

立法會
Legislative Council

LC Paper No. CB(1)1643/03-04
(These minutes have been seen
by the Administration)

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Panel on Housing

Minutes of meeting
held on Wednesday, 7 April 2004 at 2:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon Albert HO Chun-yan (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Dr Hon YEUNG Sum
Hon SZETO Wah
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee
Hon IP Kwok-him, JP
Hon LAU Ping-cheung

Members absent : Hon CHAN Kam-lam, JP (Deputy Chairman)
Hon NG Leung-sing, JP
Hon Howard YOUNG, SBS, JP
Hon YEUNG Yiu-chung, BBS
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok, JP

Public officers attending : Mr FUNG Ho-tong
Acting Deputy Director of Housing
(Allocation & Commercial)

Mr HO Chung-cheung
Chief Housing Manager (Applications & Operations)
Housing Department

Attendance by invitation : Society for Community Organization

Ms YUEN Shuk-yan
Representative of Society for Community Organization

Ms FOK Tin-man
Community Organizer of Society for Community
Organization

Mr KWOK Chi-yen
Old owner-occupier

Ms YEUNG Kwai-fong
Old owner-occupier

Ms LAM Si-qui
Old owner-occupier

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (1)4

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Ms Christina SHIU
Legislative Assistant

I. Confirmation of minutes

- (LC Paper No. CB(1)1115/03-04 -- Minutes of the special meeting on 15 January 2004
- LC Paper No. CB(1)1223/03-04 -- Minutes of the joint meeting with the Panel on Planning, Lands and Works on 17 February 2004
- LC Paper No. CB(1)1337/03-04 -- Minutes of the joint meeting with the Panel on Planning, Lands and Works on 2 February 2004
- LC Paper No. CB(1)1446/03-04 -- Minutes of meeting on 1 March 2004)

The minutes of the meetings held on 15 January, 2 February, 17 February and 1 March 2004 respectively were confirmed.

II. Information paper issued since last meeting

2. Members noted the following information paper issued since the last monthly regular meeting of the Panel on 1 March 2004 -

- (LC Paper No. CB(1)1316/03-04(01) -- Issues on "Rehousing eligibility of residents affected by the project at Ma Wat River" raised by Tai Po District Council members at the meeting with Legislative Council Members on 4 March 2004)

III. Items for discussion at the next meeting

- (LC Paper No. CB(1)1444/03-04(01) -- List of outstanding items for discussion
- LC Paper No. CB(1)1444/03-04(02) -- List of follow-up actions)

3. The next regular meeting was scheduled for Monday, 3 May 2004, at 2:30 pm. Members agreed to discuss the following two items -

- (a) Disposal of Kingsford Terrace Private Sector Participation Scheme flats; and
- (b) Median rent-to-income ratio for public rental housing (PRH).

IV. Assistance to elderly owners of dilapidated buildings

(LC Paper No. CB(1)1444/03-04(03) -- Submission dated 7 April 2004 from the Society for Community Organization

LC Paper No. CB(1)1117/03-04 -- Memo from the Complaints Division referring to the Panel the concerns raised at a meeting of Legislative Council Members with the Society for Community Organization on 23 February 2004 on how the Government can help solve the housing and financial problems faced by elderly people living in dilapidated buildings

LC Paper No. CB(1)1444/03-04(04) -- Information paper provided by the Administration)

4. The Chairman explained that there was only one item on the agenda for this meeting because the other scheduled item, review of domestic rent policy for PRH, had already been discussed at a special meeting held on 25 March 2004.

Meeting with the Society for Community Organization

5. Representatives of the Society for Community Organization (SoCO) briefed members on SoCO's submission. They highlighted problems faced by elderly property owner-occupiers living in old dilapidated buildings and having little or no income. Many of these old buildings were without lifts, and had serious hygienic, management and maintenance problems, such as water seepage and concrete spalling. Although these elderly owners would like to move into PRH to improve their living conditions, they were not eligible for PRH because of the requirement of no domestic property ownership for Waiting List (WL) applicants (the "no property ownership" restriction). They however had difficulty in selling their flats to become eligible for PRH because their flats were too old and dilapidated. In the view of the representatives of SoCO, although the Administration was exploring the feasibility of allowing these elderly owners to move into the Housing for Senior Citizens for one year during which they could make arrangement to dispose of their property, this transitional arrangement could not tackle the above problems at root. The elderly owners were also reluctant to live in Housing for Senior Citizens because they had to share facilities. SoCO's representatives therefore urged the Government to help elderly owners by providing PRH, waiving rates and government rents as well as meeting the maintenance costs of their property.

6. In reply to the Chairman, Ms FOK Tin-man of SoCO said that SoCO had identified around 100 cases of elderly owners who needed rehousing in PRH. She reiterated that these elderly owners were in greater need of PRH than some of the WL applicants, and that they would not accept rehousing to the Housing for Senior Citizens with shared facilities or away from the urban districts.

