

立法會
Legislative Council

LC Paper No. CB(1) 2157/04-05
(These minutes have been seen
by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Tuesday, 21 June 2005, at 4:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon CHAN Kam-lam, JP (Chairman)
Hon LEE Wing-tat (Deputy Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Dr Hon YEUNG Sum
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG

Members absent : Hon Fred LI Wah-ming, JP
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP

Public officers attending : **Agenda item V**
Mr FUNG Ho-tong
Acting Deputy Director (Allocation & Commercial)
Housing Department

Mrs Doris MA KONG Zee-wan
Assistant Director (Housing Subsidies)
Housing Department

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

Mr LEE Cert-quinn
Chief Manager / Management (Support Services)
Housing Department

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Jimmy MA
Legal Adviser

Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Mandy POON
Legislative Assistant(1)4

Action

I Confirmation of minutes and endorsement of the report of the Panel for submission to the Legislative Council

(LC Paper No. CB(1) 1706/04-05 -- Minutes of meeting on 10 May 2005

LC Paper No. CB(1) 1787/04-05(01) -- Draft report of the Panel for submission to the Legislative Council)

The minutes of the meeting held on 10 May 2005 were confirmed.

2. Members took note of the draft report of the Panel which would be tabled at the Council meeting on 6 July 2005 in accordance with Rule 77(14) of the Rules of Procedure. They also authorized the Chairman to make necessary modifications to the report taking into account issues discussed at the current and further meetings.

Action

II. Information paper issued since last meeting

3. Members noted that no information paper had been issued since last meeting.

III Items for discussion at the next meeting

(LC Paper No. CB(1) 1787/04-05(02) -- List of outstanding items for discussion

LC Paper No. CB(1) 1787/04-05(03) -- List of follow-up actions)

4. The next regular meeting would be held on Monday, 4 July 2005, at 2:30 pm to discuss the following –

(a) Transparency of private sale of local uncompleted residential units; and

(b) One-person applicants for public rental housing.

Members agreed that representatives from the Real Estate Developers Association of Hong Kong should be invited to take part in the discussion of item (a) above.

5. Members also agreed to include in the list of outstanding items for discussion the item on “Use of the sites for planned recreational and sitting-out facilities in public housing estates as temporary car parks and for other purposes”.

Clerk

IV Progress of the divestment of the Housing Authority’s retail and car-parking facilities

(LC Paper No. CB(1) 1787/04-05(04) -- Updated background brief on “Divestment of Housing Authority’s Retail and Car-parking Facilities” prepared by the Legislative Council Secretariat

LC Paper No. CB(1) 1787/04-05(05) -- Information paper provided by the Administration)

6. Given the pending judicial review of the Housing Authority (HA)’s statutory power to divest its assets, Mr Albert CHAN questioned if it was appropriate for the Panel to discuss the divestment of HA’s retail and car-parking facilities lest this would give rise to sub judice. Mrs Selina CHOW opined that the public had the right to know the progress of the divestment. In this connection, Mr LEE Wing-tat proposed and members agreed to invite the Legal Adviser (LA) to attend the meeting to advise on the issue. Mr Albert CHENG however held the view that under the principle of separation of powers, it was not appropriate for the Legislature to discuss any pending court proceedings even if LA confirmed that the Panel had the right to do so.

7. At the Chairman's invitation, LA drew members' attention to Rule 41(2) and Rule 43 of the Rules of Procedure. In gist, Rule 41(2) stated that "reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the President or Chairman, might prejudice that case", while Rule 43 provided that "The Rules in this Part shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise". The spirit behind these Rules was that the Legislature should respect the impartial and independent adjudicative role of the Judiciary which should be freed of any influence from discussions outside the court. In his view, while discussion on the divestment by the Panel could proceed as scheduled, the Chairman should decide whether any views expressed therein might prejudice the pending court proceedings. Since those directly involved should have a better understanding of the legal aspects of the case, the Chairman might seek their advice when making the required decisions. He further pointed out that the Administration's paper also contained some background information on the pending case.

8. Having regard to LA's advice, the Chairman proposed that the Government officials be invited to give details on the relevant legal points. Mr Albert CHENG, Dr YEUNG Sum and Mr Alan LEONG did not agree to the proposal. They remained of the view that in the light of Rule 41(2), the Panel should not discuss the divestment as such discussion would inevitably touch upon issues of the case pending in court. Mr LEUNG Kwok-hung however took a different view. He pointed out that the concept of contempt of court had already changed, and that any discussion outside court would unlikely affect the course of justice.

9. Given the divergent views, the Chairman put the decision on adjournment of the subject to vote. Of the members present, six voted for the adjournment while one voted against it. The Chairman declared that the item be adjourned.

