

立法會
Legislative Council

LC Paper No. CB(2)654/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

LegCo Panel on Home Affairs

Minutes of meeting
held on Friday, 9 November 2001 at 10:45 am
in the Chamber of the Legislative Council Building

- Members Present** : Hon IP Kwok-him, JP (Chairman)
Hon Andrew CHENG Kar-foo (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon NG Leung-sing, JP
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Henry WU King-cheong, BBS
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon MA Fung-kwok
- Members Absent** : Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon TANG Siu-tong, JP
Hon WONG Sing-chi
- Member Attending** : Hon CHAN Yuen-han, JP

**Public Officers
Attending** : Item IV

Mr W K LAM, JP
Secretary for Home Affairs

Mr Leo KWAN, JP
Deputy Secretary for Home Affairs (1)

Mrs Betty FUNG
Deputy Secretary for Home Affairs (2)

Mr NG Sek-hon, JP
Deputy Secretary for Home Affairs (3)

Ms Grace LUI, JP
Director of Home Affairs (Acting)

Mr LUI Hau-tuen, JP
Deputy Director of Home Affairs (1)

Mr Paul LEUNG, JP
Director of Leisure and Cultural Services

Ms Lolly CHIU, JP
Deputy Director of Leisure and Cultural Services

Miss Mary TSANG
Principal Assistant Secretary for Health
and Welfare (Women)

Item V

Mr Francis LO
Principal Assistant Secretary for Home Affairs (5)

Mr LUI Hau-tuen, JP
Deputy Director of Home Affairs (1)

Mrs Kenny WONG
Assistant Director of Home Affairs (4)

Clerk in Attendance : Mr Stanley MA
Senior Assistant Secretary (2)6

Staff in Attendance : Miss Irene MAN
Senior Assistant Secretary (2)9

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I. Confirmation of minutes [LC Paper No. CB(2)248/01-02]

The minutes of the meeting held on 11 October 2001 were confirmed.

II. Information paper issued since the last meeting [LC Paper No. CB(2)278/01-02(01)]

2. Members noted the Administration's proposal on "Review of the supernumerary Deputy Director (Administration) and Assistant Director (Finance) posts in the Leisure and Cultural Services Department (LCSD)". The Chairman advised the meeting that it was the intention of the Administration to submit the proposal to the Establishment Subcommittee (ESC) for consideration at its meeting on 21 November 2001.

III. Items for discussion at the next meeting [Appendices I and II to LC Paper No. CB(2)274/01-02]

3. Mr Andrew CHENG suggested that in view of public concern about the increase in directorate posts within the Government, the Panel should discuss the financial proposal on "Review of the supernumerary Deputy Director (Administration) and Assistant Director (Finance) posts in LCSD" at the next regular meeting scheduled for Friday, 14 December 2001 at 10:45 am. Members agreed with Mr CHENG's suggestion. In response, Director of Leisure and Cultural Services (D of LCS) undertook to adjust the schedule for submitting the proposal to ESC and the Finance Committee for consideration accordingly.

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4. Miss Cyd HO requested the Administration to provide information on the policy changes in arts, culture, sport and recreation after the dissolution of the former Urban and Regional Councils in order to facilitate members' consideration of the proposal. Ms Emily LAU also requested information on the changes in directorate and non-directorate posts at each rank in LCSD since its establishment on 1 January 2001 (including the current ratio of directorate to non-directorate posts). D of LCS responded that LCSD had reduced the number of directorate posts by five and its non-directorate establishment from 9 500 to less than 9 000 since 1 January 2000. He undertook to provide members with the requisite information requested.

5. Mr Andrew CHENG further suggested that in view of the widespread public concern about the proposal to incorporate the Hong Kong Press Council (HKPC), the Panel should discuss the proposal at the next meeting. He also suggested that representatives of HKPC should be invited to brief members on the proposal. Miss Cyd HO expressed support for the suggestion, adding that representatives of the Law Reform Commission should also be invited to join the discussion. Members agreed.

6. Members also agreed that subject to the Administration's confirmation, the Panel should discuss either "Payment of honoraria to non-official members of Government boards and committees" or "Review of the visits system of the Justices of the Peace" at the next regular meeting.