Meeting with the Administration

7. The Acting Deputy Director of Housing (Allocation & Commercial) (DD of H(A&C)) briefed members on the preliminary thinking of the Housing Department (HD) in alleviating the daily living problems faced by elderly owners in dilapidated buildings. The preliminary thinking was that elderly owners in genuine need might be granted temporary residence in the Housing for Senior Citizens of the Housing Authority (HA) or the Housing Society (HS) on the recommendations of the Social Welfare Department (SWD) under Compassionate Rehousing. On SoCO's request for waiver of rates and government rents, he agreed to refer it to the relevant Government departments for consideration. He further advised that the Building Safety Loan Scheme of the Buildings Department (BD) assisted owners who had financial difficulties in meeting building maintenance cost.

The proposed one-year transitional period

8. Noting that elderly owners would be allowed to stay in the Housing for Senior Citizens for a year under the proposed arrangement, most members considered the transitional period too short, which could not provide continuity and a sense of security to the elderly owners. They put forth the following views-

- (a) Given that the flats owned by these elderly owners were mostly dilapidated, they would have difficulty in disposing of them within one year; and
- (b) It would be both unsettling and troublesome to require elderly owners to move again after one year. Moreover, removal was costly and elderly people were in greater need of stability and security. The prospect of having to move again after one year would discourage them from accepting the temporary arrangement.

9. In response, DD of H(A&C) explained that where necessary, HD might, upon recommendation by SWD, exercise discretion on a case-by-case basis to extend the stay of elderly in the Housing for Senior Citizens. He emphasized that the one-year period was appropriate because the demand for the service had yet to be ascertained, and the arrangement would be reviewed and improved as necessary.

10. Dr YEUNG Sum considered it undesirable that extension of stay was subject to the recommendations of SWD. This arrangement would not give elderly

owners the much required sense of security because of uncertainty. His points were shared by other members. In particular, Mr IP Kwok-him sought to confirm if there was any restriction on the period of extension. In response, DD of H(A&C) made the following points -

- (a) The period could be extended, subject to the recommendation of SWD. However, the stay in the Housing for Senior Citizens was meant to be transitional, and the detailed arrangements had yet to be worked out with SWD;
- (b) Due consideration had been given to elderly owners' needs before setting the period at one year. It was recognized that not all of them wanted to sell their flats and apply for PRH. Some of them might only need a temporary accommodation while maintenance works were conducted on their flats, or while they looked for accommodation that could better suit their daily living needs; and
- (c) If the elderly owners subsequently met the PRH eligibility criteria after selling their flats, they could apply for immediate allocation of PRH under Compassionate Rehousing. Alternatively, they might also apply for allocation of PRH in the usual way. The normal waiting time for elderly WL applicants was shorter than one year.

11. Referring to paragraph 10(a) above, Miss CHAN Yuen-han and Mr LEUNG Yiu-chung said that to provide greater security and predictability, objective criteria for extension of the period should be clearly spelt out.

Need for long-term comprehensive solution to elderly owners' problems

12. Commenting on paragraph 10(b) above, Mr WONG Sing-chi pointed out that the flats of the elderly owners were so dilapidated that maintenance could only prolong building life for just a few years. Mr James TO Kun-sun agreed with him, and added that maintenance might serve little purpose because the flats concerned had no lifts and could not suit the needs of the elderly owners. They opined that creative options should be explored to assist elderly owners to dispose of their dilapidated property for good. In this regard, HS might consider SoCO's suggestion of resuming these buildings for rent or sale after renovation, and any profits so obtained should be given to the elderly owners concerned to enable them to pay their PRH rents and other living expenses. Inter-departmental efforts involving HS should be made to work out a comprehensive and co-ordinated policy to flexibly tackle the housing and daily living problems faced by elderly owners in the long run. Their views were shared by other members. In particular, Mr LEE Cheuk-yan said that the concept of "building recovery" should be explored. Mr Fred LI Wah-ming supplemented that BD should assist in this respect as it was responsible for issuing repair orders. The Chairman opined that the Government might also consider exchanging PRH flats for these old flats. These resumed

buildings might be put to different Government uses as necessary or used to form the land bank of the Government for disposal at an appropriate time. Members concurred that the formulation of a comprehensive and co-ordinated policy necessitated a review of the overall policy at the senior level. They therefore agreed that the Panel should write to the Secretary for Housing, Planning and Lands (SHPL) to call for the setting up of an inter-departmental working group for the purpose.

13. In response, DD of H(A&C) said that the Administration recognized that elderly owners had needs other than just housing needs, and that problems relating to their daily living and financial situation, and maintenance of their flats had to be addressed as well. As such, other departments and organizations were involved in providing assistance to elderly owners as necessary.

