different from that of football betting since the former was hazardous to health while the latter would not create any health problems. Dr LO Wing-lok was of the view that the Administration should not compare the preventive measures against problem and pathological gambling with those against smoking if it considered them different from each another.

Punitive measures against non-compliance

46. Referring to paragraph 34 of the paper provided by the Administration, Mr Tommy CHEUNG said that he had no objection to the proposed punitive measures against non-compliance with the licensing conditions. However, he considered that a mechanism for appeal should be provided for the licensee.

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47. DS(HA)2 assured members that the Administration had proposed for the establishment of an appeal board comprising members appointed by the Chief Executive. If the licensee was not satisfied with the decision of SHA to impose a financial penalty, amend the licensing conditions, or revoke the licence, it could appeal to the board within 30 days.

Dedicated fund

48. Ms Emily LAU sought for additional information on the activities that would be financed by the proposed dedicated fund and whether a committee would be set up to determine the use and application of the fund.

49. Principal Assistant Secretary for Home Affairs (5) (PAS(HA)5) informed members that HKJC had agreed to contribute \$24 million to the dedicated fund for a two-year pilot project for conducting research and studies on gambling-related issues and problems, public education and other measures to prevent gambling-related problems, and counselling and treatment as well as other remedial services for problem and pathological gamblers, and those affected by them. Thereafter, HKJC would continue to contribute annually to the fund. PAS(HA)5 added that a trust would be set up to oversee the use of the fund and the Administration was working on the operational details.

50. Ms CHOY So-yuk opined that the dedicated fund would play a very important role in fighting against problem and pathological gambling. She pointed out that a lot of resources would be required for conducting public educational activities and treatment programmes for problem and pathological gamblers and expressed concern that the \$24 million contribution from HKJC might not be sufficient for the implementation of these projects. Ms CHOY requested for information on the spending on similar programmes in overseas countries such as Australia and suggested that HKJC be requested to make similar contribution.

51. DS(HA)2 assured members that the contribution of \$24 million from HKJC for the first two years and \$12 million to \$15 million annually thereafter would be sufficient for implementing the programmes planned for the first five years after the commencement of authorised football betting in mid 2003. Before details of the programmes were finalised, it would not be necessary for HKJC to make additional contribution. He said that a review would be conducted in due course to see whether additional funding was required.

Proposed Betting Duty (Amendment) Bill

52. Ms Cyd HO noted from the paper provided by the Administration that the Betting Duty (Amendment) Bill would be gazatted in late March and introduced into LegCo in early April. She expressed dissatisfaction that the

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Administration had not presented the draft Bill to the Panel for discussion at the current meeting. Ms HO said that she was also extremely dissatisfied that a government official had described Members belonging to the Frontier as supporting authorisation of football betting at the beginning but had wavered their stand when more opposition had been raised against the policy. She stressed that Members belonging to the Frontier had never considered that gambling should be stopped. However, they were opposed to those proposed operational arrangements for authorised football betting or provisions in the Betting Duty (Amendment) Bill that were unfair.

53. The Chairman said that he agreed with Ms Cyd HO that the Bill should be presented to members for discussion as soon as possible. He suspected that in order to ensure that the Bill would be passed quickly by LegCo, the Administration would include only issues that were less controversial such as punitive measures against non-compliance and establishment of the Gaming Commission as provisions in Bill whereas those controversial ones, such as the types of bets to be offered by the licensee and age restriction, would only be included in the licensing conditions. He expressed concern that such being the case, SHA might then be able to revise the licensing conditions freely after enactment of the ordinance through administrative procedure without any scrutiny by LegCo. He commented that this was a very dangerous legislative arrangement.

54. DS(HA)2 responded that the Administration was still drafting the Bill. It considered that the provisions of the Bill should not be submitted to the Panel before drafting was completed. He pointed out that the paper provided by the Administration had in fact set out all the major provisions in the Bill. He assured members that the Bill would be tabled at LegCo soon. DS(HA)2 supplemented that discretion of the Administration might be required in some areas in the regulation of football betting. To allow for the required flexibility so that authorised football betting could be operated smoothly, it would be more desirable to stipulate all such arrangements in the licensing conditions rather than as provisions in the ordinance. He assured members that both the Gaming Commission and LegCo would be able to monitor the implementation of the licensing conditions.

55. Sharing the concern of the Chairman, Ms Cyd HO considered that the licensing conditions should be set out in the subsidiary legislation of the Betting Duty Ordinance and tabled at LegCo for positive vetting. The Chairman said that he supported the suggestion of Ms Cyd HO. He remarked that LegCo would not be able to monitor the regulation of football betting in important areas such as the number of licences, restriction on age and the types of games and bets to be offered by the licensee, if these issues were included as licensing conditions. He therefore stressed that the licensing conditions should be tabled at LegCo for positive vetting.