[Post-meeting note: The Director of Administration subsequently advised that the item on "Review of the visits system of the Justices of the Peace" would be ready for discussion in December 2001.]

IV. Briefing by the Secretary for Home Affairs on the Chief Executive's Policy Address 2001

[Booklets on Policy Objective for Home Affairs Bureau and booklet on Policy Objective for Health and Welfare Bureau - Promote the Well-being and Interests of Women]

7. The Chairman invited questions from members in relevant policy areas in respect of the Chief Executive's Policy Address 2001 which fell within the terms of reference of the Panel .

Promote the well-being and interests of women

8. Miss CHAN Yuen-han sought clarifications about the role of the Administration in promoting "the well-being and interests of women" and its work schedule to assist women in meeting the various challenges in life. She considered

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that the Administration should proactively assist women in seeking employment and retirement protection, given the prevalence of age discrimination against women in employment and the absence of retirement protection for housewives.

9. Principal Assistant Secretary for Health and Welfare (Women) (PAS(HW)(W)) responded that the Women's Commission (WoC) was established in January 2001 to advise the Administration on a strategic overview of women's issues and develop a long-term vision and strategies for the development and advancement of women. Its mission was to enable women to fully realise their due status, rights and opportunities in all aspects of life. Since its establishment, WoC had researched and deliberated on gender issues, their relevance in the Hong Kong context and identified three priority areas of action, namely, gender mainstreaming, empowerment of women and public education. The three working groups established under WoC in respect of these priority areas of action had been meeting local women's groups and service agencies to solicit views on women's issues, including discrimination against women in employment and the lack of retirement protection for housewives.

10. Miss CHAN Yuen-han said that on top of WoC, the role of the Administration in eliminating discrimination against women in employment-related issues should be spelled out in detail. She considered that the three identified priority areas of action were too broad and could not help resolve the difficulties encountered by women in seeking employment. She pointed out that given the prevailing economic conditions, creating sufficient employment opportunities for women was most crucial. Miss CHAN requested the Administration to elaborate on its efforts to promote and facilitate women to participate more fully in the community.

11. In response, PAS(HW)(W) said that the WoC's working group on empowerment of women would focus on 5 areas, namely health, education and training, economic well-being, safety at home and in public places, and women's participation in political and societal affairs. To promote the economic well-being of women, the working group would continue to encourage relevant agencies to introduce initiatives to develop women's potential on an individual basis, as well as to provide sufficient facilities and opportunities for women to realise their potentials and exhibit their abilities at the community level. She undertook to provide a written response in this regard.

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12. Miss Cyd HO noted that as part of the process of developing and implementing a long-term vision and strategies for development and advancement of women, the Administration intended to pilot and evaluate a checklist of questions on several policy initiatives for gender mainstreaming purposes in 2002. She suggested that the Administration should make reference to the experience of

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overseas countries which had started the development of gender mainstreaming in order to expedite implementation. Miss HO was of the view that WoC should not just assume an advisory role under the Health and Welfare Bureau (HWB). She asked about the measures and procedures in place to enable WoC to function as a central mechanism in promoting the well-being and interests of women in Hong Kong.

13. PAS(HW)(W) responded that the Administration had considered the experience of overseas countries in devising the checklist of questions for pilot implementation on several policy areas in 2002. Consultation with local women groups on the implementation was underway. She pointed out that WoC played a proactive role in promoting the well-being and interests of women in Hong Kong. It had all along been working closely with relevant bureaux and departments on matters that were relevant to women.

14. Miss Cyd HO said that she was not convinced that WoC was functioning as a central mechanism in promoting the well-being of women. She pointed out that as highlighted in the Policy Address 2000, WoC played an advisory role on women's issues. She considered that WoC could hardly serve as a central mechanism without a formal framework of authority to differentiate its powers and functions from those of the related bureaux and departments. She expressed concern that given WoC's current pace of development, it would take considerable time before WoC could really become a central mechanism.