14. In this connection, Mr Fred LI opined that since HS enjoyed greater flexibility and had surplus manpower and financial resources because of the cessation of the Sandwich Class Housing Scheme and Flat-for-Sale Scheme, it could play an active role in relieving the hardship of elderly owners. In fact, HS was looking for new tasks and had switched its focus to building management. He called upon HS to produce more affordable units under its Senior Citizen Residences Scheme which were welcome by elderlies. His views were shared by the Chairman.

Relaxation of the eligibility criteria for public rental housing

15. Referring to paragraph 10(c) above, members considered it undesirable to determine whether to allocate PRH to the elderly owners living in dilapidated buildings case by case. Rather, to provide consistency and predictability, the eligibility criteria for PRH should be reviewed and the “no property ownership” restriction should be relaxed under certain circumstances. Miss CHAN Yuen-han and Mr Frederick FUNG Kin-kee, in particular, urged the HA to also give consideration to factors such as age of applicants, conditions of the property, and whether the elderly owner was living alone, etc when considering the PRH eligibility of the elderly owners.

16. In reply, DD of H(A&C) said the “no property ownership” restriction was a very important principle in ensuring rational allocation of public housing resources. He drew members’ attention to the need to strike a reasonable balance between the housing needs of the over 90 000 PRH applicants on the WL and the living problems of the elderly owners. In his view, WL applicants, who included some elderly people as well, had more urgent need for PRH because they had no property. Moreover, it was also necessary to uphold the pledge of the three-year waiting time for PRH.

17. Mr WONG Sing-chi however pointed out that some of the elderly owners were in more urgent need for PRH than WL applicants. This was because their

property was so dilapidated that frequent maintenance was required, making the property a negative equity. Moreover, there was a need to pay rates and government rents for the flats. Mr LEE Cheuk-yan, Mr Fred LI and the Chairman echoed his views. Mr LEE, in particular, opined that elderly people who just fell short of the eligibility for both PRH and Comprehensive Social Security Assistance were the worst off group in society and the crux of the poverty problem in Hong Kong. If PRH could be allocated to them, their sufferings would be greatly alleviated. The Chairman also urged the Administration to visit the flats of some of the elderly owners to better understand their plight.

18. In response, DD of H(A&C) reiterated the importance of the "no property ownership" restriction. In his view, people having property should be considered as having resolved their basic housing needs. As such, to ensure that scarce housing resources were focused on those in genuine need, it might not be appropriate to include property owners on the WL. He also stressed that the Administration understood the plight of the elderly owners, hence the proposed arrangement to address their immediate needs. Review of the asset limit would need to be carefully conducted in the context of the overall public housing policy.

19. Noting DD of H(A&C)'s points, Messrs LEE Cheuk-yan and LEUNG Yiu-chung pointed out that they were not asking for drastic changes to the housing policy or blanket relaxation of property ownership. They were only calling for greater flexibility in defining the need for PRH by considering the age and state of both the property concerned and the owner. In other words, to review the definition of "property ownership". Mr LEUNG considered the Administration's lack of flexibility undesirable. He urged the Administration to refer to SoCO's submission for the needs of the elderly owners, or to conduct a survey itself to identify the needs so as to provide PRH to the elderly owners where circumstances warranted. In this regard, Mr IP Kwok-him enquired whether any HD staff was tasked to identify cases which were ineligible for PRH but had a genuine need for it. Such kind of information would be useful to facilitate HA to consider whether a change to policy was warranted.

Admin

20. In response, DD of H(A&C) agreed to relay members' views to the parties concerned for consideration. He and the Chief Housing Manager (Applications & Operations), HD also made the following points –

- (a) The asset limit had already been relaxed over the past few years. For example, since March 2001, HD had been allowed to exercise discretion in waiving the "no property ownership" restriction when considering the applications of such property owners who had inherited only partial ownership of a domestic property, so that the owners could neither dispose of the property at their full discretion, nor live in it for various reasons. From November 2001, the requirement that WL applicants should not own any domestic property 24 months prior to application for PRH had also been

relaxed, allowing property owners to apply for PRH immediately after disposing of their property, subject to their meeting the prevailing income and asset limits. With the above adjustments, there should be sufficient flexibility to cater for special circumstances of individual applicants;

- (b) The Administration was aware of the other daily living needs of the elderly owners. As explained in the Administration's paper, there were other support services provided by other departments and organizations to meet these needs; and
- (c) More information would need to be gathered to decide whether it was justified and appropriate to relax the asset limit. Meanwhile, the living problems of the elderly owners such as difficulty in climbing stairs could be met by the proposed arrangement. In this regard, HD was actively working out the relevant implementation details with SWD, and members' views expressed at this meeting would be taken into account. The arrangement would be implemented once approved.