V Housing for senior citizens

(LC Paper No. CB(1) 1787/04-05(06) -- Information paper provided by the Administration)

10. At the Chairman's invitation, the Acting Deputy Director (Allocation & Commercial) (HD) (DD of H(A&C) (Atg)) highlighted the salient points in the Administration's paper on the allocation of Housing for Senior Citizens (HSC) flats.

Sharing of common facilities in HSC

11. Members pointed out that the need to share common facilities in HSC had given rise to disputes among tenants. In response, DD of H(A&C) (Atg) said that the concept of HSC was introduced in 1987 with a view to providing better care for elderly tenants of public rental housing (PRH). The hostel-type HSC flats featuring shared facilities, such as common living room, dining room, bathroom and kitchen, were provided with cleansing services and round-the-clock warden to maintain the

hygiene and cleanliness of shared facilities and common areas and to offer ready assistance to tenants. HSC flats were welcomed by elderly PRH tenants in the outset. However, due to differences in personal or social habits, disputes among HSC tenants did arise. With the assistance of wardens and social workers, most of the disputes were resolved quickly through mutual understanding and adjustment of personal habits. Depending on actual circumstances, the Housing Department (HD) would consider tenants' request for transfer.

12. Mr Patrick LAU opined that the problems associated with shared facilities might be addressed by allowing HSC applicants to choose their flat-mates, or by arranging tenants with similar personal and social habits to live in the same HSC flat. In response, DD of H(A&C)(Atg) confirmed applicants could apply for HSC with their eligible friends under the Elderly Persons Priority Scheme. They could also indicate in their applications the preferred HSC flats where their friends were staying. HA would endeavour to meet their requests as far as practicable. In reply to Mr LAU's further question on the role of wardens, the Chief Manager/Management (Support Services) (CM/M(SS)) explained that they were required to take care of the daily needs of HSC tenants, organize social activities and mediate disputes.

13. Mr LEUNG Kwok-hung however queried if the wardens had any social work training in mediating disputes. He opined that a better alternative would be for HD to expeditiously arrange for transfers where disputes arose to prevent tragedies. The ultimate solution was to allocate self-contained flats to elderly PRH tenants. His views were shared by the Chairman and Mr CHEUNG Hok-ming. In response, CM/M(SS) clarified that while there were occasional disputes, the situation was in fact not serious. HSC wardens would step up efforts to promote harmony among tenants and mediate in disputes. Flexibility would also be exercised to arrange for transfers where resources permitted. DD of H(A&C)(Atg) assured members that HD would adopt a compassionate approach in processing applications for transfer from elderly tenants.

14. While agreeing that the need to share kitchens and bathrooms in HSC flats was rather inconvenient, Miss CHAN Yuen-han pointed out that certain features of HSC were worth commending, particularly the provision of warden service and tailor-made facilities which suited the needs of the tenants. She therefore urged HA to provide separate kitchens and bathrooms in HSC flats subject to structural and technical feasibility. Consideration should also be given to providing warden service to elderly tenants living in self-contained PRH flats. DD of H(A&C)(Atg) said that community centres run by non-governmental organizations were available in most PRH estates to meet the needs of elderly tenants. Miss CHAN however pointed out that warden service in HSC was provided round-the-clock. At Miss CHAN's request, the Chairman undertook to convey her views to HA for consideration.

Letting situation of HSC

15. DD of H(A&C)(Atg) said that with the increasing supply of self-contained small PRH flats, the vacancy rate of HSC flats began to rise. In the light of the Audit Commission's recommendation that vacant HSC flats should be put to full use, HA decided in November 2001 to lift the age requirement for access to HSC, with priority given to elderly applicants. Furthermore, HSC blocks with high vacancy were also considered for conversion to self-contained rental flats or other beneficial uses, such as residential care home for the elderly, subject to structural and technical feasibility.

Relaxation of the age requirement

16. Mrs Selina CHOW expressed concern that relaxation of the age requirement for access to HSC might lengthen the waiting time of elderly PRH applicants. DD of H(A&C)(Atg) advised that HA had introduced a number of housing schemes, under which public housing was provided for the elderly on a priority basis. At present, there were about 5 000 to 6 000 elderly applicants on the Waiting List and their average waiting time for allocation of PRH was about 0.9 to one year. Elderly PRH applicants would also be allocated self-contained flats in urban or extended urban areas as far as possible to meet their special needs.