15. PAS(HW)(W) reiterated that the Administration would have to evaluate the usefulness of the gender-mainstreaming checklist before full implementation. She pointed out that a number of bureaux and departments had agreed to participate in the pilot test. The Administration would consult WoC again before full implementation of gender mainstreaming in all bureaux and departments in the long term.

The rights of individuals and ethnic minorities

16. Ms Emily LAU enquired about the progress of consultation on the views of the business community towards legislation against racial discrimination. Deputy Secretary for Home Affairs (1) (DS(HA)(1)) advised that 25 of the 34 targeted business organisations had responded to the proposal of introducing legislation against racial discrimination. Among these business organisations, nine overseas trade associations had expressed support for such legislation. Among the remaining local trade associations, six had indicated support, one had indicated support but did not consider it appropriate to legislate at this stage, six had indicated objection and three held no views. The Administration would proceed to consult ethnic minority groups and other interested parties shortly.

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17. Ms Emily LAU expressed appreciation that 16 of the 25 respondents of the business sector were in favour of legislation against racial discrimination. Given the support of the business community, she suggested that the Administration should speed up consultation with ethnic minorities and interested groups as soon as practicable. She asked when the Administration would introduce a relevant legislative proposal into the Legislative Council (LegCo). DS(HA)(1) reiterated that the Administration would start the next round of consultation shortly. He advised that based on the outcome of the consultation, the Administration would consider in early 2002 as to whether legislation against racial discrimination should be introduced into to the LegCo.

18. Referring to the Summary Results of the 2001 Population Census, Ms Emily LAU noted with concern that the population of ethnic minorities in Hong Kong was decreasing. She asked whether such situation was a result of the local policy on racial discrimination. DS(HA)(1) responded that there was no substantial evidence to support this observation.

19. Ms Emily LAU remarked that the Home Affairs Bureau (HAB) should collaborate with the Census and Statistics Department (CSD) to conduct an in-depth analysis of the data collected from the 2001 Population Census, with a view to locating the possible causes for the decrease in ethnic minorities in Hong Kong. She considered that an international city such as Hong Kong should be able to attract ethnic minorities to stay and contribute to its long-term development.

20. DS(HA)1 responded that the Summary Results of the 2001 Population Census did not contain comprehensive information and data for detailed analysis of the possible causes for decreasing number of ethnic minorities in Hong Kong. He assured members that HAB would collaborate with CSD to study the issue when more detailed information was available and revert to the Panel when appropriate.

21. Ms Emily LAU also enquired about the consultation progress of the proposed mosque project in Sheung Shui and asked whether deferring decision on the proposal had any implications of discrimination on the ground of race or religion. DS(HA)(1) clarified that there was no question of discrimination in the incident as the residents in the vicinity had made it clear that they were not objecting the proposal on racial or religious grounds. The residents were only concerned about the likelihood that the presence of a mosque in their neighbourhood would increase both pedestrian flow within the district and the burden on public transport.

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22. Miss Cyd HO added that the mosque project had included the construction of a school for the children of ethnic minorities. She urged the Administration to expedite decision on the matter. At Ms Emily LAU's request, DS(HA)1 undertook to provide a written response on the consultation progress.

(Post-meeting note: The Administration had provided an update on the consultation progress of the proposed mosque project in Sheung Shui which was circulated to members vide LC Paper No. CB(2)354/01-02(01).)

23. Mr Michael MAK queried why the Chief Executive's 2001 Policy Address had not incorporated any initiatives to protect the rights of disabled persons, mental patients, Aids patients and people with a different sexual orientation. He considered that discrimination against these groups of people was serious in Hong Kong. He also asked whether the Administration would review, from the perspective of human rights, section 31 of the Mental Health Ordinance which empowered a District Judge or magistrate to make an order to authorise the removal of a patient to a mental hospital for the purpose of detention and observation for a period of not exceeding seven days.

24. DS(HA)(1) responded that the Administration had provided funding support to non-governmental organisations and non-heterosexual groups to reinforce publicity and education with a view to eliminating discrimination against people with a different sexual orientation. A subcommittee chaired by Miss Cyd HO was established under the Panel on Home Affairs to follow up discriminatory issues in this regard. He added that review of section 31 of the Mental Health Ordinance would be carried out by HWB as and when necessary.