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56. To conclude, the Chairman urged the Administration to take into account members' views in drafting the Betting Duty (Amendment) Bill.

VI. Briefing on the work of the Equal Opportunities Commission (EOC)
[LC Paper Nos. CB(2)1419/02-03(03) to (04), and CB(2)1449/02-03(01)]

57. The Chairman welcomed the Chairperson and other representatives of EOC to the meeting.

Status and structure of EOC

58. Ms Emily LAU referred to the concern expressed by the Chairperson of EOC at the Panel meeting on 7 February 2003 about the rumour that EOC would be disbanded or downgraded and the effect of the rumour on staff morale. She enquired about the development of the issue.

59. The Chairperson of EOC responded that HAB had confirmed that the statutory status of EOC would remain unchanged. She further informed members that SHA had also examined the remuneration of the top three-tier executives of EOC and confirmed that the arrangements for staff of the second and third tiers were in order. However, SHA had decided to review the remuneration arrangement for the post of the Chairperson of the Commission in the light of the outcome of the current proposal to legislate against racial discrimination, as such legislation might have a significant impact on the work of the post. The Chairperson added that EOC was conducting its own re-structuring exercise and significant structural and operational changes would result. Amongst these was the merger of 2 divisions and the recruitment of a joint director for this merged division. This recruitment had been affected by the uncertainty created over the post of the Chairperson. She therefore hoped that Government would soon finalise its decision on the issue to remove the uncertainties created over the post of the Chairperson.

60. In response to a further question from Ms Emily LAU whether the re-structuring exercise would result in a reduction in staff, the Chairperson of EOC advised that this was not the purpose of the exercise. The main objective was to combine the Gender Division with the Disability Division in order to increase efficiency, enhance flexibility in staff deployment and streamline work procedures. It was hoped that after the re-structuring exercise, EOC would be able to improve its services to the community and to enhance its capacity for service delivery with the same level of subvention from Government.

61. Both Ms Cyd HO and Ms Emily LAU expressed appreciation towards the contribution from the Chairperson of EOC in promoting equal opportunities in Hong Kong since 1992. Noting that the current contract of the Chairperson would be completed at the end of July 2003, Ms Emily LAU expressed concern

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whether Government would renew the contract. Sharing Ms LAU's concern, the Chairman said that the Panel would keep in view further development.

Staff commitment

62. Ms Cyd HO pointed out that some staff members of EOC might not be wholly committed to the cause of the Commission and might hinder the work and development of EOC and she referred to the anonymous letters about EOC. She suggested that EOC should review the commitment of staff and offer re-training for them in order to enhance their identification with the objective of promoting equal opportunities in society.

63. In reply, the Chairperson of EOC said that the Commission did provide training for its staff. During the re-structuring exercise, assessment on objectives of the work of staff was also conducted. All these had aimed at reducing conflicts among staff and enhancing their identification with the objectives of EOC. In response to the query raised by Ms Cyd HO regarding the anonymous letters about the EOC, the Chairperson added that there were anonymous complaints against EOC recently. She explained that some staff might be disturbed by the earlier rumour about the disbandment of EOC and the re-structuring exercise. These staff and former staff of EOC might have caused the recent spate of anonymous letters. However, she assured members that the complaints were ungrounded. These were either about policies or activities which had already been endorsed or reviewed by the members of EOC or about issues in which the policy and practices of Government had been adhered to. She supplemented that members of EOC were aware of the complaints but had not made any queries on EOC.

Training services

64. Ms Emily LAU asked whether EOC had received complaints from ethnic minorities or female visitors to Hong Kong against discrimination and ill treatment by staff of the Immigration Department (ID). She commented that the attitude of staff of the Department towards these people was not conducive to the Government policy of promoting tourism. She requested EOC to offer training for staff of ID to enhance their awareness that while performing their duties, they should not be deemed as discriminating against certain ethnic groups or visitors to Hong Kong.

65. The Chairperson informed members that EOC had been invited by ID to provide tailor-made courses for its staff on discrimination against disability. She said that EOC would welcome requests from Government departments for the provision of other training courses for their staff members. She hoped that Government would soon decide to legislate against racial discrimination so that EOC would be able to contribute more towards the promotion of equal opportunities for ethnic minorities.

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Study on perceptions and experiences of discrimination of people with mental illness in Hong Kong

66. Ms Emily LAU noted that EOC had conducted a study on the perceptions and experiences of discrimination of people with mental illness in Hong Kong jointly with the Department of Psychiatry of The Chinese University of Hong Kong and the Department of Social Work of the Baptist University in 2001 and had released the result of the survey in November 2002. She said that she had discussed the survey with some Government officials who had criticised the data used in the survey as not up-to-date.