21. While recognizing the improvements made to the asset limit elaborated in paragraph 20(a) above, Miss CHAN Yuen-han highlighted the aging problem and stressed the need for further improvements. She also pointed out that the elderly owners had worked very hard to purchase their flats for the purpose of supporting themselves instead of relying on the Government. If not for slow progress of urban renewal because of budget constraints, their old flats might have been resumed and their housing problems resolved. In recognition of such, more proactive efforts should be made to assist them. Mr WONG Sing-chi shared her views.

22. Supporting the above views of members, Mr James TO drew the Administration's attention to the human right for adequate housing enshrined in the United Nations (UN)' International Human Rights Treaties, which, according to Article 39 of the Basic Law, should be ensured in Hong Kong. In his view, the Administration should take measures to proactively address the problems faced by elderly owners because they had no proper housing. Such measures might take the form of assistance in building maintenance or rehousing. He also urged the Administration to be more open-minded in considering changes to the relevant policy. He highlighted the following two examples of policy changes -

- (a) The problem of bedspace apartments had been seriously criticized by the UN before but was subsequently tackled after a conscious policy decision was made in this regard and with the assistance of non-Government organizations; and

- (b) Ownership of industrial units and rooftop structures, and partial property ownership were once classified as property ownership in determining PRH eligibility. These were not so regarded now.

Admin

23. In reply, DD of H(A&C) confirmed that he was aware of the International Human Rights Treaties, and reported that the UN had complimented the HA for its contribution to improving the living conditions of cottage areas and temporary housing areas. Notwithstanding, he remarked there was always room for improvement in HA's work. He also noted members' wish to review the definition of "property ownership", and undertook to convey members' view in this regard to HA for consideration.

24. Commenting on paragraph 20(b) above, the Chairman pointed out that if the elderly owners could move into a PRH block with lifts, the need for certain support services such as domestic help services might be obviated. The consequential savings might be used in other areas to achieve more effective use of public resources.

25. Referring to paragraph 20(c), and SHPL's reply to a question asked in this regard at the Council meeting on 24 March 2004, Mr Frederick FUNG considered the progress of efforts made to assist the elderly owners unsatisfactory because no progress had been made since then. He opined that it was now the best time for making the required policy changes. This was because firstly, the waiting time for PRH was comparatively short, and hence inclusion of the elderly owners on the WL would not significantly lengthen the waiting time. Secondly, there were at present many vacant units in the Housing for Senior Citizens. He urged the Administration to consider members' proposal to relax the asset limit for PRH as soon as practicable. As a first step, he said that efforts should be made to identify elderly owners who were in genuine need of PRH. They should then be put on the WL and at the same time temporarily rehoused to the Housing for Senior Citizens. In this regard, he called upon SoCO to assist in identifying such deserving cases. Mr LEUNG Yiu-Chung echoed his view, and was unconvinced that the asset limit could not be refined early to cater for the different categories of property ownership with a view to relaxing the eligibility of elderly owners for PRH.

Admin

26. In reply, DD of H(A&C) said that SoCO had already referred over 40 cases to the Administration and the cases were being handled in close consultation with SWD, which was responsible for vetting the cases. At Mr LEUNG Yiu-chung's request, DD of H(A&C) also agreed to report to members the outcome of their request to review the asset limit and the policy.

Other views on the arrangement

27. Dr YEUNG Sum enquired if under the arrangement elderly owners could opt for singleton units presently available in new PRH estates instead of units in the Housing for Senior Citizens, which as he understood were shared accommodation.

In this regard, Mr Fred LI opined that such shared units should be improved and modified so that their tenants would not need to share facilities. In his view, such modification would help reduce the vacancy rate of these units, and these units should be allocated solely to elderly people and not to middle-aged singletons as well.

28. In response, DD of H(A&C) said that time would be required for making the modifications if deemed required. He however showed members some photos of new units in the Housing for Senior Citizens, where better facilities with activity rooms, individual bedrooms, emergency alarm system, and 24-hour warden services to help solve problems and resolve disputes were available. As to the vacancy rate, he clarified that presently over 8 000 tenants were living in the Housing for Senior Citizens with only around 1 000 units vacant.

29. In this regard, Mr Frederick FUNG called upon the Administration to rehouse the elderly owners in their own districts under the proposed arrangement. In response, DD of H(A&C) assured members that the Administration would do their best to ensure the elderly owners could continue to live in a community environment familiar to them.

30. The Chairman pointed out that the problems faced by elderly owners might need to be examined in the context of the elderly policy, and hence might need to be further discussed at joint meetings with other relevant panels. He instructed that the item be retained on the Panel's list of outstanding items for discussion in due course.

Clerk

V. Any other business

31. There being no other business, the meeting ended at 4:05 pm.