Arts, culture, sport and recreation

25. Miss Cyd HO said that there were allegations that the existing mechanism for allocation of funds to arts and cultural organisations was less transparent than that of the two former municipal councils. She requested the Administration to provide a detailed comparison between the expenditure of the former Urban and Regional Councils in 1999-2000 and that of LCSD in 2000-2001 on arts and cultural events. The comparison should include the changes in allocations granted to the Hong Kong Arts Development Council, major arts and cultural institutions, and local community organisations between the two financial years concerned. D of LCS undertook to provide the information accordingly.

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26. Mr LAU Wong-fat asked whether the Administration would contract out the management of major arts and cultural venues such as the City Hall and Hong Kong Cultural Centre. He also asked how the Administration would ensure

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provision of sufficient performance venues and opportunities for the development of individual artists.

27. D of LCS responded that the Administration would consider outsourcing the management of performance venues on the conditions that such outsourcing would enhance service standards and cost-effectiveness, but would not create staff redundancy and limit the development of different variety of arts. He pointed out that the number of arts and cultural activities organised by LCSD was increasing every year. He added that some 3000 performances and exhibitions on a wide variety of classical and popular arts would be conducted in 2001/02 to meet the diverse needs of the community at different levels.

28. Mr MA Fung-kwok enquired whether the Administration had assessed the quality of service of the six indoor sports and recreation venues after contracting-out of their management to private sector. D of LCS responded that the result of contracting out was in general well received by the community. He cited that a saving of about \$2 million was recorded by contracting out the management of the sports venue in Butterfly Beach, and yet the popularity of the venue had increased slightly. As regards the feasibility of contracting out the four selected Community Arts Centres, the appointed consultant had submitted its recommendations in May 2001. LCSD was consulting the stakeholders on the recommendations and would prepare a final report for consideration by the Culture and Heritage Commission towards the end of 2001.

29. Mr Albert CHAN said that contracting out or corporatising cultural services and venues should only be made after extensive staff and public consultation. He could not accept the existing practice of contracting out these services and venues on a piecemeal basis and not in a transparent manner. He pointed out that in the absence of a clear policy objective and direction, some affected staff of LCSD had approached his office and expressed anxiety over the outsourcing policy. He considered that the Administration should provide comprehensive information on its outsourcing policy and strategies for discussion at a future Panel meeting.

30. D of LCS responded that apart from enhancing utilisation and cost-effectiveness, the decision to outsource the six indoor games halls, recreation and sports centres was made in response to the community demand. He clarified that the sports venue in Butterfly Beach was contracted out on a trial basis and stressed that the Administration would observe the principle that contracting-out should not lead to any staff layoff. In fact, when there was a reduction of staff resulting from natural wastage and voluntary retirement, outsourcing would be the only viable option to meet the management needs of new venues and services. LCSD was fully aware of the importance of maintaining staff morale, and would continue to consider all relevant factors before embarking on any outsourcing of services.

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31. Mr Albert CHAN expressed dissatisfaction with the insufficient transparency of the mechanism and procedures for contracting out services to the private sector. He considered that outsourcing of LCSD's venues and services would mainly benefit the large corporations and their affiliated companies. He pointed out that outsourcing would mean a reduction in promotion opportunities and therefore LCSD should consult the affected staff thoroughly. D of LCS reiterated that LCSD would aim to maintain an appropriate balance between the interests of staff and cost-effective use of public resources in outsourcing. Miss CHAN Yuen-han remarked that given the economic downturn, the Administration should withhold further contracting-out of government services. She stressed that the Hong Kong Federation of Trade Unions and the Democratic Alliance for the Betterment of Hong Kong opposed further outsourcing of public services in view of its adverse effects on workers' salaries.

32. Mr NG Leung-sing enquired whether the Administration had assessed the supply and demand of public swimming pools in different districts. He pointed out that there were insufficient pools on the Hong Kong Island.