17. Mrs Selina CHOW asked if there was further plan to expedite the allocation of self-contained PRH flats to elderly applicants taking into account the ageing population, and if so whether the public housing production programme could support the policy. In response, DD of H(A&C)(Atg) confirmed that PRH production would be sufficient to meet the demand. He added that HA had adopted an integrated approach to tackle the problem of ageing population, including the adoption of a universal design for new PRH flats to cater for the special needs of the elderly. He further pointed out that elderly applicants should have no problem with flat allocation but estate management which HA would seek to improve with additional human resources.

18. Mr Frederick FUNG noted that following the relaxation of the age requirement, HSC flats were also offered to non-elderly applicants. Given that HSC was not a preferred choice among PRH applicants, he questioned the propriety of including HSC flats under the Express Flat Allocation Scheme (EFAS) since refusal to accept these flats by non-elderly applicants would be counted towards the three offers for flat selection. In this connection, he asked if consideration would be given to relaxing the maximum-three-offers rule. The Chief Housing Manager (Applications and Operations), Housing Department (CHM(A&O)/HD) explained that the opening up of HSC flats to non-elderly applicants was intended to provide an additional choice to one and two-person families who wished prompt improvement to their living condition. Non-elderly PRH applicants who opted HSC flats would have their waiting time substantially shortened. This would expedite needy families' access to subsidized housing on the one hand and to improve the letting situation of HSC on the other. As such, the proposed relaxation of the maximum-three-offers rule could not

be granted unless the non-elderly applicants concerned could provide acceptable reasons why the offer of HSC could not suit their needs.

19. Given the unpopularity of HSC flats as evidenced by the cessation of HSC development since 2000, Mr Frederick FUNG considered it unfair to require non-elderly PRH applicants to justify their refusal of HSC flats under EFAS, let alone the fact that EFAS flats were often related to unpleasant incidents. CHM(A&O)/HD clarified that only about 100 in 4 000 EFAS flats involved murders and suicides. Many of EFAS flats were merely old and remotely situated.

20. To address the concern on unfairness, the Chairman proposed that refusal of HSC flats by both the elderly applicants and non-elderly applicant should not be counted towards the maximum-three-offers rule. DD of H(A&C)(Atg) undertook to relay the Chairman's view to HA for consideration despite that the proposal would involve policy change. Mr LEUNG Kwok-hung however remained of the view that HSC flats should not be allocated to PRH applicants given the need to share common facilities.

Conversion of HSC flats to self-contained flats

21. Mr WONG Kwok-hing considered that instead of allocating HSC flats to non-elderly PRH applicants, consideration should be given to converting more HSC flats to self-contained flats having regard to the increase in demand for the latter. His view was shared by Dr YEUNG Sum. In reply, DD of H(A&C)(Atg) emphasized that the proposed conversion was not a cost-effective solution for most HSC flats because of formidable structural and technical complications. Besides, HA would need to relocate HSC tenants before the whole HSC block could be vacated for conversion works to commence.

Conversion of HSC blocks to residential homes for the elderly

22. Mr Patrick LAU urged HA to let more HSC blocks to operators of residential care homes for the elderly as in the case of Fu Tai Estate. Mr LEUNG Kwok-hung echoed that funding should be sought from the Community Investment & Inclusion Fund to convert all HSC flats to residential care homes for the elderly to make the full use of these flats. Given the unpopularity of HSC flats, the Chairman opined that these should be phased out in a planned manner. Converting these flats for other purposes, preferably as residential care homes for the elderly, was a feasible option. In response, DD of H(A&C)(Atg) pointed out that the option was viable for Fu Tai Estate because it was then new and unoccupied. Similar arrangements might not be feasible for other occupied HSC blocks because some of their tenants might be unwilling to move out. Besides, not many operators were interested in using HSC to run elderly homes.

23. Mr WONG Kwok-hing sought elaboration on the rationale behind the lack of interest of operators. He asked if consideration could be given to offering concessionary rates to attract operators to use HSC to run elderly homes at a lower cost. This would also help meet the great demand for subsidized elderly homes. His views were shared by Mr LEUNG Kwok-hung. DD of H(A&C)(Atg) explained that location was a crucial factor which operators would take into account when considering running elderly homes. As the demand for elderly homes was relatively low in the New Territories (NT), HSC blocks in NT were not popular. For HSC blocks in the urban areas, HA would need to examine whether these could be vacated on a large scale to facilitate conversion. On the provision of concessionary rates, DD of H(A&C)(Atg) said that these would normally be offered to non-profit making organizations only. He nevertheless undertook to relay members' views to HA for consideration, adding that subsidy in this form should be provided by the relevant bureaux/departments. In response to the Chairman's question, DD of H(A&C)(Atg) said that leasing of HSC blocks as residential care home would be first by tender and if the response was not good, by negotiation.

V Any other business

24. There being no other business, the meeting ended at 4:55 pm.