67. The Chairperson of EOC explained that the purpose of the survey was to gain an in-depth understanding of the perception and experience of discrimination, stigmatisation and alienation faced by people with mental illness. References had therefore been made to the past experience of the respondents and as to how the cumulative experience had affected the outlook of the respondents. However, remarks had been included in the report regarding the service and the context in which the events occurred whenever appropriate. She said that she had clarified this with Government officials. The Chairperson added that the survey was jointly conducted by the Department of Psychiatry of The Chinese University of Hong Kong and the Department of Social Work of the Baptist University which were very experienced and professional in such research work. She was therefore confident with the professionalism to the survey.

68. In response to a further question from Ms Emily LAU on the cooperation from Government departments in the implementation of the recommendations of the survey, the Chairperson said that consultation was still being conducted on the recommendations of the survey. EOC had supported the recommendation for the formation of a mental health council to advise Government on, and coordinate the implementation of, mental health policy, collect and analyse mental health data, and safeguard patients' rights. She urged Government to place more emphasis on meeting the needs of persons with mental illness and to promote mental health more aggressively and to coordinate the establishment of the council as soon as possible.

69. The Chairman informed members that pursuant to the decision of the Panel at the meeting on 13 December 2002, the Clerk had referred the study to the Panel on Welfare Services for consideration. He suggested that the Panel might recommend the Panel on Welfare Services to discuss this subject earlier. Ms Emily LAU suggested that recommendation might also be made to the Panel on Welfare Services that deputations should be invited to present their views on the recommendations of the survey.

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Legal assistance

70. Referring to paragraph 11 of the paper provided by EOC, the Chairman expressed concern that EOC had to turn some meritorious cases away because of limited funding for litigation. He asked whether EOC had cooperated with the Legal Aid Department or law firms in providing assistance to its clients.

71. The Chairperson of EOC advised that the strategic approach of EOC to litigation was to support and undertake litigation in significant cases on behalf of victims in areas where clarity was required, where there was persistent discrimination, where a large number of people was involved or where public interests were affected. Cases for litigation were considered and approved by the Legal and Complaints Committee.

72. However, the Chairperson pointed out that budget constraints had limited the litigation role of EOC. She explain that litigation was very costly and might take years to complete. EOC was allocated around \$400,000 only by Government for litigation annually. It had redeployed its internal funds and resources to meet the expenses of legal cases but still had to turn away some meritorious cases. EOC tried to offer legal advice to these cases instead and would also refer them to the Legal Aid Department. She said that EOC was grateful that some law firms had stepped in to help and had agreed to provide pro bono services. EOC would discuss with Government the allocation for litigation as well as explore additional legal assistance that could be provided.

73. The Chairman requested for the number of meritorious cases that had been turned away because of budget constraints for reference of members for possible future discussion with Government on funding for such kind of services. In response, the Chairperson of EOC advised that there was approximately a total of forty to fifty such cases over the years.

Women's status

74. Ms Emily LAU invited EOC's view on the recommendation of the Administration in the current review of ASBs that at least 25% of either gender should be appointed to an ASB. She also sought clarification whether EOC had been consulted on the review. She suggested that EOC should forward its comments to Government even if it had not been consulted.

75. The Chairperson of EOC replied that EOC had conducted research on women's participation in public affairs. The telephone survey on women's knowledge of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was one of them and the key findings of which were released on 7 March 2003. The survey revealed that the awareness among women of CEDAW was quite low. However, 58% of the respondents considered that CEDAW was relevant to them and wished

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Government to consult them on how to implement CEDAW. The Chairperson said that EOC therefore urged Government to formulate policy to raise the status of women and encourage participation of women in public affairs. Based on the past record of performance and participation of women in ASBs, she considered that the target for female members to be appointed to ASBs should be higher than 25%.

76. The Chairperson of EOC supplemented that EOC had been very willing to forward its comments on issues on which public consultation was conducted by Government. The Commission also provided results and recommendations of its research and surveys, such as the survey on CEDAW, to Government for reference.

(Post-meeting note : The further information on the United Nations targets for the proportion of women in leadership and decision-making positions provided by EOC was circulated to members vide LC Paper No. CB(2)1636/02-03(01) on 31 March 2003.)

Performance of EOC

77. The Chairperson of EOC referred to the suggestion from members at the meeting on 8 February 2002 that targets or criteria to assess the achievements of EOC should be set. She informed members that performance yardsticks had been set as suggested, the details of which had been provided in the information folder on EOC [LC Paper No. CB(2)1449/02-03(01)] for members' reference. She said that EOC would welcome comments and suggestions from members.

78. To conclude, the Chairman said that the Panel supported the work of EOC and hoped that it would keep up its good efforts. He added that the Panel would also be willing to offer assistance in facilitating cooperation between EOC and Government departments in promoting equal opportunities in society.

VII. Any other business

79. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
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