33. D of LCS responded that LCSD would keep in view the need for additional swimming pools and replacement for old ones such as the pools in Kwun Tong and Wanchai. He pointed out that as a result of LCSD's promotion efforts, the usage rate of public swimming pools had been on a rising trend in recent years. Among the 36 existing swimming pools, there were six indoor pools and 11 outdoor heated pools. To ensure continuity of service, LCSD would only close an existing swimming pool when a new pool was available in the vicinity. In addition, LCSD would continue to strive for resources to build additional swimming pools. He added that a new pool was recently opened in the Island East Sports Centre. Mr NG Leung-sing expressed appreciation for the LCSD's effort. He said that LegCo members should support financial proposals on construction of additional sports and recreational facilities such as swimming pools.

34. Mr NG Leung-sing also asked whether LCSD had collaborated with the Environmental Protection Department (EPD) to conduct scientific assessments on the suitability of using the former landfill sites for sports and recreational purposes. He expressed concern about the air quality in these sites. D of LCS responded that LCSD would collaborate with EPD to ensure that the use of former landfill sites for sports and recreational purposes would not cause adverse health effects on users. He stressed that environmental impact study would be conducted before construction of the sites and appropriate notices would be displayed to alert users of the sports and recreational facilities over these sites as and when necessary.

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35. Mr Tommy CHEUNG sought clarification as to whether adjustment of the angle of the loudspeakers to direct the sound towards the pitch could resolve the problem of noise in connection with holding concerts at the Hong Kong Stadium. D of LCS clarified that adjusting the angle of the loudspeakers was only a technical measure to reduce the noise level but not a solution to the noise problem. He pointed out that it was unlikely that residents in the vicinity of the stadium would tolerate the noise level generated by evening concerts held in the stadium.

36. In response to Miss CHOY So-yuk, DS(HA)3 advised that the Sports Policy Review Team had begun work in April 2001 and public consultation would be launched by the end of 2001/ early 2002.

Preservation of heritage

37. Mr LAU Wong-fat said that most heritage sites were located in the rural areas in the New Territories (NT) which even reputable scholars might not be aware of their historical and cultural values. He expressed concern that the Antiquities Advisory Board did not comprise members who were familiar with these sites. He pointed out that the Tat Tak College located in Tuen Mun was the mother school of many prominent officials of the People's Republic of China and yet was not considered by the Board as a heritage site. He therefore suggested that the Administration should review its policy in heritage preservation and the membership of the Board with a view to enhancing transparency.

38. Deputy Secretary for Home Affairs (3) (DS(HA)3) advised that there were 72 statutory antiquities and historical monuments and most of which were located in NT. He cited the two heritage trails, namely the Ping Shan Heritage Trail and the Lung Yuek Tau Heritage Trail, to illustrate that the Administration was aware of the need to preserve valuable antiquities and monuments in NT. He assured members that the Antiquities and Monuments Office would reinforce collaboration and consultation with Heung Yee Kuk and District Councils for preserving historical sites in NT. D of LCS clarified that the Administration was aware of the historical values of Tat Tak College and was working with relevant departments for a feasible proposal for preservation.

39. Ms CHOY So-yuk said that the grandson of the late Dr SUN Yat-sen had written to the Administration six months ago concerning the preservation of the grave of his great grandmother, mother of Dr SUN Yat-sen, as a heritage site, but the Administration had not yet made a response. Deputy Secretary for Home Affairs (2) responded that the Antiquities and Monuments Office had arranged repair works for the grave site in October 2000 and would keep in touch with the descendants of the late Dr SUN Yat-sen on the matter. The Antiquities Advisory Board would deliberate the issue within a few months.

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Building management

40. Miss CHOY So-yuk noted that some 12 000 of the 42 000 private buildings in Hong Kong were under the management of owners' corporations (OCs). Given the policy objective of forming 280 OCs in 2002, she asked how long the Administration would take to assist owners of the targeted buildings to form OCs.

41. Director of Home Affairs (Acting) (D of HA (Atg)) responded that the existing 6 500 OCs were taking care of the building management matters of some 12 000 private buildings. She pointed out that while the Administration would continue to assist flat owners in formation of OCs, many private buildings and estates were managed by appointed managers or owners' committees in an efficient and effective manner. In enforcing the Building Management (Amendment) Ordinance 2000, the Administration had reinforced support services in building management by establishing the Building Management Division under the Home Affairs Department (HAD) to co-ordinate building management services including assistance for owners to form OCs. At the district level, District Building Management Liaison Teams (DBMLTs) were established in all 18 districts to strengthen co-ordination of building management work. Besides, three Building Management Resource Centres had been operated to provide a wide range of information and support services for flat owners and occupants on building management matters.

42. Miss CHOY So-yuk pointed out that the formation of OCs in private buildings was essential for ensuring compliance with the relevant building management and fire safety ordinances and regulations. She urged the Administration to put in more resources to help owners to form OCs. D of HA (Atg) responded that the Administration shared the same view and would reinforce the support measures to expedite formation of OCs in private buildings.

43. The Chairman enquired whether the Administration had set a targeted number of OCs to be formed within the next 10 years. He also requested the Administration to elaborate on the work progress of the new Building Management Division which was set up in June 2001 to reinforce the provision of building management services to OCs and related parties.

44. D of HA (Atg) responded that the Administration had not set a 10-year forecast on the number of OCs to be formed. The Building Management Division in HAD was established to oversee and co-ordinate the work of DBMLTs in all 18 districts and the three BMRCs to advise owners on building management matters. The Administration would assess the effectiveness of the new support measures for OC formation in 2002 and set targets for the succeeding year. In response to

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the Chairman's further enquiry, D of A (Atg) said that the Administration anticipated that the new support measures would facilitate formation of OCs. In the light of the results of assessment, the Administration would consider setting targets of OC formation for a longer time frame.

Rural development

45. Mr LAU Wong-fat noted that only \$356 million, instead of the budgeted \$588 million under the Rural Planning Improvement Strategy (Minor Works) Programme, had been used in 1999-2000 to improve rural environment and the remaining balance would be used in 2000-2001. He asked about the budget for 2001-2002 Rural Public Works Programme. D of HA (Atg) advised that for the Rural Public Works Programme the budget for 2001-2002 was \$100 million and an additional provision of some \$55 million had been approved.

Community Investment and Inclusion Fund (the Fund)

46. In response to Miss CHAN Yuen-han's enquiring about the objectives and management of the fund, PAS(HW)(W) said that as stipulated in the Policy Address 2001, the Fund should be seen as a social investment rather than as a kind of social welfare. The objective of the Fund was to encourage mutual concern and aid among people, and to promote community participation in district and cross-sector programmes. The Fund would support projects proposed by members of the community and the Administration would ensure that resources were channeled directly to the grassroots level, which in turn would enhance social cohesion, strengthen community network, support families more effectively and provide services to improve the health and well-being of youth and women. Details about the operation of the Fund would continue to be discussed. As the Fund would support initiatives proposed to safeguard the rights of women, WoC had discussed the scope and mode of operation of the Fund with some women's groups and service providers on 22 October 2001.

47. Miss CHAN Yuen-han considered that the Administration should brief the relevant panel on the operation of the Fund and the way forward. In response, PAS(HW)(W) said that the Administration would brief the Panel on Welfare Services at its meeting scheduled for Monday, 12 November 2001.

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V. Operation and deployment of resources of the Building Management Resource Centres

[LC Paper No. CB(2)274/01-02(01)]

48. Mr Albert CHAN expressed concern about the capability of the Senior Liaison Officers (SLOs) posted at BMRCs to assist owners, residents, OCs, MACs and management bodies in improving the standards of management, maintenance and safety of buildings. He said that he had received a number of electronic mails from serving staff of HAD in recent months, alleging that these SLOs were not qualified and incapable of attending to enquiries from and resolving problems of OCs and other stakeholders in building management. Mr CHAN considered that the current salary of a SLO (around \$50,000 a month) was more or less equivalent to that of a practising lawyer in the commercial sector. He queried the criteria for selecting these SLOs posted at BMRCs. He added that many owners and OCs had to approach members' offices for assistance after they had tried to seek advice from BMRCs and District Officers. He urged the Administration to review the cost-effectiveness of the services provided at BMRCs.

49. In response, Deputy Director of Home Affairs (1)(DD(HA)1) said that almost all Liaison Officers and Assistant Housing Managers serving in BMRCs had over 10 years of relevant building management experience and had attended a training course on "Legal Aspects of Multi-storey Building Management" organised by the University of Hong Kong or any other relevant courses. In particular, SLOs posted at BMRCs were experienced serving staff redeployed from other divisions or sections. According to a survey conducted by HAD in August 2001, the public feedback on BMRCs' services were favourable. However, DD(HA)1 acknowledged that there would be cases of disputes between owners, developers or building managers which could hardly be resolved after a few visits to BMRCs, and followed up by staff of the 18 District Offices and the Headquarter staff. He thanked members for assisting HAD in handling such cases.

50. The Chairman and Mr Albert CHAN asked whether the three SLOs in BMRCs were familiar with building management issues and the Building Management Ordinance (BMO) including the interpretation and application of deeds of mutual covenants (DMCs). Mr CHAN added that some of the allegations contained in the electronic mails from HAD staff were very serious.

51. DD(HA)1 responded that SLOs deployed to work in BMRCs were senior staff possessing substantial experience in building management matters. However, given the complex technical and legal issues involved in building management, these SLOs would have to consult the Department of Justice for legal advice or other Departments as relevant. He assured members that HAD would continue to enhance the training provided to staff of BMRCs on topics including types of land

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ownership, multi-storey building management, DMC and BMO. He added that representatives of seven professional bodies including the Law Society of Hong Kong had provided free professional advice for the public on an appointment basis.

52. Miss CHOY So-yuk expressed concern about the enforceability of certain provisions of BMO and related regulations governing the formation of OCs. Mr Andrew WONG echoed that BMO was drafted in an old fashion and should be reviewed and re-drafted to facilitate interpretation and enforcement.

53. DD(HA)1 acknowledged that some provisions of BMO should be reviewed in the light of changing circumstances. He assured members that the Administration would continue to review the Ordinance on an on-going basis. Principal Assistant Secretary for Home Affairs (5) (PAS(HA)(5)) supplemented that following the enactment of the Building Management (Amendment) Ordinance 2000 to facilitate formation of OCs, an inter-departmental steering group had been set up to co-ordinate and monitor actions by relevant departments for the implementation of the Ordinance. The committee comprised representatives from the relevant bureaux and departments including the Housing Department, Buildings Department, Fire Services Department, chaired by the Director of Home Affairs. Furthermore, a Subcommittee chaired by Mr Albert CHAN had also been formed under the Panel to review the provisions of the BMO.

54. Mr Andrew WONG said that to facilitate allocation of additional resources to building management, the Administration should set out the targets to be achieved such as the number of OCs to be established in a year. Miss CHOY So-yuk said that HAD should listen to the feedback from users to improve provision of services at BMRCs. DD(HA)(1) explained that the number of OCs successfully established in a year would depend on the actual needs of owners and other factors. The Administration would continue to encourage and assist owners to form OCs for effective management and maintenance of the common parts of their buildings, and the effective management of the private buildings must remain the responsibility of the owners.

55. The Chairman requested the Administration to provide a breakdown of the 900 applications for free professional advice processed by the BMRCs. He also suggested that the Administration should consider improving the services of BMRCs by extending opening hours to Sundays and public holidays. DD(HA)(1) undertook to provide a breakdown of the 900 applications and consider the Chairman's suggestion in the review of BMRC's operation.

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56. Mr Albert CHAN urged the Administration to review the operation of BMRCs and revert to the Panel with an information paper which should specify the types of services which were provided at BMRCs. DD(HA)1 noted the

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Adm request and undertook to provide a timetable of the review and relevant information as soon as practicable.

57. In concluding the discussion, the Chairman said that given the substantial resources incurred, members were gravely concerned about the quality of service provided by BMRCs. He requested the Administration to consider the views and concerns about the operation of BMRCs expressed by members at the meeting.

VI. Any other business

58. There being no other business, the meeting ended at 1:00 p.m.

Council Business Division 2
Legislative Council Secretariat
11 December 2001